

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



VOLUME IV
REGULAR SESSION, 2019
FIRST EXTRAORDINARY SESSION, 2019
SECOND EXTRAORDINARY SESSION, 2019
SECOND EXTRAORDINARY SESSION, 2018

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

COMPILED AND PUBLISHED
UNDER THE DIRECTION
OF

STEPHEN J. HARRISON
CLERK OF THE HOUSE



OFFICE OF THE CLERK OF THE HOUSE

212 MAIN UNIT
STATE CAPITOL
CHARLESTON, WEST VIRGINIA

CLERK'S OFFICE LEGISLATIVE GROUP

BO HOOVER
Assistant Clerk/Parliamentarian

Lynn Lewis
Journal Clerk

Robert Altmann

Anne Landgrebe

Lori Skull

TABLE OF CONTENTS

VOLUME IV

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

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

REGULAR SESSION, 2019

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

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

FIRST EXTRAORDINARY SESSION, 2019

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

SECOND EXTRAORDINARY SESSION, 2019

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

SECOND EXTRAORDINARY SESSION, 2018

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

Saturday, March 9, 2019

SIXTIETH 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, March 8, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Conference Committee Report Availability

At 11:17 a.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for S. B. 481**, Relating to Judicial Vacancy Advisory Commission, was available in the Clerk's Office.

Committee Reports

On motion for leave, a resolution was introduced (Originating in the Committee on Banking and Insurance and reported with the recommendation that it be adopted), which was read by its title, as follows:

By Delegates Westfall, Azinger, Barrett, Bates, Brown, Capito, Criss, Espinosa, Estep-Burton, Graves, Hartman, Hott, Householder, D. Jeffries, Lovejoy, P. Martin, McGeehan, Nelson, Porterfield, Robinson, Rowe, Shott, Sponaugle, Waxman and Williams:

H. C. R. 108 - "Requesting the Joint Committee on Government and Finance to study the feasibility and propriety of authorizing and regulating a program for the rental of privately owned passenger motor vehicles through what is commonly known

as a peer-to-peer car sharing program, establishing a regulatory framework to enable peer-to-peer car sharing entities to operate in West Virginia and the manner in which individually owned passenger motor vehicles are rented, maintained and insured in the program.”

Whereas, The technology evolution is constantly advancing the means of doing business in all industries, including the business of the rental of motor vehicles; and

Whereas, Americans are increasingly utilizing the “sharing” economy to provide as well as to obtain transportation, travel and overnight accommodations; customers use services like Airbnb, Uber, and Lyft, relying on peers, instead of businesses for travel and transportation and drivers and hosts have created cottage industries in various parts of the country to generate income by renting their cars and homes, charging rates for these services; and

Whereas, The rental of individually owned passenger motor vehicles to the public under rental agreements, known as ‘peer-to-peer carsharing’ has become an increasing common transaction either already authorized and occurring or for which authorization is currently being sought throughout the country; and

Whereas, There has been a nationwide emergence of private vehicle rental program providers through what is known as peer-to-peer car sharing programs, who operate, facilitate or administer the rental of individually owned private passenger motor vehicles to the public via digital and or other electronic means, without the necessity of personal, direct, in-person contact between the parties; and

Whereas, Currently, West Virginia law provides that a person may not engage in a daily car rental business unless licensed by the Commissioner of Motor Vehicles and comply with all of the duties and requirements set forth in W. Va. Code §17A-6D-1 *et seq.*; furthermore, a person may not rent a motor vehicle to another person unless the renter is licensed to operate a motor vehicle, the owner of the motor vehicle has inspected the license of the renter and has compared and verified the signature of the operator’s

license with the signature of such person, written in his or her presence, thereby inhibiting the ability to conduct rental transactions via digital or electronic means; and

Whereas, West Virginia law also provides that persons who rent a motor vehicle to another person must keep records of the registration of the rented vehicle as well as information about the person renting the vehicle, which shall be open to inspection by law enforcement and the DMV; and

Whereas, There are other issues to be considered in the peer-to-peer car rental business platform of renting individually owned passenger motor vehicles via digital or electronic means, including issues of insurance coverage on individually owned passenger vehicles used for hire, as well as liability issues and potential regulation of such transactions and activity that may be subject to regulation as a motor carrier for hire; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the feasibility and propriety of authorizing and regulating a program for the rental of privately owned passenger motor vehicles through what is commonly known as a peer-to-peer car sharing program, establishing a regulatory framework to enable peer-to-peer car sharing entities to operate in West Virginia and the manner in which individually owned passenger motor vehicles are rented, maintained and insured in the program; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session, 2020, on its findings, conclusions and recommendations together with drafts of any legislation 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.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 108) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

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:

S. C. R. 5, Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions sign,

S. C. R. 6, US Army SP4 Darrell Gregory Triplett Memorial Bridge,

S. C. R. 16, US Army SP4 Wilbur Allen Smith Memorial Bridge,

S. C. R. 17, Sardis District Veterans Memorial Bridge,

Com. Sub. for S. C. R. 24, Hazel Dickens Memorial Bridge,

Com. Sub. for S. C. R. 26, Thompson-Lambert Memorial Bridge,

Com. Sub. for S. C. R. 28, US Army SP5 James Henry Caruthers Memorial Road,

S. C. R. 31, SGT James E. Mattingly Bridge,

S. C. R. 32, US Army SSG Henry Kilgore Bridge,

Com. Sub. for S. C. R. 34, US Army SPC Julian Lee Berisford Memorial Bridge,

Com. Sub. for S. C. R. 36, US Army CPL Cory M. Hewitt Memorial Bridge,

S. C. R. 38, Urging CSX support New River Train,

And,

Com. Sub. for S. C. R. 45, US Army Corporal T-5 Albert John
“Engine” Arco Memorial Bridge,

And reports the same back with the recommendation that they
each be adopted.

In the absence of objection, the resolutions (S. C. R. 5, S. C. R. 6, S. C. R. 16, S. C. R. 17, Com. Sub. for S. C. R. 24, Com. Sub. for S. C. R. 26, Com. Sub. for S. C. R. 28, S. C. R. 31, S. C. R. 32, Com. Sub. for S. C. R. 34, Com. Sub. for S. C. R. 36, S. C. R. 38 and Com. Sub. for S. C. R. 45) were each taken up for immediate consideration and adopted.

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

Messages from the Executive

The following communications were laid before the House of Delegates and reported by the Clerk:

JIM JUSTICE
Governor of West Virginia

March 7, 2019

EXECUTIVE MESSAGE NO. 3

2019 REGULAR SESSION

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
State Capitol, Rm 228M
Charleston, WV 25305

Dear Mr. Speaker:

Pursuant to the provisions of section twenty, article one, chapter five of the Code of West Virginia, I hereby certify that the

following annual reports have been received in the Office of the Governor:

Accountancy, West Virginia Board of; Annual Report

Administration, West Virginia Department of; Public Records Management and Preservation Act Annual Report

Administration, West Virginia Department of; Public Defender Services Annual Report Fiscal Year 2018

Aeronautics Commission, West Virginia Department of Transportation; 2018 Annual Report

Alcohol Beverage Control Administration, West Virginia; 2018 Fiscal Year Annual Report

Architects, West Virginia Board of; Annual Report FY 2018 & FY 2017

Attorney General, State of West Virginia; Biennial Report and Official Opinions for the Fiscal Years Beginning July 1, 2016 and Ending June 30, 2018

Attorney General, State of West Virginia; Annual Report 2018

Attorney General, State of West Virginia; 2018 Annual Report on the Activities of the Consumer Protection and Antitrust Division

Auditor's Office, West Virginia State; West Virginia State Dollar Report 2018

Barbour County, West Virginia; Financial Statements of Barbour County for the Fiscal Year Ended June 30, 2018

Board of Risk and Insurance Management, State of West Virginia Department of Administration; Annual Report for fiscal year ending June 30, 2017

Bureau of Senior Services, State of West Virginia; FY 2017 Annual Report

Chiropractic Examiners, State of West Virginia Board of; Annual Report 2016-2018

Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee; 2018 Annual Report

Consolidated Public Retirement Board's, West Virginia; (West Virginia State Police Disability Experience) Annual Report Fiscal Year 2018

Consumer Advocate Offices of the WV Insurance Commissioner, West Virginia Office of; 2018 Annual Report

Counseling, West Virginia Board of; 2016-2018 Annual Report

Culture and History, West Virginia Division of; Annual Report 2017-2018

Department of Health and Human Resources, State of West Virginia; SFY 2017 Sanction Policy Change Data Annual Report

Education, West Virginia Department and Board of; 2018 State of Education Report

Environmental Protection (Office of Oil and Gas), West Virginia Department of; FY 2017 Annual Report for Fund 3323

Environmental Protection (Office of Oil and Gas), West Virginia Department of; FY 2018 Annual Report for Fund 3322

Environmental Protection, West Virginia Department of; Quarterly Reports Special Reclamation Fund and the Special Reclamation Water Trust Fund for the Quarter Ended December 31, 2018

Federal Communications Commission; Annual Report

Financial Institutions, West Virginia Division of; 117th Annual Report Fiscal Year ending June 30, 2018

Forestry, West Virginia Division of; 2018 Logging Sediment Control Act Annual Report

Forward, West Virginia; 2018 Annual Report WV Women Moving Forward

Funeral Service Examiners, West Virginia Board of; Annual Report (Period July 1, 2016- June 30, 2018)

Harrison County Department of Health and Human Resources; Annual Summary Report October 2016 to December 2017

Herbert Henderson Office of Minority Affairs; Annual Report 2017

Innovative Mine Safety Technology Credit Act, West Virginia; Annual Report

Insurance Commissioner, West Virginia Office of the; 2017 Annual Report

Insurance Commissioner, West Virginia Office of the; 2018 Annual Medical Malpractice Report

Interstate Commission on the Potomac River Basin; October 1, 2016 to September 30, 2017

Interstate Insurance Product Regulation Commission Compact; Annual Report 2017

Jobs Investment Trust, West Virginia; Years Ended June 30, 2018 and 2017

Judicial Compensation Commission, West Virginia; 2018 Report

Legislative Claims Commission, West Virginia; Reports of Legislative Claims Commission

Legislative Claims Commission, West Virginia;
Supplemental Report for December 2018

Lottery, West Virginia; Comprehensive Annual Financial
Report Fiscal Year Ended June 30, 2018 and 2017

Lottery, West Virginia; Monthly Report on Lottery
Operations Month Ending January 31, 2019

Medical Imaging and Radiation Therapy Technology Board
of Examiners, West Virginia; 2018 Annual Report

Medicine, West Virginia Board of; Annual Report for the
Biennium 7/1/16-6/30/18

Municipal Bond Commission, West Virginia; Annual Report
July 1, 2017- June 30, 2018

National Coal Heritage Area Authority; 2017 Annual Report

Natural Resources, West Virginia Division of; 2017-2018
Annual Report

Occupational Therapy, West Virginia Board; Annual Report
for Fiscal Year 2017/2018

Office of Miners' Health, Safety and Training; 2017 Annual
Report

Osteopathic Medicine, West Virginia School of; Annual
Report

Personnel, West Virginia Division of; Annual Report FY
2018

Pharmacy, West Virginia Board of (Controlled Substances
Monitoring Program); 2018 Annual Report

Physical Therapy, West Virginia State Board of; Annual
Report of the Biennium July 1, 2016-June 30, 2018

Professional Engineers, West Virginia State Board of
Registered; Annual Report FY 2018

Public Employees Grievance Board; 2018 Annual Report

Public Service Commission Consumer Advocate Division,
State of West Virginia; 2018 Annual Report

Public Service Commission of West Virginia; 2018
Management Summary Report and the Electric and Gas Utilities
Supply-Demand Forecast Reports

Regional Intergovernmental Council (Boone, Clay, Kanawha,
Putnam Counties); 2017 Annual Report

Ron Yost Personal Assistance Services (RYPAS) Board;
2018 Annual Report

Sanitarians, West Virginia Board of; 2018 Annual Report

Senior Services, West Virginia Bureau of; Annual Report
State Fiscal Year 2018 July 1, 2017-June 30, 2018

State Tax Department (Manufacturing Property Tax
Adjustment Credit), West Virginia; Annual Report

State Tax Department, West Virginia; West Virginia
Fireworks Safety Fee Report

Tax Department, West Virginia State; Report for Tax Year
2018

Tax Department, West Virginia State; West Virginia Tax
Expenditure Study

Tax Department, West Virginia State; Calculation of Regular
School Levy Rates for Tax Year 2019 and the Effects on
Projected County School Revenues

Treasury Investments, West Virginia Board of; Year Ended
June 30, 2018

Treasury Investments, West Virginia Board of;
Comprehensive Annual Financial Report Fiscal Year Ended June
30, 2018

United States Department of Energy (National Energy
Technology Laboratory); 2017 Annual Report

Veterinary Medicine, West Virginia Board of; Biennium
Report July 1, 2016-June 30, 2018

Water Development Authority, West Virginia; Fiscal Year
2018 Annual Report

West Virginia University Medicine; 2017 Annual Report

Sincerely,

Jim Justice,
Governor.

JIM JUSTICE
Governor of West Virginia

March 7, 2019

EXECUTIVE MESSAGE NO. 4
2018 REGULAR SESSION

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
State Capitol, Rm 228M
Charleston, WV 25305

Dear Mr. Speaker:

In accordance with the provisions of section 11, article 7 of the Constitution of the State of West Virginia, and section 16, article 1, chapter 5 of the Code of West Virginia, I hereby report that I extended relief to the persons named on the attached report, during the period of March 6, 2018 through March 7, 2019.

Very truly yours,

Jim Justice,
Governor.

**PARDONS & MEDICAL RESPITES GRANTED
BY GOVERNOR JUSTICE
FOR THE PERIOD**

MARCH 6, 2018 – MARCH 7, 2019

Richard Lee Devore, Sr.

Decided: March 15, 2018

In March 2018, Governor Justice received a medical respite application that both the warden and commissioner of the Division of Corrections believed should be granted. Mr. Devore had been given a poor prognosis and had not reached his minimum sentence date (September 2018) and was no longer ambulatory and required palliative care.

For these reasons, Governor Justice granted a medical respite, allowing him to spend his last moments with his family.

**NO PARDONS WERE GRANTED DURING THIS TIME
PERIOD.**

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, with further title amendment, and the passage, as amended, of

Com. Sub. for S. B. 4, Relating generally to Municipal Home Rule Program.

On motion of Delegate Summers, the House concurred in the following Senate title amendment:

Com. Sub. for S. B. 4 - “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; making legislative findings; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing for

continuation of plans and amendments approved during Municipal Home Rule Pilot Program; providing that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; expanding eligibility to participate in home rule to additional municipalities; establishing annual assessment for participants in Municipal Home Rule Program; establishing penalty for failing to timely pay annual assessment; creating special revenue account for Municipal Home Rule Board; authorizing certain expenditures from special revenue fund; providing suspension of annual assessment when certain conditions are met; clarifying the authority of the Municipal Home Rule Board; requiring Municipal Home Rule Board to reject any application or amendment that does not reasonably demonstrate municipality's ability to manage related costs or liabilities; requiring publication of administrative rules of Municipal Home Rule Board on its website and made available to the public in print upon request; clarifying procedures related to submitting amendment to approved plan; requiring certain notice prior to proposing or amending a plan; requiring public hearing and notice of hearing prior to municipality proposing a plan or amendment; amending certain prohibitions on the powers and duties of municipalities under home rule; providing more specific direction regarding the requirements for municipalities participating in the Municipal Home Rule Program that reinstate or raise business and occupation taxes and its impact on municipal sales tax in certain circumstances; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws governing professional licensing or certification of employees; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws, rules, or regulations governing enforcement of building codes or fire codes; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to federal laws, regulations, or standards that would affect state's required compliance or jeopardize federal funding; prohibiting municipalities participating in the Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to

laws or rules governing procurement of architectural and engineering services with certain exceptions; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to chapter 17C of the Code of West Virginia, 1931, as amended; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws, rules, or regulations governing communication technologies or telecommunication carriers; prohibiting municipalities participating in the Municipal Home Rule Program from enacting any ordinance, act, resolution, rule, or regulation that governs the sale, transfer, possession, use, storage, taxation, registration, licensing, or carrying of firearms, ammunition, or accessories thereof; prohibiting municipalities participating in the Municipal Home Rule Program from enacting any ordinance, act, resolution, rule, or regulation that imposes duties on another governmental entity and providing certain exceptions to that prohibition; prohibiting municipalities from prohibiting or effectively limiting the rental of a property or regulating the duration, frequency, or location of such rental and providing certain exceptions to that prohibition and limitation; modifying reporting requirements; eliminating automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019; and making technical corrections throughout.”

The bill, as amended by the House, and further amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 667**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Graves, Hanna, C. Martin, P. Martin and Waxman.

Absent and Not Voting: Ellington and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 4) 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 concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

S. B. 28, Removing hotel occupancy tax limit collects for medical care and emergency services.

On motion of Delegate Kessinger, the House concurred in the following amendment of the bill by the Senate:

On page four, section fourteen, subsection (c), subdivision (11), after the word “infrastructure”, by inserting the words “in an amount not to exceed \$200,000”.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 668**), 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 Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 28) 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 concurrence by the Senate in the amendment of the House of Delegates, with further title amendment, and the passage, as amended, of

Com. Sub. for S. B. 402, Authorizing Division of Forestry investigate and enforce timber theft violations.

On motion of Delegate Summers the House concurred in the following title amendment by the Senate, with further title amendment:

Com. Sub. for S. B. 402 - “A Bill to amend and reenact §19-1A-3b of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-3-52 of said code, all relating to authorizing the Division of Forestry to investigate and enforce timber theft and intentional damage to the timber of another; increasing the threshold between felony and misdemeanor from \$1,000 to \$2,500; requiring ten years elapse between offenses for sentence enhancement purposes and establishing criminal penalties.”

The further title amendment offered by Delegate Howell and adopted by the House being as follows:

Com. Sub. for S. B. 402 - “A Bill to amend and reenact §19-1A-3b of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-3-52 of said code, all relating to authorizing the Division of Forestry to investigate and enforce timber theft and intentional damage to the timber of another; increasing the threshold between felony and misdemeanor from \$1,000 to \$2,500; requiring enhanced penalties for subsequent offenses occurring within ten years of the first offense; and establishing criminal penalties.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 669**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Ellington and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 402) 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 concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

Com. Sub. for S. B. 405, Increasing limit on additional expenses incurred in preparing notice list for redemption.

The amendment of the bill by the Senate being as follows:

On page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

“ARTICLE 3. SALE OF TAX LIENS AND NONENTERED, ESCHEATED AND WASTE AND UNAPPROPRIATED LANDS

§11A-3-23. Redemption from purchase; receipt; list of redemptions; lien; lien of person redeeming interest of another; record.

(a) After the sale of any tax lien on any real estate pursuant to §11A-3-5 of this code, the owner of, or any other person who was entitled to pay the taxes on, any real estate for which a tax lien on the real estate was purchased by an individual may redeem at any time before a tax deed is issued for the real estate. In order to redeem, he or she shall pay to the State Auditor the following amounts:

(1) An amount equal to the taxes, interest and charges due on the date of the sale, with interest at the rate of one percent per month from the date of sale;

(2) All other taxes which have since been paid by the purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment;

(3) Any additional expenses incurred from January 1 of the year following the sheriff's sale to the date of redemption for the preparation of the list of those to be served with notice to redeem and any written documentation used for the preparation of the list,

with interest at the rate of one percent per month from the date of payment for reasonable legal expenses incurred for the services of an attorney who has performed an examination of the title to the real estate and rendered written documentation used for the preparation of the list: ~~Provided, That the~~ The maximum amount the owner or other authorized person shall pay, excluding the interest, for the expenses incurred for the preparation of the list of those to be served required by §11A-3-19 of this code is ~~\$300~~ \$500: ~~Provided however, That the~~ An attorney may only charge a fee for legal services actually performed and must certify that he or she conducted an examination to determine the list of those to be served required by §11A-3-19 of this code; and

(4) All additional statutory costs paid by the purchaser.

(b) Where the State Auditor has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, and any written documentation used for the preparation of the list of those to be served with notice to redeem, including the certification required in subdivision (3), subsection (a) of this section, incident thereto, in the form of receipts or other evidence of legal expenses, incurred as provided in section nineteen of this article, the person redeeming shall pay the State Auditor the sum of ~~\$300~~ \$500 plus interest at the rate of one percent per month from January 1 of the year following the sheriff's sale for disposition by the sheriff pursuant to the provisions of §11A-3-10, §11A-3-24, §11A-3-25, and §11A-3-32 of this code.

(c) The person redeeming shall be given a receipt for the payment and the written opinion or report used for the preparation of the list of those to be served with notice to redeem required by section nineteen of this article.

(d) Any person who, by reason of the fact that no provision is made for partial redemption of the tax lien on real estate purchased by an individual, is compelled in order to protect himself or herself to redeem the tax lien on all of the real estate when it belongs, in whole or in part, to some other person, shall have a lien on the interest of that other person for the amount paid to redeem the interest. He or she shall lose his or her right to the lien, however,

unless within thirty days after payment he or she files with the clerk of the county commission his or her claim in writing against the owner of the interest, together with the receipt provided in this section. The clerk shall docket the claim on the judgment lien docket in his or her office and properly index the claim. The lien may be enforced as other judgment liens are enforced.

(e) Before a tax deed is issued, the county clerk may accept, on behalf of the State Auditor, the payment necessary to redeem any real estate encumbered with a tax lien and write a receipt. The amount of the payment necessary to redeem any real estate encumbered with a tax lien shall be provided by the State Auditor and the State Auditor shall update the required payments plus interest at least monthly.

(f) On or before the tenth day of each month, the county clerk shall deliver to the State Auditor the redemption money paid and the name and address of the person who redeemed the property on a form prescribed by the State Auditor.

§11A-3-25. Distribution of surplus to purchaser.

(a) Where the land has been redeemed in the manner set forth in §11A-3-23 of this code, and the State Auditor has delivered the redemption money to the sheriff pursuant to §11A-3-24 of this code, the sheriff shall, upon receipt of the sum necessary to redeem, promptly notify the purchaser or his or her heirs or assigns, by mail, of the fact of the redemption and pay to the purchaser or his or her heirs or assigns the following amounts:

(1) From the sale of tax lien surplus fund provided by §11A-3-10 of this code:

(A) The surplus of money paid in excess of the amount of the taxes, interest and charges paid by the purchaser to the sheriff at the sale; and

(B) The amount of taxes, interest and charges paid by the purchaser on the date of the sale, plus the interest at the rate of one percent per month from the date of sale to the date of redemption;

(2) All other taxes on the land which have since been paid by the purchaser or his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment to the date of redemption;

(3) Any additional reasonable expenses that the purchaser may have incurred from January 1 of the year following the sheriff's sale to the date of redemption for the preparation of the list of those to be served with notice to redeem and any written documentation used for the preparation of the list, in accordance with §11A-3-19 of this code, with interest at the rate of one percent per month from the date of payment, but the amount which shall be paid, excluding the interest, for the expenses incurred for the preparation of the list of those to be served with notice to redeem required by §11A-3-19 of this code shall not exceed the amount actually incurred by the purchaser or ~~\$300~~ \$500, whichever is less: *Provided*, That the attorney may only charge a fee for legal services actually performed and must certify that he or she conducted an examination to determine the list of those to be served required by §11A-3-19 of this code; and

(4) All additional statutory costs paid by the purchaser.

(b) (1) The notice shall include:

(A) A copy of the redemption certificate issued by the State Auditor;

(B) An itemized statement of the redemption money to which the purchaser is entitled pursuant to the provisions of this section; and

(C) Where, at the time of the redemption, the State Auditor has not received from the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served with notice to redeem and any written documentation used for the preparation of the list in accordance with §11A-3-19 of this code, the State Auditor shall also include instructions to the purchaser as to how these expenses may be claimed.

(2) Subject to the limitations of this section, the purchaser is entitled to recover any expenses incurred in preparing the list of those to be served with notice to redeem and any written documentation used for the preparation of the list from January 1 of the year following the sheriff's sale to the date of the sale to the date of the redemption.

(c) Where, pursuant to §11A-3-23 of this code, the State Auditor has not received from the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served with notice to redeem, including written documentation used for preparation of the list, in the form of receipts or other evidence within thirty days from the date of notification by the State Auditor, the sheriff shall refund the amount to the person redeeming and the purchaser is barred from any claim. Where, pursuant to that section, the State Auditor has received from the person redeeming and therefore delivered to the sheriff the sum of ~~\$300~~ \$500 plus interest at the rate of one percent per month from January 1 of the year following the sheriff's sale to the date of the sale to the date of redemption, and the purchaser provides the sheriff within thirty days from the date of notification satisfactory proof of the expenses, and the amount of the expenses is less than the amount paid by the person redeeming, the sheriff shall refund the difference to the person redeeming.

§11A-3-36. Operating fund for land department in Auditor's office.

(a) The Auditor shall establish a special operating fund for the land department in his or her office. He or she shall pay into such fund all redemption fees, all publication or other charges collected by him or her, if such charges were paid by or were payable to him or her, the unclaimed surplus proceeds received by him or her from the sale of delinquent and other lands pursuant to this article, and all payments made to him or her under the provisions of §11A-3-64 and §11A-3-65 of this code, except such part thereof as represents state taxes and interest. All payments so excepted shall be credited by the Auditor to the general school fund or other proper state fund.

(b) The operating fund shall be used by the Auditor in cases of deficits in land sales to pay any balances due to deputy commissioners for services rendered, and any unpaid costs including those for publication which have accrued or will accrue under the provisions of this article, to pay fees due surveyors under the provisions of §11A-3-43, and to pay for the operation and maintenance of the land department in his or her office. ~~The surplus over and above the amount of \$100,000, remaining in the fund at the end of any fiscal year, shall be paid by the Auditor into the general school fund. The surplus over and above the amount of 20 percent of gross revenue from operation of the fund from the prior year, remaining at the end of any fiscal year, shall be paid by the Auditor into the General School Fund.~~

§11A-3-56. Redemption from purchase; receipt; list of redemptions; lien; lien of person redeeming interest of another; record.

(a) After the sale of any tax lien on any real estate pursuant to 11A-3-45 or §11A-3-48 of this code, the owner of, or any other person who was entitled to pay the taxes on, any real estate for which a tax lien thereon was purchased by an individual, may redeem at any time before a tax deed is issued therefor. In order to redeem, he or she must pay to the deputy commissioner the following amounts:

(1) An amount equal to the taxes, interest and charges due on the date of the sale, with interest thereon at the rate of one percent per month from the date of sale;

(2) ~~all~~ All other taxes thereon, which have since been paid by the purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment;

(3) ~~such~~ Such additional expenses as may have been incurred in preparing the list of those to be served with notice to redeem, and for any licensed attorney's title examination incident thereto, with interest at the rate of one percent per month from the date of payment, but the amount he or she shall be required to pay, excluding said interest, for such expenses incurred for the

preparation of the list of those to be served with notice to redeem required by §11A-3-52 of this code, and for any licensed attorney's title examination incident thereto, shall not exceed \$200 \$500. An attorney may only charge a fee for legal services actually performed and must certify that he or she conducted an examination to determine the list of those to be served required by §11A-3-52 of this code;

(4) ~~all~~ All additional statutory costs paid by the purchaser; and

(5) ~~the~~ The deputy commissioner's fee and commission as provided by §11A-3-66 of this code. Where the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, ~~and any examination of title or of any licensed attorney's title examination~~ incident thereto, in the form of receipts or other evidence thereof, the person redeeming shall pay the deputy commissioner the sum of ~~\$200 \$500~~ plus interest thereon at the rate of one percent per month from the date of the sale for disposition pursuant to the provisions of §11A-3-57, §11A-3-58, and §11A-3-64 of this code. Upon payment to the deputy commissioner of those and any other unpaid statutory charges required by this article, and of any unpaid expenses incurred by the sheriff, the Auditor and the deputy commissioner in the exercise of their duties pursuant to this article, the deputy commissioner shall prepare an original and five copies of the receipt for the payment and shall note on said receipts that the property has been redeemed. The original of such receipt shall be given to the person redeeming. The deputy commissioner shall retain a copy of the receipt and forward one copy each to the sheriff, assessor, the Auditor and the clerk of the county commission. The clerk shall endorse on the receipt the fact and time of such filing and note the fact of redemption on his or her record of delinquent lands.

(b) Any person who, by reason of the fact that no provision is made for partial redemption of the tax lien on real estate purchased by an individual, is compelled in order to protect himself or herself to redeem the tax lien on all of such real estate when it belongs, in whole or in part, to some other person, shall have a lien on the interest of such other person for the amount paid to redeem such

interest. He or she shall lose his or her right to the lien, however, unless within thirty days after payment he or she shall file with the clerk of the county commission his or her claim in writing against the owner of such interest, together with the receipt provided for in this section. The clerk shall docket the claim on the judgment lien docket in his or her office and properly index the same. Such lien may be enforced as other judgment liens are enforced.

§11A-3-57. Notice of redemption to purchaser; moneys received by sheriff.

(a) Upon payment of the sum necessary to redeem, the deputy commissioner shall promptly deliver to the sheriff the redemption money paid and the name and address of the purchaser, his or her heirs or assigns.

(b) Of the redemption money received by the sheriff pursuant to this section, the sheriff shall hold as surplus to be disposed of pursuant to §11A-3-64 of this code an amount thereof equal to the amount of taxes, interest and charges due on the date of the sale, plus the interest at the rate of one percent per month thereon from the date of sale to the date of redemption.

§11A-3-58. Distribution to purchaser.

(a) Where the land has been redeemed in the manner set forth in §11A-3-56 of this code, and the deputy commissioner has delivered the redemption money to the sheriff pursuant to §11A-3-57 of this code, the sheriff shall, upon delivery of the sum necessary to redeem, promptly notify the purchaser, his or her heirs or assigns, by mail, of the redemption and pay to the purchaser, his or her heirs or assigns, the following amounts:

(1) The amount paid to the deputy commissioner at the sale;

(2) All other taxes thereon, which have since been paid by the purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment;

(3) Such additional expenses as may have been incurred in preparing the list of those to be served with notice to redeem, and

for any licensed attorney's title examination incident thereto, with interest at the rate of one percent per month from the date of payment, but the amount which shall be paid, excluding said interest, for such expenses incurred for the preparation of the list of those to be served with notice to redeem required by §11A-3-52 of this code, and for any licensed attorney's title examination incident thereto, shall not exceed ~~\$200~~ \$500; and

(4) All additional statutory costs paid by the purchaser.

(b) (1) The notice shall include:

(A) A copy of the redemption certificate issued by the deputy commissioner;

(B) An itemized statement of the redemption money to which the purchaser is entitled pursuant to the provisions of this section; and

(C) Where, at the time of the redemption, the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served with notice to redeem ~~and any~~ or for any licensed attorney's title examination incident thereto, the deputy commissioner shall also include instructions to the purchaser as to how these expenses may be claimed.

(2) Subject to the limitations of this section, the purchaser is entitled to recover any expenses incurred in preparing the list of those to be served with notice to redeem and for any licensed attorney's title examination incident thereto from the date of the sale to the date of the redemption.

(c) Where, pursuant §11A-3-56 of this code, the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, in the form of receipts or other evidence of legal expenses, and any or for any licensed attorney's title examination and rendered written documentation used for the preparation of the list incident thereto, in the form of receipts or other evidence thereof, and

therefore received from the purchaser as required by said section and delivered to the sheriff the sum of ~~\$200~~ \$500 plus interest thereon at the rate of one percent per month from the date of the sale to the date of redemption, and the sheriff has not received from the purchaser such satisfactory proof of such expenses within thirty days from the date of notification, the sheriff shall refund such amount to the person redeeming and the purchaser is barred from any claim thereto. Where, pursuant to §11A-3-56 of this code, the deputy commissioner has received from the purchaser and therefore delivered to the sheriff said sum of ~~\$200~~ \$500 plus interest thereon at the rate of one percent per month from the date of the sale to the date of redemption, and the purchaser provides the sheriff within thirty days from the date of notification such satisfactory proof of such expenses, and the amount of such expenses is less than the amount paid by the person redeeming, the sheriff shall refund the difference to the person redeeming.”

On motion of Delegate Kessinger, the House of Delegates refused to concur in the Senate amendment and requested the Senate to recede therefrom.

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 refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

Com. Sub. for S. B. 487, Relating to admissibility of health care staffing requirements in litigation.

Delegate Summers moved that the House of Delegates refuse to recede from its amendment and request the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Subsequently, unanimous consent having been obtained, the bill was placed at the foot of messages.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

S. B. 596, Adjusting voluntary contribution amounts on certain DMV forms.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Harshbarger, Phillips and Hartman.

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 concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

Com. Sub. for S. B. 624, Allowing county boards of education use alternative assessment provided in Every Student Succeeds Act.

On motion of Delegate Kessinger, the House concurred in the following amendment of the bill by the Senate:

On page one, section five, subsection (d), subdivision (3), by striking out “The department shall negotiate reasonable per student costs for the delivery and administration of the alternative

assessment that is equal to the per-student assessment cost as determined by the statewide assessment contract. The department shall be responsible for the costs of collecting and submitting the evidence needed to satisfy the requirements specified in 20 U.S.C. §6311 (b)(2)(H) and 34 CFR 200.3. If the U.S. Department of Education determines that an alignment study is needed, the department shall ensure that a holistic alignment approach is used to evaluate the degree of alignment between the assessment and the state academic standards and the study shall include at least three test forms” and the period, and inserting in lieu thereof the following: “The state Department of Education shall pay no more than the general summative assessment per-student cost for a locally selected assessment used pursuant to the locally selected assessment option. If required by the U.S. Department of Education, the state department shall be responsible for contracting and paying no more than \$100,000 total, of the costs of any studies required as part of the peer review process to satisfy the requirements specified in 20 U.S.C. §6311 (b)(2)(H) and 34 CFR 200.3. If the U.S. Department of Education determines that an alignment study is needed for a locally selected assessment option, the state department shall ensure that an independent alignment study is used to evaluate the degree of alignment between the assessment and the state academic standards and the study shall include at least three test forms. If the locally selected assessment is approved by the U.S. Department of Education and meets federal and state law, the state department shall enter into a contract that allows for county boards of education to implement the locally selected assessment.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for S. B. 624 - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to allowing county boards of education to use an alternative assessment, such as the ACT assessment, pursuant to the locally

selected assessment option provided for in the Every Student Succeeds Act; and setting forth requirements for the West Virginia Department of Education pertaining to the alternative assessment.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 670**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Zukoff.

Absent and Not Voting: Ellington and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 624) passed.

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

On this question, the yeas and nays were taken (**Roll No. 671**), 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 Rohrbach.

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. 624) 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 refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

S. B. 673, Relating to public higher education accountability and planning.

Delegate Kessinger moved the House of Delegates recede from its amendment to the bill.

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. 672**), and there were—yeas 52, nays 46, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Bibby, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Criss, Dean, Diserio, Doyle, Evans, Fast, Fleischauer, Fluharty, Hamrick, Hanna, Hartman, Hicks, Higginbotham, Hornbuckle, Howell, J. Jeffries, Jennings, Kump, Lavender-Bowe, Longstreth, Lovejoy, Miley, Pethtel, Phillips, Porterfield, Queen, Rodighiero, Sponaule, Staggers, Storch, Swartzmiller, R. Thompson, Toney, Waxman, Williams, Wilson and Zukoff.

Absent and Not Voting: Ellington and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 673**), and there were—yeas 84, nays 14, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, S. Brown, Campbell, Caputo, Diserio, Doyle, Evans, Fleischauer, Lavender-Bowe, Longstreth, Miley, Queen and Waxman.

Absent and Not Voting: Ellington and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 673) 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. 2001, Relating to exempting social security benefits from personal income tax.

Delegate Summers moved that the House of Delegates concur in the following amendment of the bill by the Senate:

On page four, section twelve, line seventy-seven, after the word “year” and the period, by inserting “For taxable years beginning after December 31, 2018, retirement income from the uniformed services, including the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service, National Oceanic Atmospheric Administration, reserves, and National Guard, paid by the United States or by this state after December 31, 2018, including any survivorship annuities, to the extent included in federal adjusted gross income for the taxable year” and a period.

And,

On page four, section twelve, lines eighty-two through eighty-seven, by striking out all of subdivision (8) and inserting in lieu thereof a new subdivision, designated subdivision (8), to read as follows:

“(8) *Decreasing modification for social security income.*

(A) For taxable years beginning on and after January 1, 2020, 35 percent of the amount of social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(D) of this code.

(B) For taxable years beginning on or after January 1, 2021, 65 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(D) of this code.

(C) For taxable years beginning on or after January 1, 2022, 100 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(D) of this code.

(D) The deduction allowed by §11-21-12(c)(8)(A), §11-21-12(c)(8)(B), and §11-21-12(c)(8)(C) of this code are allowable only when the federal adjusted gross income of a married couple filing a joint return does not exceed \$100,000, or \$50,000 in the case of a single individual or a married individual filing a separate return.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2001 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exemptions from personal income tax; providing for an exemption

for members of certain uniformed services; exempting social security benefits from personal income tax; clarifying that tier one railroad retirement benefits are not subject to personal income tax; specifying an effective date; and removing obsolete language.”

Delegate Westfall moved the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 674**), and there were—yeas 15, nays 81, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Atkinson, Azinger, Butler, Capito, Cooper, Harshbarger, Higginbotham, Hott, Kump, Porterfield, Rowan, Shott, Waxman, Westfall and Wilson.

Absent and Not Voting: Ellington, Mandt, Rohrbach and Steele.

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

Delegate J. Kelly requested to be excused from voting on Com. Sub. for H. B. 2001 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 motion to concur in the Senate amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 675**), and there were—yeas 53, nays 44, absent and not voting 3, with the yeas and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Butler, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson,

Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, a majority of the members present and voting having voted in the affirmative, the motion to concur in the amendment of the bill by the Senate prevailed.

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. 676**), 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: Ellington, Rohrbach and Steele.

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. 2001) 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. 2503, Relating to court actions.

On motion of Delegate Kessinger, the House of Delegates refused to concur in the following amendment of the bill by the Senate and requested the Senate to recede therefrom:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 4. COURT ACTIONS.

PART VI.

PROCEDURES IN CASES OF CHILD NEGLECT OR ABUSE.

§49-4-601. Petition to court when child believed neglected or abused; venue; notice; right to counsel; continuing legal education; findings; proceedings; procedure.

(a) *Petitioner and venue.* — If the department or a reputable person believes that a child is neglected or abused, the department or the person may present a petition setting forth the facts to the circuit court in the county in which the child resides, or if the petition is being brought by the department, in the county in which the custodial respondent or other named party abuser resides, or in which the abuse or neglect occurred, or to the judge of the court in vacation. Under no circumstance may a party file a petition in more than one county based on the same set of facts.

(b) *Contents of Petition.* — The petition shall be verified by the oath of some credible person having knowledge of the facts. The petition shall allege specific conduct including time and place, how the conduct comes within the statutory definition of neglect or abuse with references ~~thereto~~ to the statute, any supportive services provided by the department to remedy the alleged circumstances, and the relief sought. Each petition shall name as a party each parent, guardian, custodian, other person standing in loco parentis of or to the child allegedly neglected or abused and state with specificity whether each parent, guardian, custodian, or person standing in loco parentis is alleged to have abused or neglected the child.

(c) *Court action upon filing of petition.* — Upon filing of the petition, the court shall set a time and place for a hearing and shall appoint counsel for the child. When there is an order for temporary custody pursuant to this article, the preliminary hearing shall be held within 10 days of the order continuing or transferring custody, unless a continuance for a reasonable time is granted to a date certain, for good cause shown.

(d) *Department action upon filing of the petition.* — At the time of the institution of any proceeding under this article, the department shall provide supportive services in an effort to remedy circumstances detrimental to a child.

(e) *Notice of hearing.* —

(1) The petition and notice of the hearing shall be served upon both parents and any other guardian, custodian, or person standing in loco parentis, giving to ~~the parents or custodian~~ those persons at least five days' actual notice of a preliminary hearing and at least ten days' notice of any other hearing.

(2) Notice shall be given to the department, any foster or pre-adoptive parent, and any relative providing care for the child.

(3) In cases where personal service within West Virginia cannot be obtained after due diligence upon any parent or other custodian, a copy of the petition and notice of the hearing shall be mailed to the person by certified mail, addressee only, return receipt requested, to the last known address of the person. If the person signs the certificate, service ~~shall be~~ is complete and the certificate shall be filed as proof of the service with the clerk of the circuit court.

(4) If service cannot be obtained by personal service or by certified mail, notice shall be by publication as a Class II legal advertisement in compliance with §59-3-1 *et seq.* of this code.

(5) A notice of hearing shall specify the time and place of ~~the hearing~~ hearings, the right to counsel of the child, ~~and parents,~~ or and other guardians, custodians, ~~at every stage of the proceedings,~~ and other persons standing in loco parentis with the child and the fact that the proceedings can result in the permanent termination of the parental rights.

(6) Failure to object to defects in the petition and notice may not be construed as a waiver.

(f) *Right to counsel.* —

~~(1) In any proceeding under this article, the child, his or her parents, and his or her legally established custodian or other persons standing in loco parentis to him or her has the right to be represented by counsel at every stage of the proceedings and shall be informed by the court of their right to be so represented and that~~

if they cannot pay for the services of counsel, that counsel will be appointed.

(1) In any proceeding under this article, the child shall have counsel to represent his or her interests at all stages of the proceedings.

~~(2) Counsel shall be appointed in the initial order. For parents, legal guardians, and other persons standing in *loco parentis*, the representation may only continue after the first appearance the parent or other persons standing in *loco parentis* cannot pay for the services of counsel.~~

(2) The court's initial order shall appoint counsel for the child and for any parent, guardian, custodian, or other person standing in *loco parentis* with the child if such person is without retained counsel.

~~(3) Counsel for other parties shall only be appointed upon request for appointment of counsel. If the requesting parties have not retained counsel and cannot pay for the services of counsel, the court shall, by order entered of record, appoint an attorney or attorneys to represent the other party or parties and so inform the parties.~~

(3) The court shall, at the initial hearing in the matter, determine whether persons other than the child for whom counsel has been appointed:

(A) Have retained counsel; and

(B) Are financially able to retain counsel.

(4) A parent, guardian, custodian, or other person standing in *loco parentis* with the child who is alleged to have neglected or abused the child and who has not retained counsel and is financially unable to retain counsel beyond the initial hearing, shall be afforded appointed counsel at every stage of the proceedings.

~~(4) (5) Under no circumstances may the same attorney represent both the child and another party the other party or~~

~~parties, nor may the~~ The same attorney may not represent both parents or custodians more than one parent or custodian: However, Provided, That one attorney may represent both parents or custodians where both parents or ~~guardians~~ custodians consent to this representation after the attorney fully discloses to the client the possible conflict and where the attorney ~~assures~~ advises the court that she or he is able to represent each client without impairing her or his professional judgment.; ~~however, if~~ If more than one child from a family is involved in the proceeding, one attorney may represent all the children.

~~(5)~~ (6) A parent who is a co-petitioner is entitled to his or her own attorney.

(7) The court may allow to each attorney ~~so~~ appointed pursuant to this section a fee in the same amount which appointed counsel can receive in felony cases.

~~(6)~~ (8) The court shall, *sua sponte* or upon motion, appoint counsel to any unrepresented party if, at any stage of the proceedings, the court determines doing so is necessary to satisfy the requirements of fundamental fairness.

(g) *Continuing education for counsel.* — Any attorney representing a party under this article shall receive a minimum of eight hours of continuing legal education training per reporting period on child abuse and neglect procedure and practice. In addition to this requirement, any attorney appointed to represent a child must first complete training on representation of children that is approved by the administrative office of the Supreme Court of Appeals. The Supreme Court of Appeals shall develop procedures for approval and certification of training required under this section. Where no attorney has completed the training required by this subsection, the court shall appoint a competent attorney with demonstrated knowledge of child welfare law to represent the parent or child. Any attorney appointed pursuant to this section shall perform all duties required of an attorney licensed to practice law in the State of West Virginia.

(h) *Right to be heard.* — In any proceeding pursuant to this article, the party or parties having custodial or other parental rights or responsibilities to the child shall be afforded a meaningful opportunity to be heard, including the opportunity to testify and to present and cross-examine witnesses. Foster parents, pre-adoptive parents, and relative caregivers shall also have a meaningful opportunity to be heard.

(i) *Findings of the court.* — Where relevant, the court shall consider the efforts of the department to remedy the alleged circumstances. At the conclusion of the adjudicatory hearing, the court shall make a determination based upon the evidence and shall make findings of fact and conclusions of law as to whether the child is abused or neglected and whether the respondent is abusing, neglecting, or, if applicable, a battered parent, all of which shall be incorporated into the order of the court. The findings must be based upon conditions existing at the time of the filing of the petition and proven by clear and convincing evidence.

(j) *Priority of proceedings.* — Any petition filed and any proceeding held under this article shall, to the extent practicable, be given priority over any other civil action before the court, except proceedings under §48-27-309 of this code and actions in which trial is in progress. Any petition filed under this article shall be docketed immediately upon filing. Any hearing to be held at the end of an improvement period and any other hearing to be held during any proceedings under this article shall be held as nearly as practicable on successive days and, with respect to the hearing to be held at the end of an improvement period, shall be held as close in time as possible after the end of the improvement period and shall be held within 30 days of the termination of the improvement period.

(k) *Procedural safeguards.* — The petition may not be taken as confessed. A transcript or recording shall be made of all proceedings unless waived by all parties to the proceeding. The rules of evidence shall apply. Following the court's determination, it shall be ~~inquired of~~ ask the parents or custodians whether or not appeal is desired and the response transcribed. A negative response may not be construed as a waiver. The evidence shall be transcribed

and made available to the parties or their counsel as soon as practicable, if the ~~same~~ transcript is required for purposes of further proceedings. If an indigent person intends to pursue further proceedings, the court reporter shall furnish a transcript of the hearing without cost to the indigent person if an affidavit is filed stating that he or she cannot pay for the transcript ~~therefor~~.

PART VI.
JUVENILE PROCEEDINGS.

§49-4-722. Conviction for offense while in custody.

(a) Notwithstanding any other provision of law to the contrary, any person who is 18 years of age or older who is convicted as an adult of an offense that he or she committed while in the custody of the ~~Division~~ Bureau of Juvenile Services and who is ~~therefor~~ sentenced for the conviction to a regional jail or state correctional facility for the offense may not be returned to the custody of the ~~division~~ bureau upon the completion of his or her adult sentence.

(b) Upon the incarceration in a regional jail or state correctional facility of any person 18 years of age or older who remains subject to the juvenile jurisdiction of the circuit court for crimes committed in a juvenile facility, the Bureau of Juvenile Services shall provide written notification to both the circuit court with juvenile jurisdiction over the person and the judicial authority in the county where the criminal charges are pending that the person is being detained, remains in the jurisdiction of a circuit court, and is pending a sentence as an adult offender. Prior to the imposition of a sentence on the criminal charges, the juvenile facility in which the adult crime occurred shall inform the judicial authority in the county with jurisdiction over the criminal offense which circuit court has juvenile jurisdiction over the person. The judicial authority in the county with jurisdiction over the criminal offense shall then notify the circuit court with juvenile jurisdiction over the person. The person may not be released from custody on the criminal offense until the judicial authority in the county where the criminal charges are pending has been notified by the circuit court with juvenile jurisdiction over the person that it has conducted the hearing required in §49-4-722(c) of this code.

~~(b)~~(c) Prior to completion of the adult sentence specified in subsection (a) of this section, the circuit court having jurisdiction over the underlying juvenile matter shall conduct a hearing to determine whether the person who has turned 18 years of age shall remain in the regional jail during pendency of the underlying juvenile matter or if another disposition or pretrial placement is appropriate and available: Provided, That the court may not remand a child who reached the age of 18 years to a juvenile facility or placement during the pendency of the underlying juvenile matter: Provided, however, That the Commissioner of the Division of Corrections and Rehabilitation is authorized to designate a unit in one or more of the institutions under his or her management to ensure that the detention of any person 18 years of age or older who is subject to subsection (a) of this section and who remains subject to the juvenile jurisdiction of a Circuit Court, may be placed in by the Commissioner, so that the person does not have contact with or come within sight or sound of any adult incarcerated persons.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2503 - “A Bill to amend and reenact §49-4-601 and §49-4-722 of the Code of West Virginia, 193, as amended, all relating to court actions in abuse and neglect proceedings; counsel appointment procedures in child neglect or abuse cases; requiring a petition to include the names of all parents, guardians, custodians, or other persons standing *in loco parentis* with the child and an express statement as to whether each parent, guardian, custodian, or person standing *in loco parentis* is alleged to have neglected or abused the child; requiring the court to appoint counsel for the child, parents, guardians, custodians, and persons standing *in loco parentis* prior to the initial hearing; clarifying when a court may and may not appoint counsel; requiring a court to appoint counsel to an unrepresented person if necessary to satisfy the requirements of fundamental fairness; directing notice to various courts in actions involving certain adults held in juvenile custody when charged or convicted of adult crimes; requiring the Bureau of Juvenile Services to provide written notification to court as to such defendants during various stages of the criminal process

in cases of adults in the juvenile jurisdiction of the circuit court; requiring notice generally; requiring that notice to be given by courts that a hearing required by subsection (a) of this section has been held; and authorizing the Commissioner of Corrections and Rehabilitation to establish one or more facilities to house adult offenders who remain under the juvenile jurisdiction of the circuit court to comply with federal sight and sound restrictions.”

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

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. 2768, Reducing the use of certain prescription drugs.

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 54. OPIOID REDUCTION ACT.

§16-54-1. Definitions.

As used in this section:

‘Acute pain’ means a time limited pain caused by a specific disease or injury.

‘Chronic pain’ means a noncancer, nonend of life pain lasting more than three months or longer than the duration of normal tissue healing.

‘Health care practitioner’ or ‘practitioner’ means:

(1) A physician ~~licensed~~ authorized pursuant to the provisions of §30-3-1 *et seq.* and §30-14-1 *et seq.* of this code;

(2) A podiatrist licensed pursuant to the provisions of §30-3-1 *et seq.* of this code;

(3) A physician assistant with prescriptive authority as set forth in §30-3E-3 of this code;

(4) An advanced practice registered nurse with prescriptive authority as set forth in §30-7-15a of this code;

(5) A dentist licensed pursuant to the provisions of §30-4-1 *et seq.* of this code; ~~and~~

(6) An optometrist licensed pursuant to the provisions of §30-8-1 *et seq.* of this code;

(7) A physical therapist licensed pursuant to the provisions of §30-20-1 *et seq.* of this code;

(8) An occupational therapist licensed pursuant to the provisions of § 30-28-1 *et seq.* of this code;

(9) An osteopathic physician licensed pursuant to the provisions of §30-14-1 *et seq.* of this code; and

(10) A chiropractor licensed pursuant to the provisions of §30-16-1 *et seq.* of this code.

‘Insurance provider’ means an entity that is regulated under the provisions of §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.* and §33-25A-1 *et seq.* of this code.

‘Office’ means the Office of Drug Control Policy.

‘Pain clinic’ means the same as that term is defined in §16-5H-2 of this code.

‘Pain specialist’ means a practitioner who is board certified in pain management or a related field.

‘Prescribe’ means the advisement of a physician or other licensed practitioner to a patient for a course of treatment. It can include but is not limited to medication, services, supplies,

equipment, procedures, diagnostic tests, or screening as permitted by the physician or other licensed practitioner's scope of practice.

'Referral' means the recommendation by a person to another person for the purpose of initiating care by a health care practitioner.

'Schedule II opioid drug' means an opioid drug listed in §60A-2-206 of this code.

'Surgical procedure' means a medical procedure involving an incision with instruments performed to repair damage or arrest disease in a living body.

§16-54-3. Opioid prescription notifications.

Prior to issuing a prescription for ~~an opioid~~ a Schedule II opioid drug, a practitioner shall:

(1) Advise the patient regarding the quantity of the ~~opioid~~ Schedule II opioid drug and a patient's option to fill the prescription in a lesser quantity; and

(2) Inform the patient of the risks associated with the ~~opioid~~ Schedule II opioid drug prescribed.

§16-54-4. Opioid prescription limitations.

(a) When issuing a prescription for ~~an opioid~~ a Schedule II opioid drug to an adult patient seeking treatment in an emergency room for outpatient use, a health care practitioner may not issue a prescription for more than a four-day supply: *Provided*, That a prescription for a Schedule II opioid drug issued to an adult patient in an emergency room for outpatient use is not considered to be an initial Schedule II opioid prescription.

(b) When issuing a prescription for ~~an opioid~~ a Schedule II opioid drug to an adult patient seeking treatment in an urgent care facility setting for outpatient use, a health care practitioner may not issue a prescription for more than a four-day supply: *Provided*, That an additional dosing for up to no more than a seven-day

supply may be permitted, but only if the medical rationale for more than a four-day supply is documented in the medical record.

(c) A health care practitioner may not issue ~~an opioid~~ an initial Schedule II opioid drug prescription to a minor for more than a three-day supply and shall discuss with the parent or guardian of the minor the risks associated with ~~opioid~~ Schedule II opioid drug use and the reasons why the prescription is necessary.

(d) A dentist or an optometrist may not issue ~~an opioid~~ a Schedule II opioid drug prescription for more than a three-day supply. ~~at any time.~~

(e) A practitioner, other than a dentist or an optometrist, may not issue an initial ~~opioid~~ Schedule II opioid drug prescription for more than a seven-day supply. The prescription shall be for the lowest effective dose which in the medical judgement of the practitioner would be the best course of treatment for this patient and his or her condition.

(f) Prior to issuing an initial ~~opioid~~ Schedule II opioid drug prescription, a practitioner shall:

(1) Take and document the results of a thorough medical history, including the patient's experience with nonopioid medication, nonpharmacological pain management approaches, and substance abuse history;

(2) Conduct, as appropriate, and document the results of a physical examination. The physical exam should be relevant to the specific diagnosis and course of treatment, and should assess whether the course of treatment would be safe and effective for the patient.

(3) Develop a treatment plan, with particular attention focused on determining the cause of the patient's pain; and

(4) Access relevant prescription monitoring information under the Controlled Substances Monitoring Program Database.

(g) Notwithstanding any provision of this code or legislative rule to the contrary, no medication listed as a Schedule II ~~controlled substance~~ opioid drug as set forth in §60A-2-206 of this code, may be prescribed by a practitioner for greater than a 30-day supply: *Provided*, That two additional prescriptions, each for a 30-day period for a total of a 90-day supply, may be prescribed if the practitioner accesses the West Virginia Controlled Substances Monitoring Program Database as set forth in §60A-9-1 *et seq.* of this code: *Provided, however*, That the limitations in this section do not apply to cancer patients, patients receiving hospice care from a licensed hospice provider, patients receiving palliative care, a patient who is a resident of a long-term care facility, or a patient receiving medications that are being prescribed for use in the treatment of substance abuse or opioid dependence.

(h) A practitioner is required to conduct and document the results of a physical examination every 90 days for any patient for whom he or she continues to treat with any Schedule II ~~controlled substance~~ opioid drug as set forth in §60A-2-206 of this code. The physical examination should be relevant to the specific diagnosis and course of treatment, and should assess whether continuing the course of treatment would be safe and effective for the patient.

(i) A veterinarian licensed pursuant to the provisions of §30-10-1 *et seq.* of this code may not issue ~~more than~~ an initial ~~opioid~~ Schedule II opioid drug prescription for more than a seven-day supply. The prescription shall be for the lowest effective dose which in the medical judgment of the veterinarian would be the best course of treatment for the patient and his or her condition.

(j) ~~A prescription for any opioid drug listed on~~ In conjunction with the issuance of the third prescription for a Schedule II opioid drug, as set forth in §60A-2-206 of this code for greater than a seven-day period shall require the patient ~~to~~ shall execute a narcotics contract with the prescribing practitioner. The contract shall be made a part of the patient's medical record. The narcotics contract is required to provide at a minimum that:

(1) The patient agrees only to obtain scheduled medications from this particular prescribing practitioner;

(2) The patient agrees he or she will only fill those prescriptions at a single pharmacy which includes a pharmacy with more than one location;

(3) The patient agrees to notify the prescribing practitioner within 72 hours of any emergency where he or she is prescribed scheduled medication; ~~and~~

(4) If the patient fails to honor the provisions of the narcotics contract, the prescribing practitioner may either terminate the provider-patient relationship or continue to treat the patient without prescribing a Schedule II opioid drug for the patient. Should the practitioner decide to terminate the relationship, he or she is required to do so pursuant to the provisions of this code and any rules promulgated hereunder. Termination of the relationship for the patient's failure to honor the provisions of the contract is not subject to any disciplinary action by the practitioner's licensing board; and

(5) If another physician is approved to prescribe to the patient.

(k) A pharmacist is not responsible for enforcing the provisions of this section and the Board of Pharmacy may not discipline a licensee if he or she fills a prescription in violation of the provisions of this section.

§16-54-5. Subsequent prescriptions; limitations.

(a) ~~No fewer than six days~~ After issuing the initial Schedule II opioid drug prescription as set forth in §16-54-4 of this code, the practitioner, after consultation with the patient, may issue a subsequent prescription for ~~an opioid~~ a Schedule II opioid drug to the patient if:

(1) The subsequent prescription would not be deemed an initial prescription pursuant to §16-54-4 of this code;

(2) The practitioner determines the prescription is necessary and appropriate to the patient's treatment needs and documents the rationale for the issuance of the subsequent prescription; and

(3) The practitioner determines that issuance of the subsequent prescription does not present an undue risk of abuse, addiction, or diversion and documents that determination.

(b) Prior to issuing the subsequent Schedule II opioid drug prescription of the course of treatment, a practitioner shall discuss with the patient, or the patient's parent or guardian if the patient is under 18 years of age, the risks associated with the Schedule II opioid drugs being prescribed. This discussion shall include:

(1) The risks of addiction and overdose associated with Schedule II opioid drugs and the dangers of taking Schedule II opioid drugs with alcohol, benzodiazepines, and other central nervous system depressants;

(2) The reasons why the prescription is necessary;

(3) Alternative treatments that may be available; and

(4) Risks associated with the use of the Schedule II opioid drug being prescribed, specifically that ~~opioids~~ Schedule II opioid drugs are highly addictive, even when taken as prescribed, that there is a risk of developing a physical or psychological dependence on the ~~controlled substance~~ Schedule II opioid drug, and that the risks of taking more opioids than prescribed, or mixing sedatives, benzodiazepines, or alcohol with opioids, can result in fatal respiratory depression.

(c) The discussion as set forth in §16-54-5(b) of this code shall be included in a notation in the patient's medical record.

§16-54-6. Ongoing treatment; referral to pain clinic or pain specialist.

(a) At the time of the issuance of the third prescription for a ~~prescription opioid~~ Schedule II opioid drug the practitioner shall consider referring the patient to a pain clinic or a pain specialist. The practitioner shall discuss the benefits of seeking treatment through a pain clinic or a pain specialist and provide him or her with an understanding of any risks associated by choosing not to pursue that as an option.

(b) If the patient declines to seek treatment from a pain clinic or a pain specialist and opts to remain a patient of the practitioner, and the practitioner continues to prescribe ~~an opioid for pain~~ a Schedule II opioid drug as provided in this code, the practitioner shall:

(1) Note in the patient's medical records that the patient knowingly declined treatment from a pain clinic or pain specialist;

(2) Review, at a minimum of every three months, the course of treatment, any new information about the etiology of the pain, and the patient's progress toward treatment objectives and document the results of that review;

(3) Assess the patient prior to every renewal to determine whether the patient is experiencing problems associated with physical and psychological dependence and document the results of that assessment; and

(4) Periodically make reasonable efforts, unless clinically contraindicated, to either stop the use of the controlled substance, decrease the dosage, try other drugs or treatment modalities in an effort to reduce the potential for abuse or the development of physical or psychological dependence, and document with specificity the efforts undertaken.

§16-54-7. Exceptions.

(a) This article does not apply to a ~~prescription for a~~ patient who is currently in active treatment for cancer, receiving hospice care from a licensed hospice provider or palliative care provider, or is a resident of a long-term care facility.

~~or to any medications that are being prescribed for use in the treatment of substance abuse or opioid dependence.~~

(b) This article does not apply to a patient being prescribed, or ordered, any medication in an inpatient setting at a hospital.

(b) (c) Notwithstanding the limitations on the prescribing of a Schedule II opioid drug contained in §16-54-4 of this code, a

practitioner may prescribe an initial seven-day supply of ~~an opioid~~ a Schedule II opioid drug to a post-surgery patient immediately following a surgical procedure. Based upon the medical judgment of the practitioner, a subsequent prescription may be prescribed by the practitioner pursuant to the provisions of this code. Nothing in this section authorizes a practitioner to prescribe any medication which he or she is not permitted to prescribe pursuant to their practice act.

~~(e)~~ (d) A practitioner who acquires a patient after January 1, 2018, who is currently being prescribed ~~an opioid~~ a Schedule II opioid drug from another practitioner ~~shall be~~ is required to access the Controlled Substances Monitoring Program Database as set forth in §60A-9-1 *et seq.* of this code. ~~Any prescription would not be deemed an initial prescription pursuant to the provisions of this section.~~ The practitioner shall otherwise treat the patient as set forth in this code.

~~(d)~~ (e) This article does not apply to an existing practitioner-patient relationship established before January 1, 2018, where there is an established and current opioid treatment plan which is reflected in the patient's medical records.

§16-54-8. Treatment of pain.

(a) When ~~patients seek~~ a patient seeks treatment, ~~for any of the myriad conditions that cause pain,~~ a health care practitioner shall refer or prescribe to the patient any of the following treatment alternatives, as is appropriate based on the practitioner's clinical judgment and the availability of the treatment, before starting a patient on a Schedule II opioid drug: physical therapy, occupational therapy, acupuncture, massage therapy, osteopathic manipulation, chronic pain management program, and chiropractic services, as defined in §30-16-3 of this code.

(b) Nothing in this section should be construed to require that all of the treatment alternatives set forth in §16-54-8(a) of this code are required to be exhausted prior to the patient's receiving a prescription for a Schedule II opioid drug.

(c) At a minimum, an insurance provider who offers an insurance product in this state, the Bureau for Medical Services, and the Public Employees Insurance Agency shall provide coverage for 20 visits per event of physical therapy, occupational therapy, osteopathic manipulation, a chronic pain management program, and chiropractic services, as defined in §30-16-3 of this code, when ordered or prescribed by a health care practitioner. ~~to treat conditions that cause chronic pain.~~

(d) A ~~patient~~ person may seek ~~treatment for~~ physical therapy, occupational therapy, osteopathic manipulation, a chronic pain management program, and chiropractic services, as defined in §30-16-3 of this code, prior to seeking treatment from any other health care practitioner. The licensed health care practitioner providing services pursuant to this section may prescribe within their scope of practice as defined in §16-54-1 of this code. ~~and~~ A health care practitioner referral although permitted is not required as a condition of coverage by the Bureau for Medical Services the Public Employees Insurance Agency, and any insurance provider who offers an insurance product in this state. Any deductible, coinsurance, or copay required for any of these services may not be greater than the deductible, coinsurance, or copay required for a primary care visit.

(e) Nothing in this section precludes a practitioner from simultaneously prescribing a Schedule II opioid drug and prescribing or recommending any of the procedures set forth in §16-54-8(a) of this 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. 677**), and there were—yeas 80, nays 17, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Cadle, Caputo, Diserio, Doyle, Estep-Burton, Fluharty, Hansen, Lavender-Bowe, Longstreth, McGeehan, Robinson, C. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Ellington, Rohrbach and Steele.

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. 2768) 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. 2849, Establishing different classes of pharmacy technicians.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page three, section twelve, line eleven, by striking out the words “also known as tech-check-tech’ and the comma.

And,

On page three, section twelve, line twelve, after the word “necessary’, by inserting the words “and the pharmacist makes the final verification”.

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. 678**), 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, C. Martin, Rohrbach and Steele.

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. 2849) 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. 2934, West Virginia Lottery Interactive Wagering Act.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 22E. WEST VIRGINIA LOTTERY INTERACTIVE WAGERING ACT.

§29-22E-1. Short title.

This article shall be known and may be cited as the West Virginia Lottery Interactive Wagering Act.

§29-22E-2. State authorization of interactive wagering at licensed racetrack facilities and historic resort hotel; legislative findings, and declarations.

(a) Operation of West Virginia Lottery interactive wagering. — Notwithstanding any provision of law to the contrary, the operation of interactive wagering and ancillary activities are only lawful when conducted in accordance with the provisions of this article and rules of the commission.

(b) Legislative findings. —

(1) The Legislature finds that the operation of the four racetracks and the historic resort hotel in this state play a critical role in the economy of this state, and such constitutional lotteries are rightfully authorized as state enterprises consistent with the rights and powers granted to the states under the Tenth Amendment of the United States Constitution. The federal government is a government of limited and enumerated powers, and powers not

delegated to the United States by the Constitution nor prohibited by it to the states are reserved for the states and its respective citizens.

(2) The Legislature finds that section 36, article VI of the Constitution of the State of West Virginia grants the state the exclusive right to lawfully own and operate a lottery in this state. Authorization of wagering on any constitutional lottery within West Virginia is within the state's sovereign rights as a state to act in the best interest of its citizens.

(3) The Legislature finds that it is in the best interests of the State of West Virginia for the state to operate a lottery in the form of interactive wagering and that it is the intent of the Legislature to authorize interactive wagering within the state and through compacts with other approved jurisdictions.

(4) The Legislature finds that illegal interactive wagering channels operating throughout the United States pose a critical threat to the safety and welfare of the citizens of West Virginia and that creating civil and criminal penalties to prosecute illegal operators, while transferring this black market demand into a secure and highly regulated environment, will protect the public and positively benefit state revenues and the state's economy.

(5) The Legislature finds that the most effective and efficient manner in which the state can operate and regulate the forms of lottery authorized by the provisions of this article is to limit the number of authorized operators to those who are licensed, pursuant to the provisions of §29-22A-1 *et seq.* of this code, and to facilities licensed to operate video lottery terminals, pursuant to the provisions of §29-25-1 *et seq.* of this code.

(6) The Legislature finds that the granting of licenses pursuant to the provisions of this article, while maintaining all ownership rights and exercising control through strict regulation of all West Virginia Lottery interactive wagering authorized by the provisions of this article, constitutes an appropriate exercise by the Legislature of the power granted it by the provisions of section 36, article VI of the Constitution of the State of West Virginia.

(7) The Legislature finds that the operation of West Virginia Lottery interactive wagering at racetracks, licensed pursuant to the provisions of §29-22A-1 et seq. of this code, and at a historic resort hotel, licensed pursuant to the provisions of §29-25-1 et seq. of this code, serves to protect, preserve, promote, and enhance the tourism industry of the state as well as the general fiscal wellbeing of the state and its subdivisions.

§29-22E-3. Definitions.

For the purposes of this article, the following terms have the meanings ascribed to them in this section:

(1) ‘Adjusted gross interactive wagering receipts’ means an operator’s gross interactive wagering receipts from West Virginia Lottery interactive wagering, less winnings paid to wagerers in such games.

(2) ‘Commission’ or ‘State Lottery Commission’ means the West Virginia Lottery Commission, created by §29-22-1 et seq. of this code.

(3) ‘Director’ means the Director of the West Virginia State Lottery Commission, appointed pursuant to §29-22-6 of this code.

(4) ‘Gaming’ or ‘interactive gaming’ means wagering on any authorized interactive game. Authorized interactive games are computerized or virtual versions of any game of chance or digital simulation thereof, including, but not limited to, casino themed slot simulations, table games, and other games approved by the commission.

(5) ‘Government’ means any governmental unit of a national, state, or local body exercising governmental functions, other than the United States Government.

(6) ‘Gross interactive wagering receipts’ means the total gross receipts received by a licensed gaming facility from interactive wagering.

(7) ‘Interactive gaming operator’ or ‘operator’ means a licensed gaming facility which has elected to operate authorized West Virginia Lottery interactive wagering activities or an interactive gaming system on behalf of or in cooperation with an interactive gaming licensee.

(8) ‘Interactive gaming provider’ or ‘management services provider’ means an interactive gaming licensee or an interactive gaming operator with a valid permit acting on behalf of or in partnership with an interactive gaming licensee.

(9) ‘Interactive wagering account’ means a financial record established by a licensed gaming facility for an individual patron in which the patron may deposit and withdraw funds for interactive wagering and other authorized purchases, and to which the licensed gaming facility may credit winnings or other amounts due to that patron or authorized by that patron.

(10) ‘Interactive wagering agreement’ means a written agreement between the commission and one or more other governments whereby persons who are physically located in a signatory jurisdiction may participate in interactive wagering conducted by one or more operators licensed by the signatory governments.

(11) ‘Interactive wagering fund’ means the special fund in the State Treasury, created in §29-22E-17 of this code.

(12) ‘License’ means any license, applied for or issued by the commission under this article, including, but not limited to:

(A) A license to act as agent of the commission in operating West Virginia Lottery interactive wagering at a licensed gaming facility (operator license or West Virginia Lottery interactive wagering license);

(B) A license to supply a gaming facility, licensed under this article, to operate interactive wagering with interactive wagering equipment or services necessary for the operation of interactive wagering (supplier license); or

(C) A license to be employed at a racetrack or gaming facility, licensed under this article, to operate West Virginia Lottery interactive wagering when the employee works in a designated gaming area that has interactive wagering or performs duties in furtherance of or associated with the operation of interactive wagering at the licensed gaming facility (occupational license).

(13) ‘Licensed gaming facility’ or ‘gaming facility’ means a designated area on the premises of an existing historic resort hotel, pursuant to §29-25-1 et seq. of this code, or the facility of an entity authorized to operate racetrack video lottery machines, pursuant to §29-22A-1 et seq. of this code, licensed under this article, to conduct West Virginia Lottery interactive wagering.

(14) ‘Lottery’ means the public gaming systems or games regulated, controlled, owned, and operated by the State Lottery Commission in the manner provided by general law, as provided in this article, and in §29-22-1 et seq., §29-22A-1 et seq., §29-22B-1 et seq., §29-22C-1 et seq., §29-22D-1 et seq., and §29-25-1 et seq. of this code.

(15) ‘National criminal history background check system’ means the criminal history record system maintained by the Federal Bureau of Investigation, based on fingerprint identification or any other method of positive identification.

(16) ‘Wager’ means a sum of money or thing of value risked on an uncertain occurrence.

(17) ‘West Virginia Lottery interactive wagering’ or ‘interactive wagering’ or ‘interactive gaming’ means the placing of wagers remotely and in real time on any authorized interactive game with any interactive gaming provider, using any communications technology, by means of any electronic or mobile device or other interface capable of providing a means of input and output. The term does not include:

(A) Pari-mutuel betting on the outcome of horse or dog races, authorized by §19-23-12a and §19-23-12d of this code;

(B) Lottery games of the West Virginia State Lottery, authorized by §29-22-1 et seq. of this code;

(C) Racetrack video lottery, authorized by §29-22A-1 et seq. of this code;

(D) Limited video lottery, authorized by §29-22B-1 et seq. of this code;

(E) Racetrack table games, authorized by §29-22C-1 et seq. of this code;

(F) Video lottery and table games, authorized by §29-25-1 et seq. of this code;

(G) Sports wagering, authorized by §29-22D-1 et seq.; and

(H) Daily Fantasy Sports (DFS).

(18) ‘West Virginia Lottery interactive wagering license’ means authorization granted under this article by the commission to a gaming facility that is already licensed under §29-22A-1 et seq. or §29-25-1 et seq. of this code, which permits the gaming facility as an agent of the commission to operate West Virginia Lottery interactive wagering on the grounds where video lottery is conducted by the licensee or through any other authorized interactive platform developed by the gaming facility. This term is synonymous with ‘operator’s license.’

§29-22E-4. Commission duties and powers.

(a) In addition to the duties set forth elsewhere in this article, and in §29-22-1 et seq., §29-22A-1 et seq., §29-22B-1 et seq., §29-22C-1 et seq., §29-22D-1 et seq., and §29-25-1 et seq. of this code, the commission shall have the authority to regulate interactive wagering and the conduct of interactive gaming.

(b) The commission shall examine the regulations implemented in other states where interactive wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework through promulgation of rules.

(c) The commission has the authority, pursuant to §29A-1-1 et seq. and §29A-3-1 et seq. of this code, to promulgate or otherwise enact any legislative, interpretive, and procedural rules the commission considers necessary for the successful implementation, administration, and enforcement of this article. Rules proposed by the commission before July 1, 2020, may be promulgated as emergency rules pursuant to §29A-3-15 of this code.

(1) Rules promulgated by the commission may include, but are not limited to, those governing the acceptance of wagers on interactive games; maximum wagers which may be accepted by an operator from any one patron on any one interactive game; method of accounting to be used by operators; types of records which shall be kept; use of credit and checks by patrons; type of system for wagering; protections for patrons placing wagers; and promotion of social responsibility, responsible gaming, and inclusion of the statement, ‘If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER’, in every designated area approved for interactive wagering and on any mobile application or other digital platform used to place wagers.

(2) The commission shall establish minimum internal control standards (MICS) and approve minimum internal control standards proposed by licensed operators for administration of interactive wagering operations, interactive wagering equipment and systems, or other items used to conduct interactive wagering, as well as maintenance of financial records and other required records.

(d) The commission shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses, and shall maintain a record of all licenses issued under this article. The commission may accept applications, evaluate qualifications of applicants, and undertake initial review of licenses prior to promulgation of emergency rules upon the effective date of this article.

(e) The commission shall levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross interactive

wagering receipts imposed by this article, and deposit all moneys into the interactive wagering fund, except as otherwise provided under this article.

(f) The commission may sue to enforce any provision of this article or any rule of the commission by civil action or petition for injunctive relief.

(g) The commission may hold hearings, administer oaths, and issue subpoenas or subpoenas duces tecum: *Provided*, That all hearings shall be conducted pursuant to the provisions of the State Administrative Procedures Act, §29A-2-1 *et seq.* of this code and the Lottery Administrative Appeal Procedures, W.Va. CSR §179-2-1 *et seq.*

(h) The commission may exercise any other powers necessary to effectuate the provisions of this article and the rules of the commission.

§29-22E-5. Licenses required.

(a) No person may engage in any activity in connection with West Virginia Lottery interactive wagering in this state unless all necessary licenses have been obtained in accordance with this article and rules of the commission.

(b) The commission may not grant a license until it determines that each person who has control of the applicant meets all qualifications for licensure. 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 who has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation; this does not include any bank or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business;

(2) Each person associated with a noncorporate applicant who directly or indirectly holds a beneficial or proprietary interest in the

applicant's business operation, or who the commission otherwise determines has the ability to control the applicant; and

(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) License application requirements. — All applicants for any license issued under this article shall submit an application to the commission in the form the commission requires and submit 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 additional background checks on licensees when they apply for annual license renewal, and any applicant convicted of any disqualifying offense shall not be licensed.

(d) Each interactive wagering licensee, licensed supplier, or a licensed management services provider shall display the license conspicuously in its place of business or have the license available for inspection by any agent of the commission or any law-enforcement agency.

(e) Each holder of an occupational license shall carry the license and have some indicia of licensure prominently displayed on his or her person when present in a licensed gaming facility at all times, in accordance with the rules of the commission.

(f) Each person licensed under this article shall give the commission written notice within 30 days of any change to any information provided in the licensee's application for a license or renewal.

(g) No commission employee may be an applicant for any license issued under this article nor may any employee of any such

licensee directly or indirectly hold an ownership or a financial interest in any West Virginia Lottery interactive wagering license.

§29-22E-6. Operator license; West Virginia interactive wagering operators.

(a) In addition to the casino games permitted pursuant to the provisions of §29-22A-1 et seq., §29-22C-1 et seq., and §29-25-1 et seq. of this code, a licensed gaming facility may operate West Virginia Lottery interactive wagering upon the approval of the commission, and the commission shall have the general responsibility for the implementation of this article and all other duties specified in §29-22-1 et seq., §29-22A-1 et seq., §29-22C-1 et seq., §29-22D-1 et seq., and §29-25-1 et seq. of this code, the provisions of this article, and applicable rules.

(b) All interactive wagering authorized by this article shall be West Virginia Lottery games owned by the State of West Virginia. An operator license granted by the commission pursuant to this article grants licensees lawful authority to conduct West Virginia Lottery interactive wagering within the terms and conditions of the license and any rules promulgated under this article.

(c) Interactive wagering licenses. — The commission may issue up to five licenses to operate West Virginia Lottery interactive wagering in accordance with the provisions of this article. No more than five licenses to operate a gaming facility with West Virginia Lottery interactive wagering shall be permitted in this state.

(d) Grant of license. — Upon application by a gaming facility and payment of a \$250,000 application fee, the commission shall immediately grant a West Virginia Lottery interactive wagering license to an operator that provides for the right to conduct West Virginia Lottery interactive wagering: *Provided*, That the applicant must hold a valid racetrack video lottery license issued by the commission, pursuant to §29-22A-1 et seq. of this code, or a valid license to operate a gaming facility, issued by the commission pursuant to §29-25-1 et seq. of this code, and otherwise meet the requirements for licensure under the provisions of this article and

the rules of the commission. This license shall be issued for a five-year period, and may be renewed for five-year periods upon payment of a \$100,000 renewal fee, as long as an operator continues to meet all qualification requirements.

(e) Location. — A West Virginia Lottery interactive wagering license authorizes the operation of West Virginia Lottery interactive wagering at approved locations and through any mobile application or other digital platforms approved by the commission.

(f) Management service contracts. —

(1) Approval. — A West Virginia Lottery interactive wagering licensee may not enter into any management services contract that would permit any person other than the licensee to act as the commission's agent in operating West Virginia Lottery interactive wagering unless the management service contract: (A) Is with a person licensed under this article to provide management services; (B) is in writing; and (C) has been approved by the commission.

(2) Material change. — The West Virginia Lottery interactive wagering licensee shall submit any material change in a management services contract, previously approved by the commission, to the commission for its approval or rejection before the material change may take effect.

(3) Other commission approvals and licenses. — The duties and responsibilities of a management services provider under a management services contract may not be assigned, delegated, subcontracted, or transferred to a third party without the prior approval of the commission. Third parties must be licensed as a management services provider under this article before providing services.

(g) Expiration date and renewal. —

(1) A licensed operator shall submit to the commission such documentation or information as the commission may require demonstrating to the satisfaction of the director that the licensee continues to meet the requirements of the law and rules. Required documentation or information shall be submitted no later than five

years after issuance of an operator license and every five years thereafter, or within lesser periods based on circumstances specified by the commission.

(2) If the licensee fails to apply to renew its license issued pursuant to §29-22A-1 et seq. or §29-25-1 et seq. of this code prior to expiration, the commission shall renew its license under this article at the time the expired license is renewed as long as the licensee was operating in compliance with applicable requirements in the preceding license year.

(h) Surety bond. — A West Virginia Lottery interactive wagering licensee shall execute a surety bond in an amount and in the form approved by the commission, to be given to the state, to guarantee the licensee faithfully makes all payments in accordance with the provisions of this article and rules promulgated by the commission.

(i) Audits. — Upon application for a license and annually thereafter, a West Virginia Lottery interactive wagering licensee shall submit to the commission an annual audit of the financial transactions and condition of the licensee's total operations prepared by a certified public accountant in accordance with generally accepted accounting principles and applicable federal and state laws.

(j) Commission office space. — A West Virginia Lottery interactive wagering licensee shall provide suitable office space at the interactive wagering facility, at no cost, for the commission to perform the duties required of it by this article and the rules of the commission.

(k) Facility qualifications. — A West Virginia Lottery interactive wagering licensee shall demonstrate that its gaming facility with West Virginia Lottery interactive wagering will: (1) Be accessible to disabled individuals, in accordance with applicable federal and state laws; (2) be licensed in accordance with this article, and all other applicable federal, state, and local laws; and (3) meet any other qualifications specified in rules adopted by the commission. Notwithstanding any provision of this

code or any rules promulgated by the Alcohol Beverage Control Commissioner to the contrary, vacation of the premises after service of beverages ceases is not required for any licensed gaming facility.

§29-22E-7. Management services providers; license requirements.

(a) License. — The holder of a license to operate West Virginia Lottery interactive wagering may contract with an entity to conduct that operation in accordance with the rules of the commission. That entity shall obtain a license as a management services provider prior to the execution of any such contract, and such license shall be issued pursuant to the provisions of this article and any rules promulgated by the commission.

(b) License qualifications and fee. — Each applicant for a management services provider license shall meet all requirements for licensure and pay a nonrefundable license and application fee of \$100,000. The commission may adopt rules establishing additional requirements for an authorized management services provider. The commission may accept licensing by another jurisdiction, that it specifically determines to have similar licensing requirements, as evidence the applicant meets authorized management services provider licensing requirements.

(c) Renewal. — Management services provider licenses shall be renewed annually to any licensee who continues to be in compliance with all requirements and who pays the annual renewal fee of \$100,000.

(d) Any entity or individual who shares in revenue, including any affiliate operating under a revenue share agreement, shall be licensed under this section.

§29-22E-8. Suppliers; license requirements.

(a) Supplier license. —

(1) The commission may issue a supplier license to a person to sell or lease interactive wagering equipment, systems, or other

gaming items necessary to conduct interactive wagering, and offer services related to such equipment or other gaming items to a West Virginia Lottery interactive wagering licensee while the license is active. The commission may establish the conditions under which the commission may issue provisional licenses, pending completion of final action on an application.

(2) The commission may adopt rules establishing additional requirements for a West Virginia Lottery interactive wagering supplier and any system or other equipment utilized for wagering. The commission may accept licensing by another jurisdiction, that it specifically determines to have similar licensing requirements, as evidence the applicant meets West Virginia Lottery interactive wagering supplier licensing requirements.

(b) *Supplier specifications.* — An applicant for a supplier license shall demonstrate that the equipment, system, or services that the applicant plans to offer to the interactive wagering licensee conform to standards established by the commission and applicable state law. The commission may accept approval by another jurisdiction, that it specifically determines have similar equipment standards, as evidence the applicant meets the standards established by the commission and applicable state law.

(c) *License application and renewal fees.* — Applicants shall pay to the commission a nonrefundable license and application fee in the amount of \$10,000. After the initial one-year term, the commission shall renew supplier licenses annually thereafter. Renewal of a supplier license will be granted to any renewal applicant who has continued to comply with all applicable statutory and regulatory requirements, upon submission of the commission issued renewal form and payment of a \$10,000 renewal fee.

(d) *Inventory.* — A licensed interactive wagering supplier shall submit to the commission a list of all interactive wagering equipment and services sold, delivered to, or offered to a West Virginia Lottery interactive wagering licensee in this state, as required by the commission, all of which must be tested and approved by an independent testing laboratory approved by the commission. An interactive wagering licensee may continue to use

supplies acquired from a licensed interactive wagering supplier, even if a supplier's license expires or is otherwise cancelled, unless the commission finds a defect in the supplies.

§29-22E-9. Occupational licenses.

(a) All persons employed to be engaged directly in interactive wagering-related activities, or otherwise conducting or operating interactive wagering, shall be licensed by the commission and maintain a valid occupational license at all times and the commission shall issue such license to be employed in the operation of interactive wagering to a person who meets the requirements of this section.

(b) An occupational license to be employed by a gaming facility with West Virginia Lottery interactive wagering permits the licensee to be employed in the capacity designated by the commission while the license is still active. The commission may establish, by rule, job classifications with different requirements to recognize the extent to which a particular job has the ability to impact the proper operation of West Virginia Lottery interactive wagering.

(c) *Application and fee.* — Applicants shall submit any required application forms established by the commission and pay a nonrefundable application fee of \$100. The fee may be paid on behalf of an applicant by the employer.

(d) *Renewal fee and form.* — Each licensed employee shall pay to the commission an annual license fee of \$100 by June 30 of each year. The fee may be paid on behalf of the licensed employee by the employer. In addition to a renewal fee, each licensed employee shall annually submit a renewal application on the form required by the commission.

§29-22E-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 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; 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) In the case of an applicant for an interactive 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.

§29-22E-11. Interactive wagering house rules; posting of rules.

(a) Each operator shall adopt comprehensive house rules for game play governing interactive wagering transactions with its patrons. These comprehensive rules will be published as part of the minimum internal control standards. The rules shall specify the amounts to be paid on winning wagers and the effect of schedule changes. House rules shall be approved by the commission prior to implementation.

(b) The house rules, together with any other information the commission deems appropriate, shall be conspicuously displayed and included in the terms and conditions of the interactive wagering system. Copies shall be made readily available to patrons.

(c) The commission shall license and require the display of West Virginia Lottery game logos on interactive wagering platforms and any locations the commission considers appropriate.

§29-22E-12. Operator duties; interactive wagering operations at a licensed gaming facility.

(a) General. — All operators licensed under this article to conduct West Virginia Lottery interactive wagering shall:

(1) Employ an interactive gaming system and interactive gaming platform which manages, conducts, and records interactive games and the wagers associated with interactive games, as well as any interactive gaming platforms authorized by the commission. System requirements and specifications shall be developed according to industry standards and implemented by the commission as part of the minimum internal control standards;

(2) Promptly report to the commission any facts or circumstances related to the operation of a West Virginia Lottery interactive wagering licensee which constitute a violation of state or federal law and immediately report any suspicious betting over

a threshold set by the operator that has been approved by the commission to the appropriate state or federal authorities;

(3) Conduct all interactive wagering activities and functions in a manner which does not pose a threat to the public health, safety, or welfare of the citizens of this state and does not adversely affect the security or integrity of the West Virginia Lottery;

(4) Hold the commission and this state harmless from and defend and pay for the defense of any and all claims which may be asserted against a licensee, the commission, the state, or employees thereof, arising from the licensee's actions or omission while acting as an agent of the commission operating West Virginia Lottery interactive wagering pursuant to this article;

(5) Assist the commission in maximizing interactive wagering revenues; and

(6) Keep current in all payments and obligations to the commission.

(b) Duties. — All West Virginia Lottery interactive wagering licensees shall:

(1) Acquire West Virginia Lottery interactive wagering equipment by purchase, lease, or other assignment and provide a secure location for the placement, operation, and play of interactive wagering gaming equipment;

(2) Prevent any person from tampering with or interfering with the operation of any West Virginia Lottery interactive wagering;

(3) Ensure that West Virginia Lottery interactive wagering conducted at a gaming facility is within the sight and control of designated employees of the licensee and such wagering at the facility or otherwise available by the licensee is conducted under continuous observation by security equipment in conformity with specifications and requirements of the commission;

(4) Ensure that West Virginia Lottery interactive wagering occurs only in the specific locations within designated gaming

areas approved by the commission or using a commission approved mobile application or other digital platform that utilizes communications technology to accept wagers originating within this state, or on an interactive wagering device. West Virginia Lottery interactive wagering shall only be relocated or offered in additional authorized manners in accordance with the rules of the commission;

(5) Maintain sufficient cash and other supplies to conduct interactive wagering at all times; and

(6) Maintain daily records showing the gross interactive wagering receipts and adjusted gross interactive wagering receipts of the licensee from West Virginia Lottery interactive wagering and shall timely file with the commission any additional reports required by rule or by other provisions of this code.

§29-22E-13. Posting of betting limits.

An interactive wagering licensee shall conspicuously post a sign at each West Virginia Lottery interactive wagering location and on all interactive gaming platforms indicating the minimum and maximum wagers permitted at that location and shall comply with the same.

§29-22E-14. Interactive wagering agreements with other governments.

(a) On behalf of the State of West Virginia, the commission is authorized to:

(1) Enter into interactive wagering agreements with other governments whereby persons who are physically located in a signatory jurisdiction may participate in interactive wagering conducted by one or more operators licensed by the signatory governments; and

(2) Take all necessary actions to ensure that any interactive wagering agreement entered into, pursuant to this section, becomes effective.

(b) The rules adopted by the commission pursuant to this section may include provisions prescribing:

(1) The form, length, and terms of an agreement entered into by the commission and another government, including, but not limited to, provisions relating to how: Taxes are to be treated by this state and another government; revenues are to be shared and distributed; and disputes with patrons are to be resolved;

(2) The information to be furnished to the commission by a government that proposes to enter into an agreement with this state pursuant to this section;

(3) The information to be furnished to the commission to enable the commission and director to carry out the purposes of this section;

(4) The manner and procedure for hearings conducted by the commission pursuant to this section, including any special rules or notices; and

(5) The information required to be furnished to the commission to support any recommendations made to the commission, pursuant to this section.

(c) The commission may not enter into any interactive wagering agreement, pursuant to this section, unless the agreement includes provisions that:

(1) Account for the sharing of revenues by this state and another government;

(2) Permit the effective regulation of interactive wagering by this state, including provisions relating to licensing of persons, technical standards, resolution of disputes by patrons, requirements for bankrolls, enforcement, accounting, and maintenance of records;

(3) Require each government that is a signatory to the agreement to prohibit operators of interactive wagering, management or other service providers, or suppliers,

manufacturers or distributors of interactive wagering systems from engaging in any activity permitted by the interactive wagering agreement unless they are licensed in this state or in a signatory jurisdiction with similar requirements approved by the commission;

(4) No variation from the requirements of the interactive wagering agreement is permitted for any signatory government without a lack of opposition by this state and all signatory governments;

(5) Prohibit any subordinate or side agreements among any subset of governments that are signatories to the agreement unless it relates exclusively to the sharing of revenues; and

(6) Require the government to establish and maintain regulatory requirements governing interactive wagering that are consistent with the requirements of this state in all material respects if the interactive wagering agreement allows persons physically located in this state to participate in interactive wagering conducted by another government or an operator licensed by another government.

§29-22E-15. Authorization of interactive wagering in this state; requirements.

(a) An operator shall accept wagers on interactive games authorized under this article from persons physically present in a licensed gaming facility where authorized interactive wagering occurs. A person placing a wager shall be at least 21 years of age.

(b) An operator may accept wagers from an individual physically located within this state using a mobile or other digital platform or an interactive wagering device, approved by the commission, through the patron's interactive wagering account. A person placing a wager shall be at least 21 years of age.

(c) An operator may accept wagers from an individual physically located in a state or jurisdiction with which the commission has entered into an interactive wagering agreement using a mobile or other digital platform or an interactive wagering

device through the patron's interactive wagering account, so long as the device or platform is approved by the commission and all other requirements of the agreement are satisfied.

(d) The commission or operator may ban any person from entering a gaming area of a gaming facility conducting interactive wagering or the grounds of a gaming facility licensed under this article or from participating in the play or operation of any West Virginia Lottery interactive wagering. A log of all excluded players shall be kept by the commission and each licensee, and no player on the commission's exclusion list or the licensed operator's exclusion list shall wager on any West Virginia Lottery interactive wagering under this article.

(e) The commission shall promulgate rules implementing the provisions of §29-22E-15(a) and §29-22E-15(b) of this code by interpretive rule and minimum internal control standards.

(f) The commission shall conduct all interactive wagering pursuant to the provisions of this article, and such gaming activities shall be deemed to occur at the licensed gaming facilities authorized to conduct interactive wagering.

(g) No licensed gaming facility employee may place a wager on any interactive wagering at the employer's facility or through any other mobile application or digital platform of their employer.

(h) No commission employee may knowingly wager or be paid any prize from any wager placed at any licensed gaming facility with West Virginia Lottery interactive wagering within this state or at any facility outside this jurisdiction that is directly or indirectly owned or operated by a West Virginia interactive wagering licensee.

§29-22E-16. Interactive wagering revenues; accounting for the state's share of revenue imposed for the privilege of offering West Virginia Lottery interactive wagering; limitation of other taxes; recoupment for improvements.

(a) *Imposition and rate of assessment.* — For the privilege of holding a license to operate interactive wagering under this article,

the state shall impose and collect 15 percent of the licensee's adjusted gross interactive wagering receipts from the operation of West Virginia Lottery interactive wagering (hereinafter 'privilege tax' or 'tax'). The accrual method of accounting shall be used for purposes of calculating the amount of the tax owed by the licensee.

(b) Operator revenue reports and payment of privilege tax. —

(1) The tax levied and collected pursuant to §29-22E-16(a) of this code is due and payable to the commission in weekly installments on or before the Wednesday following the calendar week in which the adjusted gross interactive wagering receipts were received and the tax obligation was accrued.

(2) The licensed operator shall complete and submit the return for the preceding week by electronic communication to the commission, on or before Wednesday of each week, in the form prescribed by the commission that provides:

(A) The total gross interactive wagering receipts and adjusted gross interactive wagering receipts from operation of West Virginia Lottery interactive wagering during that week;

(B) The tax amount for which the interactive wagering licensee is liable; and

(C) Any additional information necessary in the computation and collection of the tax on adjusted gross interactive wagering receipts required by the commission.

(3) The tax amount shown to be due shall be remitted by electronic funds transfer simultaneously with the filing of the return. All moneys received by the commission pursuant to this section shall be deposited in the interactive wagering fund in accordance with the provisions of this article.

(c) Privilege tax obligation imposed by this section is in lieu of other taxes. — With the exception of the ad valorem property tax collected under chapter 11A of this code, the privilege tax on adjusted gross interactive wagering receipts imposed by this section is in lieu of all other state and local taxes and fees imposed

on the operation of, or the proceeds from operation of, West Virginia Lottery interactive wagering, except as otherwise provided in this section. The consumers sales and services tax imposed pursuant to §11-15-1 et seq. of this code, the use tax imposed by §11-15A-1 et seq. of this code and any similar local tax imposed at the municipal or county level, shall not apply to the licensee's gross receipts from any West Virginia Lottery interactive wagering or to the licensee's purchase of interactive wagering equipment, supplies, or services directly used in operation of the interactive wagering authorized by this article.

(d) Acquisition of any system or wagering equipment and other items related to the operation of West Virginia interactive wagering shall be considered 'facility modernization improvements' eligible for recoupment as defined in §29-22A-10(b)(2) and §29-25-22(c) of this code.

(e) Prohibition on credits. — Notwithstanding any other provision of this code to the contrary, no credit may be allowed against the privilege tax obligation imposed by this section or against any other tax imposed by any other provision of this code for any investment in gaming equipment or for any investment in or improvement to real property that is used in the operation of West Virginia Lottery interactive wagering.

§29-22E-17. West Virginia Lottery Interactive Wagering Fund; distribution of funds.

(a) The special fund in the State Treasury known as the West Virginia Lottery Interactive Wagering Fund is hereby created and all moneys collected under this article by the commission shall be deposited with the State Treasurer to the West Virginia Lottery Interactive Wagering Fund. The fund shall be an interest-bearing account with all interest or other return earned on the money of the fund credited to and deposited in the fund. All expenses of the commission incurred in the administration and enforcement of this article shall be paid from the interactive wagering fund pursuant to §29-22E-17(b) of this code.

(b) The commission shall deduct an amount sufficient to reimburse its actual costs and expenses incurred in administering interactive wagering at licensed gaming facilities from the gross deposits into the interactive wagering fund. The amount remaining after the deduction for administrative expenses is the net profit.

(1) *Administrative allowance.* — The commission shall retain up to 15 percent of gross deposits for the fund operation and its administrative expenses: *Provided*, That in the event that the percentage allotted for operations and administration generates a surplus, the surplus shall be allowed to accumulate but may not exceed \$250,000. On a monthly basis, the director shall report any surplus in excess of \$250,000 to the Joint Committee on Government and Finance and remit the entire amount of those surplus funds in excess of \$250,000 to the State Treasurer which shall be allocated as net profit.

(2) *Distribution to pension plan for racing association employees.* — In each fiscal year, the Lottery Commission shall deposit one-quarter of a percent of the net profit into each of the four special funds established by the Racing Commission, pursuant to §29-22A-10 and §29-22C-27 of this code, to be used for payment into the pension plan for the employees of the licensed racing associations in this state.

(3) *Distribution of net profit.* — In each fiscal year, remaining net profit shall be deposited into the State Lottery Fund created by §29-22-18 of this code unless otherwise required by this code.

§29-22E-18. Law enforcement.

Notwithstanding any provision of this code to the contrary, the commission shall, by contract or cooperative agreement with the West Virginia State Police, arrange for those law-enforcement services uniquely related to interactive wagering, as such occurs at facilities of the type authorized by this article, that are necessary to enforce the provisions of this article that are not subject to federal jurisdiction: *Provided*, That the State Police shall only have exclusive jurisdiction over offenses committed on the grounds of a

licensed gaming facility that are offenses relating to interactive wagering.

§29-22E-19. Civil penalties.

(a) The commission may impose, on any person who violates the provisions of this article, a civil penalty not to exceed \$50,000 for each violation. Such penalty shall be imposed on all individuals and is not limited to individuals licensed under this article.

(b) The provisions of §29A-5-1 et seq. of this code apply to any civil penalty imposed pursuant to the provisions of this section.

§29-22E-20. Crimes and penalties related to unauthorized interactive wagering operations.

(a) Any person, other than a licensee under this article, who engages in accepting, facilitating, or operating an interactive wagering operation is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000 or confined in jail for not more than 90 days, or both fined and confined.

(b) Notwithstanding the penalty provisions of §29-22E-20(a) of this code, any person convicted of a second violation of §29-22E-20(a) of this code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$50,000, or confined in jail for not more than six months, or both fined and confined.

(c) Notwithstanding the penalty provisions of §29-22E-20(a) or §29-22E-20(b) of this code, any person convicted of a third or subsequent violation of §29-22E-20(a) of this code is guilty of a felony, and upon conviction thereof, shall be fined not less than \$25,000 nor more than \$100,000 or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and confined.

§29-22E-21. Crimes and penalties related to authorized interactive wagering operation.

(a) An interactive wagering licensee is guilty of unlawful operation and is guilty of a misdemeanor when:

(1) The licensee operates West Virginia Lottery interactive wagering without authority of the commission to do so;

(2) The licensee operates West Virginia Lottery interactive wagering in any location or by any manner that is not approved by the commission;

(3) The licensee knowingly conducts, carries on, operates, or allows any interactive wagering to occur on premises or through any other device if equipment or material has been tampered with, or exposed to conditions in which it will be operated in a manner designed to deceive the public;

(4) The licensee employs an individual who does not hold a valid occupational license in a position for which a license is required or otherwise allows an individual to perform duties for which such license is required or continues to employ an individual after the employee's occupational license is no longer valid;

(5) The licensee acts or employs another person to act as if he or she is not an agent or employee of the licensee in order to encourage participation in West Virginia Lottery interactive wagering;

(6) The licensee knowingly permits an individual under the age of 21 to enter or remain in a designated gaming area or to engage in interactive wagering; or

(7) The licensee exchanges tokens, chips, electronic media, or other forms of credit used for wagering for anything of value except money or credits applied to an interactive wagering account at a gaming facility or through a digital or electronic platform authorized under this article.

(b) A person is guilty of a felony when:

(1) A person changes or alters the normal outcome of any game played on a mobile or other digital platform, including any

interactive gaming system used to monitor the same or the way in which the outcome is reported to any participant in the game;

(2) The person manufactures, sells, or distributes any device that is intended by that person to be used to violate any provision of this article or the interactive wagering laws of any other state;

(3) The person claims, collects, or takes anything of value from a gaming facility offering West Virginia Lottery interactive wagering with intent to defraud or attempts such action without having made a wager in which such amount or value is legitimately won or owed;

(4) The person knowingly places a wager using counterfeit currency or other counterfeit form of credit for wagering at a gaming facility or through a digital or electronic platform offering West Virginia Lottery interactive wagering; or

(5) The person, not a licensed gaming facility under this article or an employee or agent of a gaming facility licensed under this article acting in furtherance of the licensee's interest, has in his or her possession on grounds owned by the gaming facility licensed under this article or on grounds contiguous to the licensed gaming facility, any device intended to be used to violate a provision of this article or any rule of the commission.

(c) Any person who violates any provision of §29-22E-21(a) of this code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for not more than six months, or both fined and confined, except any violation that is not committed by a natural person may result in a fine of not more than \$25,000.

(d) Any person who violates any provision of §29-22E-21(b) of this code is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000, or confined in a state correctional facility for not less than one year nor more than five years, or both fined and confined.

(e) With regard to §29-22E-21(b) of this code, each West Virginia interactive wagering licensee shall post notice of the

prohibitions and penalties of this section in a manner determined by the rules of the commission.

§29-22E-22. Preemption.

No local law or rule providing any penalty, disability, restriction, regulation, or prohibition for operating a gaming facility with West Virginia Lottery interactive wagering or supplying a licensed gaming facility may be enacted, and the provisions of this article preempt all regulations, rules, ordinances, and laws of any county or municipality in conflict with this article.

§29-22E-23. Exemption from federal law.

Pursuant to Section 2 of Chapter 1194, 64 Stat. 1134, 15 U.S.C. § 1172, approved January 2, 1951, the State of West Virginia, acting by and through duly elected and qualified members of the Legislature, does declare and proclaim that the state is exempt from Chapter 1194, 64 Stat. 1134, 15 U.S.C. § 1171 to § 1178.

§29-22E-24. Shipment of gambling devices.

All shipments of gambling devices including any interactive wagering devices or related materials to licensed gaming facilities in this state are legal shipments of gambling devices into the State of West Virginia, as long as the registering, recording, and labeling of which have been completed by the supplier thereof in accordance with Chapter 1194, 64 Stat. 1134, 15 U.S.C. § 1171 to § 1178.”

And,

By amending the title of the bill to read as follows:

H. B. 2934 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22E-1, §29-22E-2, §29-22E-3, §29-22E-4, §29-22E-5, §29-22E-6, §29-22E-7, §29-22E-8, §29-22E-9, §29-22E-10, §29-22E-11, §29-22E-12, §29-22E-13, §29-22E-14, §29-22E-15, §29-22E-16, §29-22E-17, §29-22E-18, §29-22E-19, §29-22E-20, §29-22E-21, §29-22E-22, §29-22E-23, and §29-22E-24, all relating to permitting

interactive wagering authorized as West Virginia Lottery interactive wagering activities; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; requiring commission to levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross interactive wagering receipts and deposit them into the West Virginia Lottery Interactive Wagering Fund; limiting licensees who may offer interactive wagering to existing racetrack casinos and the casino in a historic resort hotel; providing for four types of licenses to be issued related to interactive wagering; establishing license requirements and prohibitions; authorizing licensing fees; requiring adoption and posting of house rules; defining duties of an operator conducting interactive wagering; requiring the posting of betting limits; authorizing interactive wagering agreements with other governments; providing powers and duties of commission and operators; limiting certain activities of employees; authorizing the West Virginia Lottery to levy and collect a privilege tax in the amount of 15 percent of adjusted gross interactive wagering receipts; requiring reports and submission of taxes; clarifying that tax is in lieu of certain other taxes; providing that certain expenditures related to interactive wagering are facility modernization improvements eligible for recoupment; providing that credits are not allowed against the privilege tax; creating the West Virginia Lottery Interactive Wagering Fund; authorizing the West Virginia Lottery to collect an administrative allowance from gross interactive wagering receipts; providing for distribution of moneys deposited in the West Virginia Lottery Interactive Wagering Fund; authorizing certain agreements between the West Virginia Lottery and law enforcement; imposing civil penalties for certain violations, and exceptions thereto; prohibiting unauthorized interactive wagering in this state; establishing crimes related to unauthorized interactive wagering and imposing criminal penalties; establishing crimes related to authorized interactive wagering and imposing criminal penalties; preempting provisions from state and local law; and establishing certain exemptions from federal law.”

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. 679**), and there were—yeas 78, nays 18, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Boggs, Butler, Cowles, Fast, Hollen, D. Jeffries, J. Kelly, Kessinger, Kump, Linville, P. Martin, Pack, Paynter, Rowan, Summers, Toney, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Ellington, C. Martin, Rohrbach and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2934) 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. 2982, Amending and updating the laws relating to auctioneers.

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 2C. AUCTIONEERS.

§19-2C-1. Definitions.

For the purposes of this article:

(a) ‘Absolute auction’ means the sale of real or personal property at auction whereby every item offered from the block is

sold to the highest bidder without reserve and without the requirements of a minimum bid or other conditions which limit the sale other than to the highest bidder.

(b) 'Auctioneer' means a person who sells goods or real estate at public auction for another on commission or for other compensation. The term 'auctioneer' does not include:

~~(1) Persons conducting sales at auctions conducted by or under the direction of any public authority or pursuant to any judicial order or direction or to any sale required by law to be at auction;~~

~~(2) The owner of any real or personal property when personally sold at auction by the owner and the owner has not personally conducted an auction within the previous twelve month period;~~

~~(3) Persons conducting sales pursuant to a deed of trust;~~

~~(4) Fiduciaries of estates when selling real or personal property of the estate;~~

~~(5) Persons conducting sales on behalf of charitable, religious, fraternal or other nonprofit organizations; and~~

~~(6) Persons properly licensed pursuant to the provisions of article forty, chapter thirty of this code when conducting an auction, any portion of which contains any leasehold or any estate in land whether corporeal or incorporeal, freehold or nonfreehold, when the person is retained to conduct an auction by a receiver or trustee in bankruptcy, a fiduciary acting under the authority of a deed of trust or will, or a fiduciary of a decedent's estate: *Provided*, That nothing contained in this article exempts persons conducting sales at public markets from the provisions of article two a of this chapter, where the sale is confined solely to livestock, poultry and other agriculture and horticulture products~~

(b) (c) 'Commissioner' means the Commissioner of Agriculture of West Virginia.

(e) (d) 'Department' means the West Virginia Department of Agriculture.

~~(d)~~ (e) 'Escrow account' means a separate custodial or trust fund account maintained by the auctioneer.

(f) 'Estate auction' means the sale at auction of property of a specified deceased person or the property of a specified living person's estate. Estate auctions may contain property other than that of the specified living or deceased person. However, the inclusion of additional property must be included in all advertising and auction announcements.

(g) 'In this state' means that an auction satisfies one of the following criteria:

(1) The auctioneer performed the auction within the borders of the State of West Virginia;

(2) The auctioneer is selling items for a person located in the State of West Virginia;

(3) The auctioneer is auctioning real or personal property located in the State of West Virginia;

(4) The auctioneer delivers purchased property to a location in the State of West Virginia; or

(5) The auctioneer is otherwise subject to the laws, including taxation authority, of the State of West Virginia.

~~(e)~~ (h) 'Public auction' or 'auction' means any public sale of real or personal property in any manner, whether in-person, via written offers or bids, or online, when offers or bids are made by prospective purchasers and the property sold to the highest bidder.

§19-2C-2. License required; exceptions.

(a) After June 30, 1974, no Except as provided in subsection (b) of this section, no person shall conduct an auction as an auctioneer in this state unless he or she shall have first obtained from the commissioner a license therefor.

(b) The provisions of this section do not apply to:

(1) Persons conducting sales at auctions conducted by or under the direction of any public authority or pursuant to any judicial order or direction or to any sale required by law to be at auction;

(2) The owner of any real or personal property when personally sold at auction by the owner and the owner has not personally conducted an auction within the previous 12-month period;

(3) Persons conducting sales pursuant to a deed of trust;

(4) Fiduciaries of estates when selling real or personal property of the estate;

(5) Persons conducting sales without compensation on behalf of charitable, religious, fraternal, or other nonprofit organizations: *Provided*, That the commissioner shall promulgate rules to limit the number of charitable auctions an exempt person may perform in a 12-month period;

(6) Persons properly licensed pursuant to the provisions in §30-40-1 *et seq.* of this code when conducting an auction, any portion of which contains any leasehold or any estate in land whether corporeal or incorporeal, freehold or nonfreehold, when the person is retained to conduct an auction by a receiver or trustee in bankruptcy, a fiduciary acting under the authority of a deed of trust or will, or a fiduciary of a decedent's estate: *Provided*, That nothing contained in this article exempts persons conducting sales at public markets from the provisions of §19-2A-1 *et seq.* of this code, where the sale is confined solely to livestock, poultry, and other agriculture and horticulture products; and

(7) Persons listing items online for sale via a platform that establishes a fixed time for the conclusion of the sale without extension: *Provided*, That the commissioner may further define this exemption in legislative rules.

§19-2C-3. Procedure for license; Department of Agriculture as statutory agent for licensees.

(a) An applicant for an auctioneer license shall:

(1) Apply on forms prescribed by the commissioner;

(2) Pay a nonreturnable application fee and a license fee; and, upon successful completion of the application process, a license fee; and

(3) File a bond as required by this article.

(b) The commissioner shall, within 30 days after the receipt of an application, notify the applicant of his or her eligibility to be examined at the next regularly scheduled examination, as well as the date of the examination.

(c) If the license is denied, the commissioner shall refund the license fee submitted with the application to the applicant.

(d) All licenses expire on ~~December 31~~ June 30 of each year: Provided, That an auctioneer may continue to perform auctions for up to 30 days after June 30, so long as he or she has submitted the required paperwork to renew his or her auctioneer license: Provided, however, That licenses issued in 2019 shall continue to be active through June 30, 2020. A license may be renewed upon the payment of the annual renewal fee within 60 days of the expiration date. Renewals received more than 60 days after the expiration date are subject to a late renewal fee in addition to the annual renewal fee.

(e) A license that has been expired for more than two years cannot be renewed until the auctioneer or apprentice auctioneer takes the written and oral examination, pays the examination fee and complies with the other requirements of this article.

(f) Where an auctioneer or apprentice auctioneer requires a duplicate or replacement license or a license reflecting a change in information, the auctioneer or apprentice auctioneer shall submit the fee with the request.

(g) The State Department of Agriculture is the agent for the purpose of service of process on a licensed auctioneer for any action occasioned by the performance of the duties of the auctioneer. Every licensed auctioneer, by virtue of his or her

application for a license, shall be considered to have consented to the statutory agency.

§19-2C-5. Requirements for auctioneer license; duties of licensee.

(a) A person seeking an auctioneer license shall submit satisfactory evidence to the commissioner showing that he or she:

(1) Has successfully completed the written and oral examinations required by this article;

(2) Has a good reputation;

~~He or she~~ (3) Is of trustworthy character;

(4) Has met the apprenticeship requirements set forth in this article, if applicable;

(5) Is a citizen of the United States; and

(6) Has a general knowledge of the auctioneering profession and the principles involved in conducting an auction.

(b) A licensee shall:

(1) Promptly produce for inspection his or her license at all sales conducted by or participated in by the licensee when requested to do so by any person; and

(2) Keep complete and accurate records of all transactions engaged in for a period of three years from the date on which the sale was completed.

(c) For the purposes of this section, the term 'record' includes, but is not limited to:

(1) Copies of signed contracts, including the names of buyers and their addresses;

(2) Clerk sheets showing items sold, including buyers numbers or names, and the selling prices; and

(3) Final settlement papers.

(d) The records of the auctioneer shall be open to inspection by the commissioner or his or her authorized representative.

(e) A person who has an auctioneer license is considered to be a professional in his or her trade.

§19-2C-5a. Examinations of applicants. ~~excuse for illness~~

(a) Examinations shall be held ~~in April and October~~ of a minimum of two times each year, at a time and place to be designated by the commissioner or his or her authorized representative.

(b) An individual auctioneer applicant may take the examination for auctioneer or apprentice auctioneer at the regularly scheduled time and place.

(c) The apprentice auctioneer's examination shall consist of a written examination.

(d) The auctioneer's examination shall consist of both a written and oral examination. The passing grade for any written or oral examination shall be 70 percent out of 100 percent. The oral portion will be scored by the commissioner or his or her authorized representative.

(e) If the applicant fails either the written or oral portion of the examination, no license will be issued and he or she may not be administered the examination again until the next regularly scheduled examination date.

~~(f) A person who has an auctioneer license is considered to be a professional in his or her trade~~

~~(g)~~(f) Only one notice of the examination will be mailed or emailed to the applicant at the address given on the application. If the applicant fails to appear for an examination, except as provided in this subsection, a new application and a new fee shall be required. No fee will be returned, except when the applicant fails

to take the examination because of illness evidenced by a doctor's certificate sent to the commissioner. If excused because of illness, the applicant shall be admitted to the next scheduled examination without paying an additional fee. No applicant may be excused from taking the scheduled examination for any reason other than illness, unless in the judgment of the commissioner the applicant would suffer undue hardship by not being excused.

~~(h)~~(g) An examination fee and any other fees required by this article, shall be collected from each person taking an examination. If the applicant has previously paid the examination fee and successfully completed the apprentice auctioneer's examination, no additional examination fee will be required to take the auctioneer's examination.

~~(i)~~(h) If the commissioner determines that an applicant does not qualify for a license, he or she shall notify the applicant by certified mail. The notice shall state:

(1) The reason for the refusal to grant a license; and

(2) The applicant's right to appeal the commissioner's decision within 20 days of receipt of the notice.

~~(j)~~(i) An examination is not required for the renewal of a license, unless the license has been revoked or suspended, or has expired. If the license was revoked or suspended, then the commissioner may require a person to take and pass a written or oral examination. If a license has been expired for more than two years and was not revoked or suspended, then the applicant is required to take and pass any written and oral examinations required by the commissioner.

§19-2C-5b. Background checks required.

(a) A person applying for a license pursuant to §19-2C-5, §19-2C-6, or §19-2C-6c of this code may be required to submit to a state and national criminal history record check. The criminal history record check shall be based on fingerprints submitted to the West Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.

(b) The applicant shall meet all requirements necessary to accomplish the state and national criminal history record check, including:

(1) Submitting fingerprints for the purposes set forth in this subsection; and

(2) Authorizing the board, the West Virginia State Police, and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a license.

(c) The results of the state and national criminal history record check may not be released to or by a private entity except:

(1) To the individual who is the subject of the criminal history record check;

(2) With the written authorization of the individual who is the subject of the criminal history record check; or

(3) Pursuant to a court order.

(d) The criminal history record check and related records are not public records for the purposes of chapter 29B of this code.

(e) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.

(f) The commissioner may not disqualify an applicant for initial licensure, certification or registration because of a prior criminal conviction that has not been reversed unless that conviction is for a crime that bears a rational nexus to the occupation requiring licensure.

(g) The commissioner may not use crimes involving moral turpitude in making licensure, certification or registration determinations.

(h) If an applicant is disqualified for licensure, certification or registration because of a criminal conviction that has not been reversed, the commissioner shall afford the applicant the opportunity to reapply for licensure, certification or registration

after the expiration of five years from the date of conviction or date of release from the penalty that was imposed, whichever is later, if the individual has not been convicted of any other crime during that period of time: *Provided*, That convictions for violent or sexual offenses or offenses shall subject an individual to a longer period of disqualification, to be determined by the individual board or licensing authority.

(i) An individual with a criminal record who has not previously applied for licensure, certification or registration 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 or other authorization. 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 inform the individual of his or her standing within 60 days of receiving the petition from the applicant. The licensing authority may charge a fee to recoup its costs for each petition.

(j) Nothing in this section alters the standards and procedures the commissioner uses for evaluating licensure, certification or registration renewals.

(k) The commissioner shall propose rules or amendments to existing rules for legislative approval to comply with the provisions of this section. These rules or amendments to rules shall be proposed pursuant to the provisions of §29A-3-1 *et seq.* of this code within the applicable time limit to be considered by the Legislature during its regular session in the year 2020.

(l) The provisions of this section, enacted during the 2019 Regular Session of the Legislature, shall not apply to current licensees who maintain active licensure, but shall apply to individuals currently holding an apprentice auctioneer license who are applying for an auctioneer license, or to any current license holder whose license lapses and who is required to reapply.

§19-2C-6. Requirements for apprentice auctioneer license.

(a) A person seeking an apprentice auctioneer license shall furnish to the commissioner, on forms provided by the commissioner, satisfactory proof that he or she:

- (1) Has a good reputation;
- (2) Is a trustworthy character;
- (3) Is a citizen of the United States; and

(4) Has taken and passed a written examination relating to the skills and knowledge of the statutes and rules governing auctioneers.

(b) An apprentice auctioneer may take the examination to become an auctioneer after completing one of the following:

(1) Serving a two-year apprenticeship under a licensed auctioneer; or

(2) Attending a nationally accredited graduate school of auctioneering, approved by the commissioner, and serving an apprenticeship of six months.

(c) Before an apprentice auctioneer may take the auctioneer's examination, the apprentice auctioneer shall conduct at least six auction sales under the direct supervision of the sponsoring auctioneer. The commissioner may waive the requirements of this section, on an individual basis, upon the presentation of written evidence that the applicant has educational training or exceptional experience in the auctioneering profession and that the applicant has been unable to obtain sponsorship by a licensed auctioneer: *Provided*, That the commissioner may not waive apprenticeship requirements for an applicant without the concurrence of the board of review.

(d) When an apprentice auctioneer is discharged or terminates his or her employment with an auctioneer for any reason, the auctioneer shall immediately provide written notification to the commissioner. No discharged or terminated apprentice auctioneer may thereafter perform any acts under the authority of his or her

license until the apprentice auctioneer receives a new license bearing the name and address of his or her new employer. No more than one license may be issued to an apprentice auctioneer for the same period of time.

(e) The commissioner may not issue an apprentice auctioneer license until bond has been filed. All apprentice auctioneer licenses expire on ~~December 31~~ June 30 of each year, but are renewable upon the payment of the annual fee: *Provided, That an apprentice auctioneer may continue to perform auctions for up to 20 days after June 30, so long as he or she has submitted the required paperwork to renew his or her apprentice auctioneer license: Provided, however, That licenses issued in 2019 shall continue to be active through June 30, 2020.*

(f) A person cannot be licensed as an apprentice auctioneer for more than three years without applying for an auctioneer license. Should an apprentice auctioneer allow the three year limit to lapse, then the apprentice auctioneer shall be required to take the apprentice examination and meet all the requirements of this article.

§19-2C-6a. Investigation of complaints; board of review.

(a) The Department of Agriculture may, upon its own action, and shall upon the verified written complaint of any person, investigate the actions of any auctioneer, apprentice auctioneer, any applicant for an auctioneer's or apprentice auctioneer's license, or any person who assumes to act in that capacity, if the complaint, together with other evidence presented in connection with it, establishes probable cause. Upon verification of the complaint, the department shall present the complaint to the board of review. The board of review shall consider all of the facts of the complaint and recommend a course of action to the commissioner.

(b) The board of review shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall consist of three members, each appointed for a staggered three-year term. Two members of the board of review shall be licensed auctioneers in West Virginia and residents of this state and shall have been

licensed and been practicing the profession of auctioneering for five years immediately preceding their appointment. The third member shall be a lay person from the commercial or agricultural community who has utilized services of auctioneers for at least three years. No more than ~~one~~ two board ~~member~~ members shall be from any one congressional district and no more than two members shall be from the same political party. Board members shall receive no compensation for their service on the board, but shall be entitled to receive reimbursement for expenses in accordance with the Department of Agriculture travel regulations. ~~During the establishment of the board one member shall be appointed for a three year term, one member for a two year term and one member for a one year term. The first year of each term expires on January 1, 1992, and subsequently on January 1, of each year~~ There shall be no limit on the number of consecutive terms a member may serve on the board. The Governor is authorized to fill a vacancy when it occurs on the board for any reason. An appointment to fill a vacancy shall be for the remainder of the existing term of the vacant position.

§19-2C-6c. Procedure for obtaining reciprocal or nonresident auctioneer's and apprentice auctioneer's license.

(a) To qualify for a ~~nonresident~~ license by reciprocity, the applicant must show evidence of licensing in another state for a period of one year preceding the date of application. The licensing may have been as an apprentice auctioneer or as an auctioneer. Provided this qualification is met and the applicant meets all the other requirements as required by this article and by regulation, he or she shall be licensed either as an apprentice auctioneer or as an auctioneer, based on a nonresident license, as the case may be.

(b) When an applicant's resident state has no licensing law for auctioneers or the applicant's resident state has no written or oral examination associated with its licensing requirements, the Department of Agriculture shall require proof that the applicant has been a practicing auctioneer for a period of two years preceding the date of application. The proof shall be in the form of sale bills, contracts, sale permits and other such evidence acceptable to the commissioner. Provided this qualification is met, and the applicant

meets other requirements for licensing as required by the statutes and regulations, the applicant shall be admitted to the next scheduled written and oral examination for auctioneers without being required to first serve an apprenticeship.

§19-2C-8. Penalties.

(a) *Criminal penalties.* — Any person, firm, association or corporation violating a provision of this article or the rules, is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$250 nor more than \$500 for the first offense, and not less than \$500 nor more than \$1,000 for the second and subsequent offenses. Magistrates have concurrent jurisdiction with circuit courts to enforce the provisions of this article.

(b) *Civil penalties.* — Any person violating a provision of this article or the rules, may be assessed a civil penalty by the commissioner.

(1) In determining the amount of the civil penalty, the commissioner shall give due consideration to the history of previous violations by the person, the seriousness of the violation, and the demonstrated good faith of the person charged in attempting to achieve compliance with this article before and after written notification of the violation. The commissioner may assess a penalty of not more than ~~\$200~~ \$500 for ~~each~~ a first offense, and not more than \$1,000 for a ~~each~~ second and subsequent offense. ~~The civil penalty is payable to the State of West Virginia and is collectible in any manner provided for collection of debt. If any person liable to pay the civil penalty neglects or refuses to pay the penalty, the amount of the civil penalty, together with interest at ten percent, is a lien in favor of the State of West Virginia upon the property, both real and personal, of the person after the same has been entered and docketed to record in the county where the property is situated. The clerk of the county, upon receipt of the certified copy of the lien, shall enter it to record without requiring the payment of costs as a condition precedent to recording~~

(2) In addition to a penalty assessed against an unlicensed auctioneer for practicing without the required license, the

commissioner may assess penalties against an unlicensed auctioneer for violations of the provisions of this article that would have applied to the individual's conduct had he or she held the required license.

(3) The civil penalty is payable to the State of West Virginia and is collectible in any manner provided for collection of debt. If any person liable to pay the civil penalty neglects or refuses to pay the penalty, the amount of the civil penalty, together with interest at 10 percent, is a lien in favor of the State of West Virginia upon the property, both real and personal, of the person after the same has been entered and docketed to record in the county where the property is situated. The clerk of the county, upon receipt of the certified copy of the lien, shall enter it to record without requiring the payment of costs as a condition precedent to recording.

(c) No state court may allow for the recovery of damages for any administrative action taken if the court finds that there was probable cause for such action.

§19-2C-8a. Revocation.

In addition to the penalties in section eight of this article, the commissioner may, by order, suspend, deny or revoke any license granted hereunder for any violation of this article or the rules and regulations promulgated hereunder or for any of the following reasons:

(a) Obtaining a license through false or fraudulent representation;

(b) Making any substantial misrepresentation in any application for an auctioneer's or apprentice auctioneer's license;

(c) Engaging in a continued or flagrant course of misrepresentation or for making false promises through an agent, advertisement or otherwise;

(d) Failing to account for or remit within a reasonable time any money belonging to others that comes into his or her possession;

(e) Being convicted in any court of competent jurisdiction of this state or any other state of a criminal offense involving moral turpitude or a felony; or for failing to notify the department of any such conviction within 15 days of conviction;

(f) Violating any other laws related to the conduct of auctions or auctioneering;

~~(f)~~(g) Engaging in any conduct of an auctioneer which demonstrates dishonesty or incompetency;

~~(g)~~(h) Engaging in any other conduct that constitutes fraudulent or dishonest dealing; ~~and~~

(i) Engaging in any other unethical conduct in the contexts of his or her work as an auctioneer; and

~~(h)~~(j) Acting as an attorney for a client.

Any auctioneer or apprentice auctioneer who has had his or her license suspended or revoked shall not be issued another such license until a period not to exceed two years has elapsed from the date of revocation. The commissioner may also require the successful completion of the examinations required for an auctioneer's license or an apprentice auctioneer's license.

§19-2C-9. Written contracts.

(a) No person may act as an auctioneer on the sale at public auction of any goods, wares, merchandise or of any other property, real or personal, until he or she has entered into a written contract in duplicate with the owner or consignor of the property to be sold. No apprentice auctioneer may be authorized to enter into a contract without the written consent of his or her sponsoring auctioneer. All contracts shall be in the name of and on behalf of the sponsoring auctioneer.

(b) The written contract shall:

(1) State the terms and conditions upon which the auctioneer receives or accepts the property for sale at auction;

- (2) Be between the auctioneer and the seller;
- (3) Be made in duplicate;
- (4) Be retained by the auctioneer for a period of three years from the date of final settlement;
- (5) Be furnished to each person that entered into the contract;
- (6) State that an apprentice auctioneer may not contract directly with a client but only through his or her sponsoring auctioneer;
- (7) State that an apprentice auctioneer may not engage in a sale with an auctioneer by whom he or she is not sponsored without first obtaining the written consent of his or her sponsoring auctioneer;
- (8) Have a prominent statement indicating that the auctioneer is licensed by the Department of Agriculture and is bonded in favor of the State of West Virginia; and
- (9) Include the following information:
 - (A) The name, address and phone number of the owner of the property to be sold or the consignor;
 - (B) The date of the auction or a termination date of the contract;
 - (C) The terms and conditions of the auction;
 - (D) The location of the auction;
 - (E) The date the owner or consignor is to be paid;
 - (F) A statement establishing the responsibility for bad checks, debts and unpaid auction items;
 - (G) A detailed list of all fees to be charged by the auctioneer, including commissions, rentals, advertising and labor;
 - (H) A statement of the auctioneer's policy regarding absentee bidding;

(I) A statement above the owner's signature line: 'I have read and accept the terms of the contract'; and

(J) A statement indicating that an explanation of settlement of the auction, or settlement sheet, will be provided to the owner or consignor at the end of the auction.

(c) As a condition of entering into a contract, the auctioneer shall be provided with proof or certificate of ownership for all titled property, or assurances of ownership for all other property. The auctioneer shall have such proof or certificate or ownership with him or her at the time the auction is held.

(d) Notwithstanding the provisions of subsection (a) of this section, an auctioneer may conduct an auction on behalf of an auction house or other business entity without having entered into a contract directly with the seller of the auctioned goods, so long as the following conditions are satisfied:

(1) The auction house or business must have a written contract with both the seller of the goods and the auctioneer;

(2) The contract between the auction house or business entity must satisfy all the requirements set forth in subsection (b) of this section; and

(3) The auction house or business entity must file with the commissioner a bond satisfying the requirements of §19-2C-4 of this code.

(e) By entering into contracts with sellers of property pursuant to this section, the owners and partners of any auction house or business entity agree to submit to the jurisdiction of the commissioner and the Board of Review and are subject to the penalties set forth in §19-2C-8 of this code.

§19-2C-10. Advertising.

In advertising an auction sale by any licensed auctioneer, the principal auctioneer or auctioneers who physically conduct the sale shall be listed prominently in such advertising as used by said

auctioneer or auctioneers. The individual auctioneer or auctioneers who conduct the sale shall be the person or persons who call for, accept and close bids on the majority of items offered for sale.

Any apprentice auctioneer who advertises, as provided in this section, shall indicate in his or her advertisement the name of the sponsoring auctioneer under whom he or she is licensed.

The auctioneer's name and license number shall be displayed in equal prominence with the name of the apprentice auctioneer and license number in such advertisement.

Nothing in the provisions of this article shall be construed so as to prohibit any other auctioneer, licensed pursuant to this article, from assisting with any auction, notwithstanding the failure to list the name of the other auctioneer in any advertising associated with such auction.

It is unlawful to conduct or advertise that an auction is absolute if minimum opening bids are required or other conditions are placed on the sale that limit the sale other than to the highest bidder.

No property other than the property of a specified deceased person or the property of a specified living person's estate may be sold at auction if the auction is conducted or advertised only as an estate auction. However, property other than that of the specified estate may be sold at the sale if all advertisements for the sale specify that items will be sold that do not belong to the estate and those items are identified at the sale."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2982 - "A Bill to amend and reenact §19-2C-1, §19-2C-2, §19-2C-3, §19-2C-5, §19-2C-5a, §19-2C-6, §19-2C-6a, §19-2C-6c, §19-2C-8, §19-2C-8a, §19-2C-9, and §19-2C-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-2C-5b, all relating to amending and updating the laws relating to auctioneers by providing for definitions; providing for certain exemptions to license requirements; providing for additional

rulemaking authority; providing for June 30 as the date all licenses expire; establishing certain conditions for auctioneers to continue working after license expiration; providing for record retention requirements; providing for exams held a minimum of two times each year; providing for applicants for auctioneer licenses to submit to background checks; providing for authorization to conduct and use information relating to background checks; providing for confidentiality of background checks; establishing certain conditions for apprentice auctioneers to continue working after license expiration; adjusting residency requirements for members of the board of review; eliminating certain outdated language; providing for reciprocal licensure; increasing civil penalties for violations of this article; increasing penalties commissioner may be assessed against an unlicensed auctioneer; providing for additional circumstances to suspend, deny, or revoke a license; providing for written contracts with auctioneers and owners of property; providing for auction houses and business entities to enter into contracts with auctioneers and owners of property; and providing for certain unlawful advertising practices.”

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. 680**), 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, Rohrbach, Steele and Worrell.

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. 2982) 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. 3144, North Central Appalachian Coal Severance Tax Rebate 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 13EE. COAL SEVERANCE TAX REBATE.

§11-13EE-1. Findings and purpose.

The Legislature finds that the encouragement of economic growth and development in this state is in the public interest and promotes the general welfare of the people of this state. In order to encourage capital investment in the coal industry in this state and thereby increase economic development, there is hereby provided a coal severance tax rebate.

§11-13EE-2. Definitions.

(a) *General.* When used in this article, or in the administration of this article, terms defined in subsection (b) shall have the meanings ascribed to them by this section, unless a different meaning is clearly required by either the context in which the term is used, or by specific definition, in this article.

(b) *Terms defined.*

(1) ‘Affiliated group’ means one or more chains of corporations, limited liability entities, or partnerships, or any combination thereof, connected through the ownership of stock or ownership interests with a common parent which is a corporation, limited liability entity, or partnership, but only if the common parent owns directly, or indirectly, a controlling interest in each of the members of the group.

(2) ‘Business’ means and is limited to the activity of producing coal for sale, profit or commercial use including coal preparation and processing.

(3) ‘Capital investment in new machinery, equipment, or improvements to real property’ means:

(A) Tangible personal property in the form of machinery and equipment that is purchased on or after the effective date of this article and placed in service for direct use in the production of coal, when the original or first use of the machinery or equipment commences in this state on or after the effective date of this article;

(B) Tangible personal property in the form of machinery and equipment that is leased by the taxpayer and placed in service for direct use in the production of coal by the taxpayer on or after the effective date of this article, if the original or first use of the machinery or equipment commences in this state, with the taxpayer, on or after the effective date of this article and the machinery or equipment is depreciable, or amortizable, for federal income tax purposes and has a useful life of five or more years for federal income tax purposes;

(C) Improvements to real property having a useful life of 5 or more years, that are depreciable or amortizable for federal income tax purposes, purchased on or after the effective date of this article, if the original or first use of such improvements commences in this state on or after the effective date of this article and the improvements are placed in service for direct use in the production of coal.

(4) ‘Coal mine’ or ‘mine’ includes:

(A) A ‘surface mine’, or ‘surface mining operation’ which means:

(i) Activities conducted on the surface of lands for the removal of coal, or, subject to the requirements of §11-13EE-14 of this code, surface operations and surface impacts incident to an underground coal mine, including the drainage and discharge from the mine. The activities include: Excavation for the purpose of obtaining coal, including, but not limited to, common methods as contour, strip, auger, mountaintop removal, box cut, open pit and area mining; the uses of explosives and blasting; reclamation; in

situ distillation or retorting, leaching or other chemical or physical processing; the cleaning, concentrating or other processing or preparation and loading of coal for commercial purposes at or near the mine site; and

(ii) The areas upon which the above activities occur or where the activities disturb the natural land surface. The areas also include any adjacent land, the use of which is incidental to the activities; all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of the activities and for haulage; and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to the activities: *Provided*, That the activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16 and two-thirds percent of the tonnage of minerals removed for purposes of commercial use or sale, or coal prospecting. Surface mining does not include any of the following:

(I) Coal extraction authorized pursuant to a government-financed reclamation contract;

(II) Coal extraction authorized as an incidental part of development of land for commercial, residential, industrial or civic use; or

(III) The reclamation of an abandoned or forfeited mine by a no cost reclamation contract; and

(B) An 'underground mine' which includes the shafts, slopes, drifts or inclines connected with, or intended in the future to be connected with, excavations penetrating coal seams or strata, which excavations are ventilated by one general air current or divisions thereof, and connected by one general system of mine haulage over which coal may be delivered to one or more points outside the mine, and the surface structures or equipment

connected or associated therewith which contribute directly or indirectly to the mining, preparation or handling of coal.

(5) 'Coal mining operation' includes the mine and the coal preparation and processing plant.

(6) 'Coal preparation and processing plant' means any facility (excluding underground mining operations) which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.

(7) 'Coal production' means the privilege of severing, extracting, reducing to possession and producing coal for sale, profit or commercial use and includes the processing of coal at a coal preparation and processing plant.

(8) 'Commissioner' or 'Tax Commissioner' are used interchangeably herein and mean the Tax Commissioner of the State of West Virginia, or his or her delegate.

(9) 'Controlled group' means one or more chains of corporations connected through stock ownership with a common parent corporation if stock possessing at least 50 percent of the voting power of all classes of stock of each of the corporations is owned, directly or indirectly, by one or more of the corporations; and the common parent owns directly stock possessing at least 50 percent of the voting power of all classes of stock of at least one of the other corporations.

(10) 'Controlling interest' means:

(A) For a corporation, either more than 50 percent ownership, directly or indirectly, of the total combined voting power of all classes of stock of the corporation, or more than 50 percent ownership, directly or indirectly, of the beneficial ownership interest in the voting stock of all classes of stock of the corporation;

(B) For a partnership, association, trust or other entity other than a limited liability company, more than 50 percent ownership, directly or indirectly, of the capital, profits, or beneficial interest in the partnership, association, trust, or other entity;

(C) For a limited liability company, either more than 50 percent ownership, directly or indirectly, of the total membership interest of the limited liability company, or more than 50 percent ownership, directly or indirectly, of the beneficial ownership interest in the membership interest of the limited liability company.

(11) ‘Corporation’ means any corporation, joint-stock company or association, and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument.

(12) ‘Delegate’ used in the phrase ‘or his delegate’, when used in reference to the Tax Commissioner, means any officer or employee of the State Tax Department duly authorized by the Tax Commissioner directly, or indirectly by one or more redelegations of authority, to perform the functions mentioned or described in this article.

(13) ‘Directly used or consumed in the production of coal’ means used or consumed in those activities or operations which constitute an integral and essential part of the production of coal, as contrasted with and distinguished from those activities or operations which are simply incidental, convenient or remote to the production of coal.

(A) Uses of tangible personal property or improvements to real property which constitute direct use or consumption in the production of coal include only:

(i) New machinery, equipment, or improvements to real property that are depreciable, or amortizable, and have a useful life of five or more years for federal income tax purposes, and that are directly used in the production of coal in this state;

(ii) Transportation of coal within the coal mine from the coal face or coal deposit to the exterior of the mine or to a point where the extracted coal is transported away from the mine;

(iii) Directly and physically recording the flow of coal during the production of coal including those coal treatment processes specified in §11-13A-4 of this code;

(iv) Safety equipment and apparatus directly used in the production of coal, or to secure the safety of mine personnel in direct use in the production of coal;

(v) Controlling or otherwise regulating atmospheric conditions required for the production of coal;

(vi) Transformers, pumps, rock dusting equipment and other property used to supply electricity or water, or to supply or apply rock dust directly used in the production of coal;

(vii) Storing, removal or transportation of economic waste, including coal gob, resulting from the production of coal;

(viii) Engaging in pollution control or environmental quality or protection activity directly relating to the production of coal; or

(ix) Otherwise using as an integral and essential part of the production of coal.

(B) Uses of tangible personal property or improvements to real property which do not constitute direct use or consumption in the production of coal include, but are not limited to:

(i) Heating and illumination of office buildings;

(ii) Janitorial or general cleaning activities;

(iii) Personal comfort of personnel: *Provided*, That safety equipment and apparatus directly used in the production of coal or to secure the safety of mine personnel is direct use in the production of coal when the tangible personal property is depreciable, or amortizable, for federal income tax purposes and has a useful life of five or more years for federal income tax purposes when it is placed in service or use;

(iv) Production planning, scheduling of work or inventory control;

(v) Marketing, general management, supervision, finance, training, accounting and administration;

(vi) Measuring or determining weight, and ash content, water content and other physical and chemical characteristics of the coal after production;

(vii) An activity or function incidental or convenient to the production of coal, rather than an integral and essential part of these activities.

(14) 'Eligible taxpayer' means:

(A) Any person who pays the tax imposed by §11-13A-3 of this code on the privilege of producing coal for sale, profit or commercial use for at least two years before the capital investment in new machinery, equipment, or improvements to real property is placed in service or use in this state; or

(B) A taxpayer that has experienced a change in business composition through merger, acquisition, split-up, spin-off or other ownership changes or changes in the form of the business organization from limited liability company to C corporation, or partnership, or from one form of business organization to a different form of business organization, may constitute an eligible taxpayer if the entity currently operating in this state was operating in a different form of business organization in this state at least two years before the capital investment in new machinery, equipment, or improvements to real property is placed in service or use in this state. In the case of business composition change through merger, acquisition, split-up, spin-off or other ownership changes the current business may constitute an eligible taxpayer if at least 50 percent of the business assets of such component were actively and directly used in coal production activity in this state for such two-year period. If less than 50 percent of the assets of the current entity were not actively and directly used in coal production activity in this state for such two-year period, then the current entity resulting from a business composition change through merger, acquisition, split-up, spin-off or other ownership shall not constitute an eligible taxpayer.

(15) 'Includes' and 'including' when used in a definition contained in this article, shall not be deemed to exclude other things

otherwise within the generally understood meaning of the term defined.

(16) 'Original use' means the first use to which the property is put by anyone.

(17) 'Partnership' includes a syndicate, group, pool, joint venture or other unincorporated organization through or by means of which any business, operation or venture is carried on, which is taxed under Subchapter K of the Internal Revenue Code, as defined in §11-24-3 of this code, and which is not a trust or estate, a corporation or a sole proprietorship. The term 'partner' includes a member in such a syndicate, group, pool, joint venture or other unincorporated organization taxed under Subchapter K of the Internal Revenue Code.

(18) 'Person' includes any natural person, corporation, partnership, limited liability company or other business entity.

(19) 'Production of coal' means the privilege of severing, extracting, reducing to possession and producing coal for sale, profit or commercial use and includes the processing of coal at the coal preparation and processing plant.

(20) 'Property' means new machinery, equipment, or improvements to real property that are depreciable or amortizable for federal income tax purposes and that have a useful life of five or more years for federal income tax purposes.

(21) 'Property purchased or leased for business expansion' means:

(A) *Included property.* Except as provided in subparagraph (B), the term 'property purchased or leased for business expansion' means tangible personal property, or improvements to real property but only if the property was purchased, or leased and placed in service or use by the taxpayer in West Virginia. This term includes only:

(i) Tangible personal property placed in service or use by the taxpayer on or after the effective date of this article, with respect to

which depreciation, or amortization in lieu of depreciation, is allowable in determining the personal or corporation net income tax liability of the business, or its equity owners, under §11-21-1 et seq. or §11-24-1 et seq. of this code, and which has a useful economic life at the time the property is placed in service or use in this state, of five or more years.

(ii) Tangible personal property acquired by written lease having a primary term of 5 years or more, that is depreciable or amortizable by the lessor, or lessee, for federal income tax purposes and that has a useful life of five or more years for federal income purposes when it is placed in service or use, and when the lease commences and was executed by the parties thereto on or after the effective date of this article, if used as a component part of a new or expanded coal mining operation in this state shall be included within this definition.

(iii) Improvements to real property having a useful life of five or more years, that are depreciable or amortizable for federal income tax purposes, purchased on or after the effective date of this article, if the original or first use of such improvements commences in this state on or after the effective date of this article and the improvements are placed in service as a component part of a new or expanded coal mining operation in this state.

(B) Excluded property. -The term ‘property purchased or leased for business expansion’ shall not include:

(i) Machinery and equipment owned or leased by the taxpayer and improvements to real property owned by a taxpayer for which credit was taken or is claimed under any other article of this chapter;

(ii) Repair costs, including materials used in the repair, unless for federal income tax purposes, must be capitalized and not expensed;

(iii) Motor vehicles licensed by the West Virginia Division of Motor Vehicles;

(iv) Airplanes;

(v) Off-premise transportation equipment;

(vi) Machinery, equipment, or improvements to real property that are primarily used outside this state;

(vii) Machinery, equipment, or improvements to real property that are acquired incident to the purchase of the stock or assets of the seller; and

(viii) Used machinery, equipment, or improvements to real property.

(C) *Purchase date.* New machinery, equipment, or improvements to real property shall be deemed to have been purchased prior to a specified date only if:

(i) The machinery, equipment, or improvements to real property were owned by the taxpayer prior to the effective date of this article or were acquired by the taxpayer pursuant to a binding purchase contract which was in effect prior to the effective date of this article; or

(ii) In the case of leased machinery and equipment, there was a binding written lease or contract to lease identifiable machinery or equipment in effect prior to the effective date of this article.

(22) ‘Purchase’ means any acquisition of new machinery, equipment, or improvements to real property, but only if:

(A) The property or the improvement to the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of deductions under Section 267 or 707 (b) of the United States Internal Revenue Code, as defined in §11-24-3 of this code;

(B) The property or the improvement to the property is not acquired by one component member of a controlled group from another component member of the same controlled group; and

(C) The basis of the property or improvements to property for federal income tax purposes, in the hands of the person acquiring it, is not determined:

(i) In whole or in part by reference to the federal adjusted basis of the property or the improvements to property in the hands of the person from whom it was acquired; or

(ii) Under Section 1014 (e) of the United States Internal Revenue Code.

(23) ‘Qualified coal mining activity’ means any business or other activity subject to the tax imposed by §11-13A-3 of this code on the privilege of severing, extracting, reducing to possession and producing coal for sale, profit or commercial use including the treatment process described as mining in §11-13A-4(a)(1) of this code.

(24) ‘Qualified investment’ means capital investment in new machinery, equipment, or improvements to real property directly used in the production of coal in this state that is depreciable, or amortizable, for federal income tax purposes and has a useful life for federal income tax purposes of five or more years when it is placed in service or use in this state.

(25) ‘Rebate’ means the amount of rebate allowable under §11-13EE-3 of this code.

(26) ‘Related person’ means:

(A) A corporation, partnership, association or trust controlled by the taxpayer;

(B) An individual, corporation, partnership, association, or trust that is in control of the taxpayer;

(C) A corporation, partnership, association, or trust controlled by an individual, corporation, partnership, association, or trust that is in control of the taxpayer; or

(D) A member of the same controlled group as the taxpayer.

For purposes of this subdivision, the term ‘control’, with respect to a corporation, means ownership, directly or indirectly, of stock possessing 50 percent or more of the total combined voting power of all classes of the stock of the corporation entitled to vote. ‘Control’ with respect to a trust, means ownership, directly or indirectly, of 50 percent or more of the beneficial interest in the principal or income of the trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership or association, or of a beneficial interest in a trust is determined in accordance with the rules for constructive ownership of stock provided in section 267 (c) of the United States Internal Revenue Code, other than paragraph (3) of that section.

(27) ‘State portion of severance taxes paid’ means the portion of severance taxes due under §11-13A-3 of this code when computed at the 4.65 percent rate of tax.

(28) ‘Tangible personal property’ means, and is limited to, new machinery and equipment that is depreciable, or amortizable, for federal income tax purposes and that has a useful life of five or more years for federal income tax purposes when it is placed in service or use in this state.

(29) ‘Taxpayer’ means any person exercising the privilege of severing, extracting, reducing to possession, and producing coal for sale, profit, or commercial use coal, which privilege is taxable under §11-13A-3 of this code.

(30) ‘This code’ means the Code of West Virginia, 1931, as amended.

(31) ‘This state’ means the State of West Virginia.

(32) ‘United States Internal Revenue Code’ or ‘Internal Revenue Code’ means the Internal Revenue Code as defined in §11-24-3 of this code.

§11-13EE-3. Rebate allowable.

(a) *Rebate allowable.* Eligible taxpayers shall be allowed a rebate for a portion of state severance taxes imposed by §11-13A-

3 of this code on the privilege of severing, extracting, reducing to possession and producing coal for sale, profit, or commercial use that is attributable to the increase in the production of coal that is attributable to and the consequence of the taxpayer's capital investment in new machinery, equipment, or improvements to real property used at the coal mine, or coal preparation and processing facility. The amount of this rebate shall be determined and applied as hereinafter provided in this article.

(b) *Amount of rebate.* The amount of rebate allowable is determined by multiplying the amount of the taxpayer's capital investment in new machinery, equipment, or improvements to real property directly used in the production of coal at a coal mining operation in this state by 35 percent. The product of this computation establishes the maximum amount of rebate allowable under this article for the capital investment in new machinery, equipment, or improvements to real property.

(c) *Application of rebate amount.* The amount of rebate allowable is determined by applying the rebate amount determined in subsection (b) of this section against 80 percent of the state portion of the severance tax paid on the privilege of severing, extracting, reducing to possession, and producing coal for sale, profit, or commercial use that is directly attributable to the increased production of coal at the mine due to taxpayer's capital investment in new machinery, equipment, or improvements to real property at the mine or coal processing and preparation plant.

(d) The amount of severance tax attributable to the increase in coal production at a mine due to the capital investment in new machinery, equipment, or improvements to real property shall be determined by comparing (1) the state portion of the severance tax due under §11-13A-3 of this code on coal produced from the mine during calendar year 2018, or if the taxpayer has produced coal for five years at the mine at which its capital investment in new machinery, equipment, or improvements to real property are placed in service or use the average of the state portion of the severance tax due under §11-13A-3 of this code on coal produced from the mine during the five year period ending on December 31, 2018, whichever is less, before allowance of any tax credits, except as

provided in subsection (e) of §11-13-EE-3 of this code (2) with the state severance tax due on coal produced at the mine during the then current calendar year in which the rebate amount is claimed, before allowance for any tax credits. When the amount in (2) of this section is greater than the amount in (1) of this section, the difference is the amount of state severance tax due to the increase in coal production at the mine that is attributable to the capital investment in new machinery, equipment, or improvements to real property: *Provided*, 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, no credit shall be allowed unless the total coal production from all mines operated by the taxpayer or by members of the affiliated or controlled group in this state has increased: *Provided, however*, That in no case shall the severance tax attributable to any mine other than the specific mine at which capital investment in new machinery, equipment, or improvements to real property is directly used in a coal mining operation has been placed in service or use be offset by this rebate.

(e) When the eligible taxpayer is a new business that has produced coal in this state for two years before making the capital investment in new machinery, equipment, or improvements to real property then, for purposes of subdivision (1) in subsection (d) of this section, the base shall be the average amount of state severance tax due under §11-13A-3 of this code on coal produced in this state during this two-year period.

(f) No rebate shall be allowed under this article when credit is claimed under any other article of this chapter for capital investment in the new machinery, equipment, or improvements to real property. No credit shall be allowed under any other article of this chapter when rebate is allowed under this article for the capital investment in new machinery, equipment, or improvements to real property.

§11-13EE-4. Information required to determine amount of rebate allowable.

(a) A taxpayer claiming rebate under this article who operates more than one coal mine in this state shall provide a schedule with the annual severance tax return filed under §11-13A-1 et seq. of this code that shows, for each coal mine, the number of tons of coal produced and the gross value of the coal produced at each mine during the taxable year.

(b) When a taxpayer claiming rebate under this article is a member of an affiliated or controlled group, as the case may be, that operates more than one coal mine in this state the group shall provide a schedule with its annual severance tax return filed under §11-13A-1 et seq. of this code for the taxable year that shows for each coal mine operated in this state by the affiliated or controlled group, as the case may be, the number of tons of coal produced at each mine and the gross value of the coal produced at each mine during the taxable year.

§11-13EE-5. Claim for rebate.

(a) After the severance taxes due for the taxable year are paid, a taxpayer may file a claim under this article for rebate of up to 80 percent of the state portion of the additional severance taxes paid under §11-13A-3 of this code that are directly attributable to the taxpayer's capital investment in new machinery, equipment, or improvements on real property placed in service or use during that taxable year as set forth in §11-13EE-3 of this code.

(b) When the amount of rebate claimed exceeds 80 percent of the additional state severance tax paid as provided in subsection (a) of this section, the unused portion of the rebate amount may be carried forward and rebated by the Tax Commissioner after severance taxes due in subsequent years are paid: *Provided*, That the carryforward period may not exceed 10 years from the date the capital investment in new machinery, equipment, or improvements to real property is placed in service or use in this state.

§11-13EE-6. Suspension of payment of rebate.

(a) No rebate may be paid under this article when the taxpayer, or any member of the taxpayer's combined or affiliated group, as

the case may be, is delinquent in the payment of severance taxes imposed pursuant to §11-13A-3 of this code and any local, state, or federal tax or fee until such time as the delinquency is cured.

(b) For purposes of this section, a taxpayer is not delinquent if the taxpayer is contesting an assessment in the Office of Tax Appeals or in any court of this state or of the appropriate federal agency or court, or is complying with the terms of any payment plan agreement.

(c) In the case of a taxpayer that files a combined tax return as a member of a unitary group, no rebate under this article that is earned by one member of the combined group, but not fully used by or allowed to that member, may be claimed, in whole or in part, by another member of the group.

§11-13EE-7. Burden of proof; application required; failure to make timely application.

(a) *Burden of proof.* The burden of proof is on the taxpayer to establish by clear and convincing evidence that the taxpayer is entitled to the benefits allowed by this article.

(b) *Application for rebate required.*

(1) Notwithstanding any provision of this article to the contrary, no rebate shall be paid under this article for any capital investment in new machinery, equipment, or improvements to real property placed in service or use until the person asserting a claim for the allowance of rebate under this article makes written application to the Tax Commissioner for allowance of rebate as provided in this section.

(2) An application for rebate shall be filed, in the form prescribed by the Tax Commissioner, no later than the last day for filing the severance tax return, determined by including any authorized extension of time for filing the return, for the taxable year in which the machinery, equipment, or improvements to which the rebate relates is placed in service or use and all information required by the form is provided.

(3) A separate application for rebate is required for each taxable year during which the taxpayer places new machinery, equipment, or improvements in service or use in a mine or coal preparation and processing facility in this state.

(c) Failure to make timely application. — The failure to timely apply for the rebate results in the forfeiture of 25 percent of the rebate amount otherwise allowable under this article. This penalty applies annually until the application is filed.

§11-13EE-8. Identification of capital investment property.

Every taxpayer who claims a rebate pursuant to the provisions of this article shall maintain sufficient records to establish the following facts for each item of qualified investment property:

(1) Its identity;

(2) Its actual or reasonably determined cost;

(3) Its useful life for federal income tax purposes;

(4) The month and taxable year in which it was placed in service;

(5) The amount of rebate claimed; and

(6) The date it was disposed of or otherwise ceased to be qualified capital investment property.

§11-13EE-9. Failure to keep records of capital investment property.

A taxpayer who does not keep the records required for identification of investment credit property is subject to the following rules:

(1) A taxpayer is treated as having disposed of, during the taxable year, any machinery, equipment or improvements to real property that the taxpayer cannot establish was still on hand, in this state, at the end of that year.

(2) If a taxpayer cannot establish when capital investment in new machinery, equipment, or improvements to real property was reported for purposes of claiming this credit during the taxable year, or the machinery, equipment, or improvements to real property were placed in service or use, the taxpayer is treated as having placed it in service or use in the most recent prior taxable year in which similar machinery, equipment, or improvements to real property were placed in service or use, unless the taxpayer can establish that the machinery, equipment, or improvements to real property were placed in service or use in the most recent taxable year is still on hand. In that event, the taxpayer will be treated as having placed the returned machinery, equipment, or improvements to real property in service or use in the next most recent taxable year.

§11-13EE-10. Transfer of qualified investment property to successors.

(a) *Mere change in form of business.* Machinery, equipment, or improvements to real property may not be treated as disposed of under §11-13EE-9 of this code, by reason of a mere change in the form of conducting the business as long as the machinery, equipment, or improvements to real property is retained in the successor business in this state, and the transferor business retains a controlling interest in the successor business. In this event, the successor business is allowed to claim the rebate amount of credit still available with respect to the machinery and equipment transferred, and the transferor business may not be required to redetermine the amount of rebate allowed in earlier years.

(b) *Transfer or sale to successor.* Machinery, equipment, or improvements to real property is not treated as disposed of under §11-13EE-11 of this code by reason of any transfer or sale to a successor business which continues to operate machinery, equipment, or improvements to real property at the mine in this state at which the machinery, equipment, or improvements to real property were first placed in service or use. Upon transfer or sale, the successor shall acquire the amount of rebate, if any, that remains available under this article, and the transferor business is

not required to redetermine the amount of rebate allowed in earlier years.

§11-13EE-11. Recapture of rebate; recapture tax imposed.

(a) When recapture tax applies.

(1) Any person who places machinery, equipment, or improvements to real property in service or use for purposes of this credit and who fails to use the machinery, equipment, or improvements to real property for at least five years in the production of coal in this state shall pay the recapture tax imposed by subsection (b) of this section.

(2) This section does not apply when §11-13EE-10 of this code applies: *Provided*, That, the successor, or the successors, and the person, or persons, who previously claimed credit under this article with respect to the machinery, equipment, or improvements to real property, are jointly and severally liable for payment of any recapture tax subsequently imposed under this section with respect to the machinery, equipment, or improvements to real property used to qualify for rebate under this article.

(b) *Recapture tax imposed.* The recapture tax imposed by this subsection is the amount determined as follows. If the taxpayer prematurely removes machinery, equipment, or improvements to real property placed in service when considered as a class from economic service in the taxpayer's coal production activity in this state, the taxpayer shall recapture the amount of rebate claimed under this article for the taxable year, and all preceding taxable years, attributable to the machinery, equipment, or improvements to real property which has been prematurely removed from service. The amount of tax due under this subsection is an amount equal to the amount of rebate that is recaptured pursuant to this subsection.

(c) *Payment of recapture tax.* The amount of tax recaptured under this section is due and payable on the day the person's annual return is due for the taxable year, in which this section applies, under §11-13A-1 *et seq.* of this code. When the employer is a partnership, limited liability company or an S corporation for

federal income tax purposes, the recapture tax shall be paid by those persons who are partners in the partnership, members in the company, or shareholders in the S corporation, in the taxable year in which recapture tax is imposed under this section.

§11-13EE-12. Interpretation and construction.

(a) No inference, implication, or presumption of legislative construction or intent may be drawn or made by reason of the location or grouping of any particular section, provision, or portion of this article; and no legal effect may be given to any descriptive matter or heading relating to any section, subsection, or paragraph of this article.

(b) The provisions of this article shall be reasonably construed in order to effectuate the legislative intent recited in §11-13EE-1 of this code.

§11-13EE-13. Rebate report.

(a) The Tax Commissioner shall provide to the Joint Committee on Government and Finance by July 1, 2022, and on the first day of July of each year thereafter, a report detailing the amount of rebate claimed pursuant to this article. The report is to include the amount of rebate claimed against the severance tax imposed pursuant to §11-13A-2 of this code.

(b) Taxpayers claiming the rebate shall provide the information the Tax Commissioner may require to prepare the report: *Provided*, That the information provided is subject to the confidentiality and disclosure provisions of §11-10-5d and §11-10-5s of this code.

(c) The Tax Commissioner shall identify any issues he or she has in the administration and enforcement of this rebate and make any suggestions the Commissioner may have for improving the credit or the administration of the rebate.

§11-13EE-14. Rules.

The Tax Commissioner may promulgate such interpretive, legislative, and procedural rules as the commissioner deems to be

useful or necessary to carry out the purpose of this article and to implement the intent of the Legislature. The Tax Commissioner may promulgate emergency rules if they are filed in the West Virginia Register before January 1, 2020. All rules shall be promulgated in accordance with the provisions of §29A-3-1 et seq. of this code.

§11-13EE-15. Severability.

(a) If any provision of this article or the application thereof is for any reason adjudged by any court of competent jurisdiction to be invalid, the judgment may not affect, impair, or invalidate the remainder of the article, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgment shall have been rendered, and the applicability of the provision to other persons or circumstances may not be affected thereby.

(b) If any provision of this article or the application thereof is made invalid or inapplicable by reason of the repeal, or any other invalidation of any statute therein addressed or referred to, such invalidation or inapplicability may not affect, impair, or invalidate the remainder of the article, but shall be confined in its operation to the provision thereof directly involved with, pertaining to, addressing, or referring to the statute, and the application of the provision with regard to other statutes or in other instances not affected by any such repealed or invalid statute may not be abrogated or diminished in any way.

§11-13EE-17. Effective date.

The rebate allowed by this article is allowed for capital investment in new machinery, equipment, or improvements to real property placed in service or use in this state on or after the effective date of this article.”

And,

By amending the title of the bill to read as follows:

H. B. 3144 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, §11-13EE-5, §11-13EE-6, §11-13EE-7, §11-13EE-8, §11-13EE-9, §11-13EE-10, §11-13EE-11, §11-13EE-12, §11-13EE-13, §11-13EE-14, §11-13EE-15, and §11-13EE-16, all relating generally to Coal Severance Tax Rebate; findings and purpose; defining terms; providing for rebate of severance tax when capital investment made in new machinery, equipment, or improvements to real property directly used in severance of coal, or in coal preparation and processing plants; providing rules and procedures for claiming rebate and transfer to successors; imposing recapture tax in certain circumstance; providing rules for interpretation and construction; requiring periodic rebate reports; authorizing rulemaking; and providing for severability and effective date.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 681**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Bates, S. Brown, Caputo, Diserio, Doyle, Fleischauer, Fluharty, Hansen, Lavender-Bowe, Pushkin, Sponaugle and Walker.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, a majority of the members elected to the House having voted in the affirmative, the Speaker declared the bill (H. B. 3144) passed.

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

The House then returned to further consideration of **Com. Sub. for S. B. 487**, Relating to admissibility of health care staffing requirements in litigation.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Capito, Foster and Lovejoy.

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

Resolutions Introduced

Delegates Walker, Angelucci, Bates, S. Brown, Byrd, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hornbuckle, Longstreth, Miller, Pushkin, Pyles, Robinson, Rowe, Skaff, Staggers, Tomblin, Williams and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. R. 22 - “Urging the West Virginia House of Delegates to affirm its support of the protections for West Virginia consumers with preexisting conditions and other patient protections in the Affordable Care Act; calls on Attorney General Morrissey to withdraw from the lawsuit; and calls on the West Virginia Legislature to pass state-level protections in the event these provisions are overturned at the federal level.”

Whereas, There are 740,000 individuals living with a preexisting condition in West Virginia— including 90,600 children; and

Whereas, Nearly one out of four West Virginia adults under age 50 (181,000) have anxiety, depression, or other mental health conditions; and

Whereas, There are 26,000 West Virginia cancer survivors under age 60, including adults and children; and

Whereas, Virtually any health condition that a West Virginian had before joining a health plan could lead to a preexisting condition exclusion, denial of coverage, or price increase, including high blood pressure or cholesterol, diabetes, asthma, and obesity; and

Whereas, There were 540,000 West Virginians enrolled in Medicaid/CHIP in October 2018; and

Whereas, There are more than 410,000 West Virginians enrolled in Medicare; and

Whereas, Attorneys General from 18 states including West Virginia have filed suit in the United States District Court for the Northern District of Texas, arguing that the Affordable Care Act is unconstitutional; and

Whereas, This lawsuit puts protections for West Virginians with preexisting conditions at risk in the event they need to purchase their own coverage and the 154,000 West Virginians enrolled (as of December 2018) in the Medicaid Expansion could lose coverage, and threatens all West Virginians who benefit from improvements to Medicare, including reduced costs to seniors for prescription drugs; and

Whereas, On June 7, 2018, the United States Department of Justice refused to defend the constitutionality of the Affordable Care Act, despite the well-established duty of the department to defend federal statutes where reasonable arguments can be made in their defense.

Resolved by the House of Delegates:

That the West Virginia House of Delegates affirm its support of the protections for West Virginia consumers with preexisting conditions and other patient protections in the Affordable Care Act; and calls on Attorney General Morrisey to withdraw from the lawsuit; and calls on the West Virginia Legislature to pass state-

level protections in the event these provisions are overturned at the federal level.

Further Resolved, That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution to the President of the West Virginia Senate, the Attorney General, and the Governor of West Virginia.

Delegates Sypolt, Rowan, Boggs, Linville, Longstreth, Lovejoy, C. Martin, P. Martin and Pyles offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 100 - "Whereas, West Virginia currently is suffering a child welfare crisis that is leaving over seven thousand children in the foster care system."

Whereas, West Virginia is suffering from a drug epidemic that is exacerbating the child welfare crisis; and

Whereas, The overall goal is for children in the foster care system to be reunified with their birth parents; however there remains a large portion whose parental rights have been terminated thus leaving the children eligible for adoption; and

Whereas, Only 27% of those discharged from foster care in 2017 were adopted; and

Whereas, Increased adoption from foster care is an opportunity to decrease the number of young people left to spend much of their youth in unstable and less than ideal living arrangements; and

Whereas, West Virginia should review national best practices to ensure its policy create an environment which leads to successful permanent placements; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia House of Delegates conduct a study to better understand the potential that adoption could have in

addressing the critical need for improving child welfare in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate 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.

When children being discharged from the foster care system cannot be reunified with their birth parent it is important to ensure that the adoptive system can adequately provide permanent family placement.

Delegates Rowan, Rohrbach, Boggs, Graves, Longstreth, Lovejoy, Malcolm, C. Martin, P. Martin, Pyles, Sypolt and Toney offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 101 - “Requesting the Joint Committee on Government and Finance study issues relating to the state funding of local senior centers, and their ability to provide in-home care services to the elderly population of West Virginia.”

Whereas, Approximately twenty percent of the population of West Virginia is aged sixty-five or older; and

Whereas, Many elderly persons in West Virginia rely on state funded providers for assistance, whether in an institutional setting or through in-home care services; and

Whereas, Such services provided by in-home care providers can include grooming and hygiene, mobility assistance, light housekeeping, transportation, or nutrition care; and

Whereas, In-home care can provide West Virginia's elderly population with numerous advantages such as remaining close to family, increasing comfort, and lowering costs; and

Whereas, Many of the aforementioned services are provided by county level aging providers which are located throughout the state; and

Whereas, County providers are currently not receiving sufficient funding to properly address the demand, and increasing costs of providing in-home services for the elderly population of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the funding of local senior centers in an effort to increase the ability of these centers to provide adequate care to West Virginia's aging population, in particular in-home services; 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.

Delegates Rowan, Boggs, Rohrbach, Graves, Longstreth, Lovejoy, Malcolm, C. Martin, P. Martin, Pyles and Sypolt offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 102 - "Requesting the Joint Committee on Government and Finance to study the feasibility of including victims of financial exploitation as persons who are eligible for an award from the West Virginia Crime Victims Compensation Fund, especially persons who are elderly, incapacitated or who have been deemed protected persons, and the possibility of coordinating with the federal Victims of Crime Act program to obtain funds for such awards."

Whereas, Many persons in West Virginia are victims of financial exploitation, the fastest growing silent crime of the 21st century; and

Whereas, In many cases the perpetrator of the financial exploitation drains the victim of his or her life savings, income and real and personal property, leaving that victim subject to evictions, homelessness, hunger and destitution; and

Whereas, West Virginia has a Crime Victims Compensation Fund that grants awards to victims of crimes that result in physical harm; and

Whereas, The federal Victims of Crimes Act and other states have extended crime victims compensation awards to victims of financial exploitation; and

Whereas, Even the smallest award from the Crime Victims Compensation Fund would assist vulnerable victims of financial exploitation in keeping their housing, property and dignity without resorting to assistance from public programs; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the feasibility of including victims of financial exploitation as persons who are eligible for an award from the West Virginia Crime Victims Compensation Fund, especially persons who are elderly, incapacitated or who have been deemed protected persons, and the possibility of coordinating with the federal Victims of Crime Act program to obtain funds for such awards; and, be it.

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

Further Resolved, That the expenses necessary to conduct a study, prepare reports, and draft necessary legislation be paid from

legislative appropriations to the Joint Committee on Government and Finance.

Delegates Graves, Rowan, Lovejoy, C. Martin and Sypolt offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 103 - "Requesting the Joint Committee on Government and Finance research issues relating to providing a process to support and assist 'Grandfamilies' in West Virginia."

Whereas, 35,393 West Virginian children under the age of 18 live with grandparents; and

Whereas, 21,304 grandparents are householders responsible for their grandchildren who live with them; and

Whereas, 46.5% of these grandparents are in the workforce; and

Whereas, 20.9% of these grandparents are in poverty; and

Whereas, Federal and state public benefits programs can help with income, food, healthcare, home energy, and other needs for eligible grandfamilies; therefore, be it

Whereas, There should be an immediate and appropriate process that would enable grandparents in grandfamily arrangements to easily gain access to financial and emotional support, respective forms for assistance programs, and leadership tools for grandfamilies.

Resolved by the Legislature of West Virginia:

That the Committee on Government and Finance is hereby requested to study the feasibility of the West Virginia Department of Health and Human Resources to develop a process where a victim who has had accessories or devices withheld from him or her by a caregiver can report the matter to Adult Protective Services as abuse, neglect or financial exploitation and get

immediate relief through the return of the subject accessories or devices; and, be it

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

Further Resolved, That the expenses necessary to conduct a study, prepare reports, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Rowan, Graves, Lovejoy, Pyles and Sypolt offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 104 - "Requesting study of child custody models that various states have adopted."

Whereas, West Virginia's current custody laws provide for the best interest of the child; and

Whereas, Other states have adopted a presumption that shared parenting is in the best interest of the child; and

Whereas, The intensity and quality of parental care significantly impacts a child's welfare; and

Whereas, Many studies have been performed on this issues which should be reviewed and considered by the West Virginia Legislature; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia House of Delegates conduct a study of child custody models to better understand and facilitate child custody laws in the state of West Virginia; therefore, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020,

on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct a study, prepare reports, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Boggs, Rowan, Graves, Longstreth, Lovejoy, Malcolm, C. Martin, P. Martin, Pyles, Sypolt and Toney offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 105 - "Requesting the Joint Committee on Government and Finance study issues relating to providing a process to assist persons have had caregivers withhold accessories or devices that assist the person in caring for themselves, making legal or health care decisions or communicating with others."

Whereas, Many persons in West Virginia are elderly or incapacitated and depend upon eyeglasses, hearing aids, canes, braces, telephones, computers or other such accessories or devices to maintain their independence, make legal or health care decisions or communicate with other persons; and

Whereas, Certain caregivers of elderly or incapacitated persons often withhold such accessories or devices from their wards, thereby depriving them of their independence, their ability to make decisions affecting health or legal matters, isolating them from friends or family, and resulting in the person's total dependence upon the caregivers; and

Whereas, In many cases such actions could constitute abuse, neglect or financial exploitation of a person by the alleged caregiver; and

Whereas, The West Virginia Department of Health and Human Services has an obligation, through Adult Protective Services, to thoroughly investigate complaints regarding abuse, neglect and financial exploitation of certain adults; and

Whereas, The withholding of accessories and devices from elderly or incapacitated persons by caregivers to the extent that it deprives a person of his or her independence, affects their ability to make legal or health care decisions or impedes their opportunity to communicate with other persons should be deemed abuse, neglect or financial exploitation; and

Whereas, There should be an immediate and appropriate process that would enable a person, or someone acting on behalf of such person, to report to Adult Protective Services the withholding of accessories or devices to an elderly or incapacitated person and to assist in obtaining or retrieving the same; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the feasibility of the West Virginia Department of Health and Human Resources to develop a process where a victim who has had accessories or devices withheld from him or her by a caregiver can report the matter to Adult Protective Services as abuse, neglect or financial exploitation and get immediate relief through the return of the subject accessories or devices; and be it

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

Further Resolved, That the expenses necessary to conduct a study, prepare reports, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Rowan, Graves, Longstreth, Lovejoy, Malcolm, C. Martin, P. Martin, Pyles and Sypolt offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 106 - “Requesting the Joint Committee on Government and Finance study and analyze the impact of human trafficking in West Virginia and ways to ensure its prevention as well as the treatment of victims.”

Whereas, Human trafficking is an under-reported crime in West Virginia that affects hundreds of children and families throughout the state; and

Whereas, Victims, who may or may not be identified as survivors of human trafficking, need a broad spectrum of trauma informed care and services from trained professionals and service providers; and

Whereas, Prevention of victimization is important to reducing the physical and emotional damage inflicted by perpetrators of labor and sex trafficking; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study and analyze the impact of human trafficking in West Virginia and ways to ensure its prevention as well as the treatment of victims; and, be it

Further Resolved, That the study include an examination of the lasting and damaging impacts of human trafficking on the children, youth and families of West Virginia; and, be it

Further Resolved, That the study examine the gaps in victim services, such as housing for victims, including minors who are not falling within scope of current DHHR programs, the needs of law enforcement to better identify victims of human trafficking, particularly youth and runaway victims, and consider the resources known as soft interviewing room facilities for victims and resources to support the timely investigation of trafficking cases; and, be it

Further Resolved, That the study consider that with the rise in grand-families, many elder guardians are not well versed in the hazards of technology and social media, and thus may not be aware

of the victimization and grooming of children and adolescents that takes place by perpetrators of human trafficking and sexual abuse; and, be it

Further Resolved, That the study seek best practices related to training and education of a variety of service providers and community resources, especially those who are mandated reporters, so they recognize the signs of human trafficking and can appropriately report and potentially intervene on behalf of young victims; and, be it

Further Resolved, That the study look at methods to determine best practices in prevention through age-appropriate education of children and teens related to developing healthy relationships, understanding self-worth and building self-esteem to help all children and teens avoid victimization; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusions, and recommendations together with any 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 appropriates to the Joint Committee on Government and Finance.

Delegate Pethtel offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 107 - "Requesting the Joint Committee on Government and Finance study the issue of domestic animals trespassing on the property on another."

Whereas, The Legislature is committed to protecting the private property rights of land owners in this state; and

Whereas, Domestic animals at times leave the property of their owner and enter upon the land of other land owners in this state; and

Whereas, Current state law does not provide protection to individuals to recover domestic animals that trespass on the property of another; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the issue of domestic animals trespassing on the property on another, including the possibility of enacting legislation to provide protections to owners of domestic animals to recover domestic animals that trespass on the property of another; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusion, 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.

Delegate Harshbarger offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 109 - “Requesting the Joint Committee on Government and Finance study commercial guided bear hunting in the State of West Virginia.”

Whereas, Commercial guided bear hunting enterprises afford bear hunters the ability to host groups of individuals on guided bear hunts to showcase their unique methods of hunting, while allowing a wider segment of the population to enjoy the sport of bear hunting; and

Whereas, Commercial guided bear hunting would create economic opportunities for bear hunters in the state that do not exist currently; and

Whereas, Commercial bear hunters in the state have voiced concerns that commercial bear hunting may negatively affect the sport of bear hunting in the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study commercial guided bear hunting, including the possibility of enacting legislation to permit commercial guided bear hunting in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusion, 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.

Special Calendar

Unfinished Business

Com. Sub. for S. C. R. 4, US Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road; coming up in regular order, as unfinished business, was reported by the Clerk.

On motion of Delegate Summers the resolution was amended on page one, by striking out the entire resolution and inserting in lieu of the following:

“Requesting the Division of Highways name a portion of State Route 16 from milepost 22.85 to milepost 26.7 in McDowell County, the ‘U.S. Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road’.”

Whereas, Dennis Ray Blankenship was born January 8, 1938, in Bartley, McDowell County, West Virginia; and

Whereas, Dennis Ray Blankenship served in the United States Marine Corps during the Vietnam War and reached the rank of Lieutenant Colonel; and

Whereas, Lt. Col. Dennis Ray Blankenship was highly decorated for his conspicuous gallantry and intrepidity in action, and was awarded the Silver Star; and

Whereas, Naming a portion of road in McDowell County is an appropriate recognition of his service and sacrifice for his country, his state, his community, and McDowell County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of State Route 16 from milepost 22.85 to milepost 26.7 in McDowell County, the “U.S. Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road as the “U.S. Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.”

The resolution, as amended, was then adopted.

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. C. R. 40, US Army CPL Roy E. Clark Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

On motion of Delegate Summers, the resolution was amended on page one, by striking out the entire resolution and inserting in lieu of the following:

“Requesting the Division of Highways name bridge number 2657, S-242(17), (40A030), located on West Virginia Route 34 within the city limits of Hurricane, in Putnam County, the ‘U.S. Army CPL Roy E. Clark Memorial Bridge’.”

Whereas, Roy Edward Clark was born March 22, 1946, in Culloden, West Virginia, the son of Lawrence Willard Clark and Mazy Ann Woodard; and

Whereas, Roy E. Clark graduated from Hurricane High School in 1966, where he was known by his friends as a kind, humble, honest, and caring young man; Roy loved athletics and was a member of both the basketball and track teams; and

Whereas, After graduating high school, Roy E. Clark served with the U.S. Army in Vietnam, Company C, 5th Battalion, 46th Infantry, 198th Infantry Brigade; and

Whereas, On May 24, 1969, CPL Roy E. Clark was mortally wounded when his company came under heavy enemy fire near the village of Trà Vinh, Vietnam; with complete disregard for his own safety, CPL Roy E. Clark continued to expose himself to intense enemy fire, laying down a suppressive fire that provided cover to his comrades, enabling them to reach a safe position; and

Whereas, CPL Roy E. Clark was posthumously awarded the Bronze star with “V” for valor for saving the lives of many of his fellow soldiers through his timely and courageous actions; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Roy E. Clark and his sacrifice for his state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name bridge number 2657, S-242(17), (40A030), located on West Virginia Route 34 within the city limits of Hurricane, in Putnam County, the ‘U.S. Army CPL Roy E. Clark Memorial Bridge’; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the ‘U.S. Army CPL Roy E. Clark 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.”

The resolution, as amended, was then 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

Com. Sub. for S. J. R. 5, Clarification of the Judiciary’s Role in Impeachment Proceedings Amendment; on third reading, coming up in regular order, was read a third time.

On the adoption of the resolution, the yeas and nays were taken (**Roll No. 682**), and there were—yeas 54, nays 41, absent and not voting 5, with the yeas, nays and absent and not voting being as follows:

Yeas: Anderson, Azinger, Bibby, Butler, Cadle, Capitol Cooper, Cowles, Criss, Dean, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham Hill, Hollen, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Linville, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Queen, Rowan, Shott, Storch, Summers, Sypolt, Toney, Waxman, Westfall, Wilson, Worrell and Hanshaw (Mr. Speaker).

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff,

Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Atkinson, Ellington, Nelson, Rohrbach and Steele.

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for S. J. R. 5) rejected.

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

S. B. 677, Supplemental appropriation to Division of Health and Division of Human Services; on third reading, coming up in regular order, was read a third time.

Delegate Cowles requested to be excused from voting on S. B. 677 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 passage of the bill, the yeas and nays were taken (**Roll No. 683**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Butler, Jennings, Malcolm and McGeehan.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 677) passed.

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

On this question, the yeas and nays were taken (**Roll No. 684**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Butler and McGeehan.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 677) takes effect from its passage.

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

S. B. 678, Supplemental appropriation from State Excess Lottery Revenue Fund to Office of Technology; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 685**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan, Paynter, Porterfield and Worrell.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 678) passed.

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

On this question, the yeas and nays were taken (**Roll No. 686**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan, Paynter, Porterfield and Worrell.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 678) 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. 679, Supplemental appropriation to Division of Finance; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 687**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Butler, McGeehan and Paynter.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 679) passed.

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

On this question, the yeas and nays were taken (**Roll No. 688**), 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 Paynter.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 679) takes effect from its passage.

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

S. B. 680, Supplemental appropriations to various divisions in DMAPS; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 689**), 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 Paynter.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 680) passed.

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

On this question, the yeas and nays were taken (**Roll No. 690**), 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 Paynter.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 680) takes effect from its passage.

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

S. B. 681, Supplemental appropriation from Lottery Net Profits to Educational Broadcasting Authority; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 691**), and there were—yeas 85, nays 12, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Butler, Fast, Foster, Hollen, D. Jeffries, J. Jeffries, Kessinger, Malcolm, P. Martin, McGeehan, Paynter and Porterfield.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 681) passed.

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

On this question, the yeas and nays were taken (**Roll No. 692**), and there were—yeas 86, nays 11, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Butler, Fast, Hollen, Howell, D. Jeffries, Kessinger, C. Martin, P. Martin, McGeehan, Paynter and Porterfield.

Absent and Not Voting: Ellington, Rohrbach and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 681) takes effect from its passage.

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

In the absence of objection, the House then returned to further consideration of **Com. Sub. for S. B. 405**.

Delegate Summers moved to reconsider the vote requesting conference, which motion prevailed.

Whereupon,

Delegate Summers asked unanimous consent to withdraw the motion requesting conference, which consent was not given, objection being heard.

On motion of Delegate Summers, the motion was then withdrawn.

On motion of Delegate Summers, the House of Delegates then refused to concur in the Senate amendment and requested the Senate to recede therefrom.

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

At 1:35 p.m., the House of Delegates recessed until 3:30 p.m.

* * * * *

Afternoon 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 concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 352, Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities.

On motion of Delegate Summers, the House of Delegates concurred in the following Senate title amendment:

Com. Sub. for S. B. 352 - "A Bill to amend and reenact §15A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15A-3-14a, all relating to the Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities; clarifying notice requirements; allowing the division to require surety; expanding acceptable forms of surety; allowing the division to utilize best value procurement; providing exception; establishing procedure for best value procurement; allowing for

direct award procurement; establishing procedure for direct award procurement; allowing the division to run criminal background checks, financial background checks, licensing background checks, and credit checks to determine eligibility for award of contract; enumerating grounds upon which division shall disqualify vendors from being awarded a contract or having contract renewed; limiting disclosure under Freedom of Information Act of records obtained in response to solicitations for bids and records relating to solicitations for, or purchases of, items related to safe and secure running of any facility under jurisdiction of commissioner of division; creating special revenue fund; and providing for methods of disposition of surplus property owned by the division.”

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. 693**), 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: Cooper, Ellington, Fluharty, Rodighiero, Staggers 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. 352) passed.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 398, Relating to compensation for senior judges.

On motion of Delegate Summers, the House concurred in the following Senate title amendment:

Com. Sub. for S. B. 398 - “A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended; to amend and

reenact §50-1-6a of said code; and to amend and reenact §51-9-10 of said code, all relating to compensation for senior judicial officers; providing that senior judges, justices, and magistrates may receive per diem compensation for temporary assignments while receiving retirement benefits, subject to certain limitations; setting forth legislative findings; limiting the per diem rate of compensation that may be paid to senior judges and justices for each day served; providing that the combined total of per diem compensation and retirement benefits paid to a senior judge or justice during a single calendar year may not exceed the annual salary of a sitting circuit judge; limiting the per diem rate of compensation that may be paid to senior magistrates for each day served; providing that the combined total of per diem compensation and retirement benefits paid to a senior magistrate during a single calendar year may not exceed the annual salary of a sitting magistrate; providing an exception to the limitation on the combined total of per diem compensation and retirement benefits paid to a senior judge, justice, or magistrate in a calendar year, if the Chief Justice of the Supreme Court of Appeals enters an administrative order certifying that certain circumstances necessitate extended assignment of such judge, justice, or magistrate; providing that extended assignment of senior judges or justices must not be utilized in a manner to threaten the qualified status of the Judges' Retirement System under certain provisions of the Internal Revenue Code; requiring that administrative orders regarding extended assignment of a senior judge, justice, or magistrate be submitted to the State Auditor and the State Treasurer; providing that senior judges, justices, and magistrates may be reimbursed for actual and necessary expenses incurred in the performance of their duties; and requiring the State Treasurer to petition the West Virginia Supreme Court of Appeals for a writ of prohibition prohibiting the State Auditor from issuing warrants to authorize payment of compensation to senior judges and justices above statutory limitations.”

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. 694**), and there were—yeas 79, nays 18, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Campbell, Canestraro, Caputo, Diserio, Fleischauer, Fluharty, Longstreth, Lovejoy, Miley, Robinson, Sponaugle, C. Thompson, Walker and Zukoff.

Absent and Not Voting: Cooper, Ellington and Staggers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 398) passed.

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

On this question, the yeas and nays were taken (**Roll No. 695**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, S. Brown, Campbell, Estep-Burton, Fleischauer, Fluharty, Pushkin, Robinson, Sponaugle and Walker.

Absent and Not Voting: Cooper and Ellington.

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. 398) 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 concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, to take effect from passage, of

S. B. 635, Relating generally to coal mining activities.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate, with further title amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF
1985.**

**ARTICLE 2A. OFFICE OF COALFIELD COMMUNITY
DEVELOPMENT.**

§5B-2A-5. Powers and duties.

The office has and may exercise the following duties, powers, and responsibilities:

~~(1) To establish a procedure for developing a community impact statement as provided in section six of this article and to administer the procedure so established;~~

(2) (1) To establish a procedure for determining the assets that could be developed in and maintained by the community to foster its long-term viability as provided in §5B-2A-8 of this code and to administer the procedure so established;

~~(3)~~ (2) To establish a procedure for determining the land and infrastructure needs in the general area of the surface mining operations as provided in §5B-2A-9 of this code and to administer the procedure so established;

(4) (3) To establish a procedure to develop action reports and annual updates as provided in §5B-2A-10 of this code and to administer the procedure so established;

~~(5)~~ (4) To determine the need for meetings to be held among the various interested parties in the communities impacted by surface mining operations and, when appropriate, to facilitate the meetings;

(6) (5) To establish a procedure to assist property owners in the sale of their property as provided in §5B-2A-11 of this code and to administer the procedure so established;

(7) (6) In conjunction with the department, to maintain and operate a system to receive and address questions, concerns, and complaints relating to surface mining; and

(8) (7) On its own initiative or at the request of a community in close proximity to a mining operation, or a mining operation, offer assistance to facilitate the development of economic or community assets. Such assistance shall include the preparation of a master land use plan pursuant to the provisions of §5B-2A-9 of this code.

§5B-2A-6. Community impact ~~statement~~ review.

(a)(4) The office shall, no less frequently than quarterly, either consult with representatives of the department's Office of Mining and Reclamation or review the department's permit application database(s) to determine whether newly proposed surface mines or significant modifications to existing surface mining operations may present opportunities for mine operators to cooperate with local landowners and local governmental officials to mine and reclaim properties so as to develop community assets or secure developable land and infrastructure pursuant to this article. The operator shall develop a community impact statement, as described in this section, which shall be submitted to the office within sixty days of the filing of a surface mining application pursuant to the provisions of article three, chapter twenty-two of this code. Failure to submit a community impact statement to the office shall be considered a violation under the provisions of section seventeen of said article; and

(2) ~~The operator shall provide copies of the community impact statement to the department's Office of Mining Reclamation and Office of Explosives and Blasting and to the county commissions, county clerks' offices and local, county or regional development or redevelopment authorities of the areas to be affected by the surface mining operations.~~

~~(b) The community impact statement, where practicable, shall not be a highly technical or legalistic document, but shall be written in a clear and concise manner understandable to all citizens. The community impact statement shall include the following:~~

~~(1) The amount and location of land to be mined or used in the actual mining operations;~~

~~(2) The expected duration of the mining operations in each area of the community;~~

~~(3) The extent of anticipated mining-related property acquisitions, to the extent that such acquisitions are known or knowable;~~

~~(4) The intentions of the surface and mineral owners relative to the acquired property, to the extent that such intentions are known or knowable;~~

~~(5) A statement of the post-mining land use for all land within the permit boundary;~~

~~(6) The intended blasting plan and the expected time and duration it will affect each community;~~

~~(7) Information concerning the extent and nature of valley fills and the watersheds to be affected;~~

~~(8) Economic information, such as the number of jobs created and annual coal production resulting from the surface mining operation, the anticipated life of the mining operation and such other information as may be deemed appropriate; and~~

~~(9) An acknowledgment of the recommendations of any approved master land use plan that pertains to the land proposed to be mined, including an acknowledgment of the infrastructure components needed to accomplish the designated post mine land use required by the plan.~~

~~(c) Where the operator makes any significant revision to the permit application under section eighteen, article three, chapter~~

~~twenty-two of this code, which revision substantially affects any of the information provided in subsection (b) of this section, the operator shall revise the affected provisions of its community impact statement and shall submit such revisions as set forth in subsection (a) of this section.~~

~~(d) Within thirty days of receipt of a community impact statement pursuant to subdivision (2), subsection (a) of this section or a revised community impact statement pursuant to subsection (c) of this section, the local, county or regional development or redevelopment authorities of the areas to be affected by the surface mining operations shall provide a written acknowledgment of the receipt of this community impact statement or revised community impact statement to the department's Division of Mining Reclamation, to the county commission or county commissions and to the office.~~

~~(e) (b) The provisions of this section shall apply as follows: to all surface mining permit applications granted after July 1, 2018.~~

~~(1) To all surface mining permits granted after June 11, 1999; and~~

~~(2) At the first renewal date of all previously issued permits: *Provided*, That the permittee shall be afforded ninety days from said date to comply with the provisions of this section.~~

§5B-2A-8. Determining and developing needed community assets.

(a) The office shall determine the community assets that may be developed by the community, county, or region to foster its viability when surface mining operations are completed.

(b) Community assets to be identified pursuant to subsection (a) of this section may include the following:

(1) Water and wastewater services;

(2) Developable land for housing, commercial development, or other community purposes;

(3) Recreation facilities and opportunities; and

(4) Education facilities and opportunities.

~~(c) The operator shall be required to prepare and submit to the office the information set forth in this subsection as follows:~~

~~(1) A map of the area for which a permit under article three, chapter twenty two of this code is being sought or has been obtained;~~

~~(2) The names of the surface and mineral owners of the property to be mined pursuant to the permit; and~~

~~(3) A statement of the post-mining land use for all land which may be affected by the mining operations.~~

~~(d)~~ (c) In determining the nature and extent of the needed community assets, the office shall consider at least the following:

(1) An evaluation of the future of the community once mining operations are completed;

(2) The prospects for the long-term viability of any asset developed under this section;

(3) The desirability of foregoing some or all of the asset development required by this section in lieu of the requirements of §5B-2A-9 of this code; and

(4) The extent to which the community, local, state, or the federal government may participate in the development of assets the community needs to assure its viability.

§5B-2A-9. Securing developable land and infrastructure.

(a) The office shall determine the land and infrastructure needs in the general area of the surface mining operations- for which it makes the determination authorized in §5B-2A-6 of this code.

(b) For the purposes of this section, the term ‘general area’ shall mean the county or counties in which the mining operations are being conducted or any adjacent county.

(c) To assist the office, the operator, upon request by the office, shall be required to prepare and submit to the office the information set forth in this subsection as follows:

(1) A map of the area for which a permit under §22-3-1 *et seq.* of this code is being sought or has been obtained;

(2) The names of the surface and mineral owners of the property to be mined pursuant to the permit; and

(3) A statement of the post-mining land use for all land which may be affected by the mining operations.

(d) In making a determination of the land and infrastructure needs in the general area of the mining operations, the office shall consider at least the following:

(1) The availability of developable land in the general area;

(2) The needs of the general area for developable land;

(3) The availability of infrastructure, including, but not limited to, access roads, water service, wastewater service, and other utilities;

(4) The amount of land to be mined and the amount of valley to be filled;

(5) The amount, nature, and cost to develop and maintain the community assets identified in §5B-2A-8 of this code; and

(6) The availability of federal, state, and local grants and low-interest loans to finance all or a portion of the acquisition and construction of the identified land and infrastructure needs of the general area.

(e) In making a determination of the land and infrastructure needs in the general area of the surface mining operations, the

office shall give significant weight to developable land on or near existing or planned multilane highways.

(f) The office may secure developable land and infrastructure for a Development Office or county through the preparation of a master land use plan for inclusion into a reclamation plan prepared pursuant to the provisions of §22-3-10 of this code. No provision of this section may be construed to modify requirements of §22-3-1 *et seq.* of this code.

(1) The county commission or other governing body for each county in which there are surface mining operations that are subject to this article shall determine land and infrastructure needs within their jurisdictions through the development of a master land use plan which incorporates post-mining land use needs, including, but not limited to, renewable and alternative energy uses, residential uses, highway uses, industrial uses, commercial uses, agricultural uses, public facility uses, or recreational facility uses. A county commission or other governing body of a county may designate a local, county, or regional development or redevelopment authority to assist in the preparation of a master land use plan. A county commission or other governing body of a county may adopt a master land use plan developed after July 1, 2009, only after a reasonable public comment period.

(2) Upon the request of a county or designated development or redevelopment authority, the office shall assist the county or development or redevelopment authority with the development of a master land use plan.

(3)(A) The Department of Environmental Protection and the Office of Coalfield Community Development shall review master land use plans existing as of July 1, 2009. If the office determines that a master land use plan complies with the requirements of this article and the rules promulgated pursuant to this article, the office shall approve the plan on or before July 1, 2010.

(B) Master land use plans developed after July 1, 2009, shall be submitted to the department and the office for review. The office shall determine whether to approve a master land use plan

submitted pursuant to this subdivision within three months of submission. The office shall approve the plan if it complies with the requirements of this article and the rules promulgated pursuant to this article.

(C) The office shall review a master land use plan approved under this section every three years. No later than six months before the review of a master land use plan, the county or designated development or redevelopment authority shall submit an updated master land use plan to the department and the office for review. The county may submit its updated master land use plan only after a reasonable public comment period. The office shall approve the master land use plan if the updated plan complies with the requirements of this article and the rules promulgated pursuant to this article.

(D) If the office does not approve a master land use plan, the county or designated development or redevelopment authority shall submit a supplemental master land use plan to the office for approval.

(4) The required infrastructure component standards needed to accomplish the designated post-mining land uses identified in a master land use plan shall be developed by the county or its designated development or redevelopment authority. These standards must be in place before the respective county or development or redevelopment authority can accept ownership of property donated pursuant to a master land use plan. Acceptance of ownership of such property by a county or development or redevelopment authority may not occur unless it is determined that: ~~(i) The property use is compatible with adjacent land uses; (ii) the use satisfies the relevant county or development or redevelopment authority's anticipated need and market use; (iii) the property has in place necessary infrastructure components needed to achieve the anticipated use; (iv) the use is supported by all other appropriate public agencies; (v) the property is eligible for bond release in accordance with section twenty three, article three, chapter twenty-two of this code; and (vi) the use is feasible. Required infrastructure component standards require approval of the relevant county commission, commissions or other county governing body before~~

~~such standards are accepted. County commission or other county governing body approval may be rendered only after a reasonable public comment period;~~

(A) The property use is compatible with adjacent land uses;

(B) The use satisfies the relevant county or development or redevelopment authority's anticipated need and market use;

(C) The property has in place necessary infrastructure components needed to achieve the anticipated use;

(D) The use is supported by all other appropriate public agencies;

(E) The property is eligible for bond release in accordance with §22-3-23 of this code; and

(F) The use is feasible.

Required infrastructure component standards require approval of the relevant county commission, commissions, or other county governing body before such standards are accepted. County commission or other county governing body approval may be rendered only after a reasonable public comment period.

(5) The provisions of this subsection shall not take effect until legislative rules are promulgated pursuant to ~~paragraph (C), subdivision (1), subsection (c), section twenty three, article three, chapter twenty two~~ of this code governing bond releases which assure sound future maintenance by the local or regional economic development, redevelopment, or planning agencies.

CHAPTER 11. TAXATION.

ARTICLE 28. POST-COAL MINE SITE BUSINESS CREDIT.

§11-28-1. Definitions.

For purposes of this article:

‘Business entity’ or ‘person’ means an individual, firm, sole proprietorship, partnership, corporation, association, or other entity entitled to a post-coal mine site business credit.

‘Coal mining operation’ means the business of developing, producing, preparing, or loading bituminous coal, subbituminous coal, anthracite, or lignite.

‘Post-coal mine site’ means property that has remained undeveloped for business purposes, subsequent to coal mining operations on the property within the bonded area of the last issued coal mine permit.

‘Principal place of business’ means the physical location from which the entity’s direction, control, and coordination of the operations of the business are primarily exercised, with consideration given, but not limited to:

(1) The physical location at which the primary executive and administrative headquarters of the entity is located; and

(2) From which the management of overall operations of the entity is directed.

‘Undeveloped for business purposes’ means land has been previously used for coal mining operations and has not been built or developed for use for other activities in the commercial or manufacturing sectors of the economy.

§11-28-2. Eligibility for credit.

For those tax years beginning on or after January 1, 2020, a business entity will be allowed a credit against certain taxes imposed by this chapter, as described in §11-28-3 of this code, if the business entity meets the following requirements:

(1) The entity is a corporation, small business corporation, limited liability company, partnership, or unincorporated business entity as defined in this code that also has a principal place of business in the state;

(2) The entity employs at the post-coal mine site a minimum of 10 full-time (32 hours a week or more) employees; and

(3) The entity's principal place of business is located on a post-coal mine site within this state.

§11-28-3. Application of credit.

(a) Amount of credit. — For those tax years beginning on or after January 1, 2020, an eligible business entity will be allowed a tax credit in the amount of 50 percent of that entity's capital expenditures (as defined in Section 263 of the United States Internal Revenue Code of 1986, as amended) at the post-coal mine site for the first five taxable years during which the entity's principal place of business is located on the post-coal mine site within this state. The dollar amount of the credit claimed by an eligible business entity may not exceed the amount of 50 percent of the entity's state income tax for a single year.

(b) Application of annual credit allowance. — The credit created by this article is allowed as a credit against the taxpayer's state tax liability applied as provided in subdivisions (1) and (2) of this subsection, and in that order.

(1) Corporation net income taxes. — Any credit is first applied to reduce the taxes imposed by §11-24-1 et seq. of this code for the taxable year.

(2) Personal income taxes. — After application of §11-28-3(b)(1) of this code, any unused credit is next applied as follows:

(A) If the person making the qualified investment is an electing small business corporation (as defined in Section 1361 of the United States Internal Revenue Code of 1986, as amended), a partnership or a limited liability company that is treated as a partnership for federal income tax purposes, then any unused credit (after application of §11-28-3(b)(1) of this code) is allowed as a credit against the taxes imposed by §11-21-1 et seq. of this code on the income from business or other activity subject to tax under §11-23-1 et seq. of this code.

(B) Electing small business corporations, limited liability companies, partnerships, and other unincorporated organizations shall allocate the credit allowed by this article among its members in the same manner as profits and losses are allocated for the taxable year.

(3) A credit is not allowed under this section against any employer withholding taxes imposed by §11-21-1 et seq. of this code.

(c) Unused credit. — A carryback to a prior taxable year is not allowed for the amount of any unused portion of any annual credit allowance. If the amount of the allowable credit exceeds the taxpayer's tax liability for the taxable year, the amount which exceeds the tax liability may be carried over and applied as a credit against the tax liability of the taxpayer pursuant to §11-21-1 et seq. or §11-24-1 et seq. of this code for each of the next 10 taxable years following the year of creation of the tax credit unless sooner used.

(d) Eligibility requirements. — Those businesses that benefit from other state economic development programs or incentives that result in a reduction of their income tax liability due shall not be eligible for this tax credit.

(e) Rule-making authority. — The State Tax Division shall promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code. These rules shall include, at a minimum, forms for use in claiming the credit authorized in this article, administration of the credit authorized in this article, and any other matter seen necessary by the State Tax Division for the administration of this article.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 3. SURFACE AND COAL MINING RECLAMATION ACT.

§22-3-14. General environmental protection performance standards for the surface effects of underground mining; application of other provisions of article to surface effects of underground mining.

(a) The director shall promulgate separate rules directed toward the surface effects of underground coal mining operations, embodying the requirements in subsection (b) of this section: *Provided*, That in adopting such rules, the director shall consider the distinct difference between surface coal mines and underground coal mines in West Virginia. Such rules may not conflict with or supersede any provision of the federal or state coal mine health and safety laws or any rule issued pursuant thereto.

(b) Each permit issued by the director pursuant to this article and relating to underground coal mining shall require the operation at a minimum to:

(1) Adopt measures consistent with known technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible, maximize mine stability and maintain the value and reasonably foreseeable use of overlying surface lands, except in those instances where the mining technology used requires planned subsidence in a predictable and controlled manner: *Provided*, That this subsection does not prohibit the standard method of room and pillar mining;

(2) Seal all portals, entryways, drifts, shafts, or other openings that connect the earth's surface to the underground mine workings when no longer needed for the conduct of the mining operations in accordance with the requirements of all applicable federal and state law and rules promulgated pursuant thereto;

(3) Fill or seal exploratory holes no longer necessary for mining and maximize to the extent technologically and economically feasible, if environmentally acceptable, return of mine and processing waste, tailings, and any other waste incident to the mining operation to the mine workings or excavations;

(4) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles created by the operator from current operations through construction in compacted layers, including the use of incombustible and impervious materials, if necessary, and assure that any leachate

therefrom will not degrade surface or groundwaters below water quality standards established pursuant to applicable federal and state law and that the final contour of the waste accumulation will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

(5) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to §22-3-13 of this ~~article~~ code, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, and solid wastes and used either temporarily or permanently as dams or embankments;

(6) Establish on regraded areas and all other disturbed areas a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area within the time period prescribed in §22-3-13(b)(20) of this ~~article~~ code;

(7) Protect off-site areas from damages which may result from such mining operations;

(8) Eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to health and safety of the public;

(9) Minimize the disturbance of the prevailing hydrologic balance at the mine site and in associated off-site areas and to the quantity and the quality of water in surface and groundwater systems both during and after mining operations and during reclamation by: (A) Avoiding acid or other toxic mine drainage by such measures as, but not limited to: (i) Preventing or removing water from contact with toxic producing deposits; (ii) treating drainage to reduce toxic content which adversely affects downstream water before being released to water courses; and (iii) casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters; and (B) conducting mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to

streamflow or runoff outside the permit area, but in no event shall the contributions be in excess of requirements set by applicable state or federal law, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines: *Provided*, That in recognition of the distinct differences between surface and underground mining the monitoring of water from underground coal mine workings shall be in accordance with the provisions of the Clean Water Act of 1977;

(10) With respect to other surface impacts of underground mining not specified in this subsection, including the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities, operate in accordance with the standards established under §22-3-13 of this code for such effects which result from surface-mining operations: *Provided*, That the director shall make such modifications in the requirements imposed by this subdivision as are necessary to accommodate the distinct difference between surface and underground mining in West Virginia;

(11) To the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, aquatic life, wildlife, and related environmental values, and achieve enhancement of such resources where practicable; and

(12) Unless otherwise permitted by the director and in consideration of the relevant safety and environmental factors, locate openings for all new drift mines working in acid producing or iron producing coal seams in a manner as to prevent a gravity discharge of water from the mine.

(c) In order to protect the stability of the land, the director shall suspend underground mining under urbanized areas, cities, towns, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if he or she

finds imminent danger to inhabitants of the urbanized areas, cities, towns, or communities.

(d) The provisions of this article relating to permits, bonds, insurance, inspections, reclamation and enforcement, public review, and administrative and judicial review are also applicable to surface operations and surface impacts incident to an underground mine with such modifications by rule to the permit application requirements, permit approval, or denial procedures and bond requirements as are necessary to accommodate the distinct difference between surface mines and underground mines in West Virginia.

(e) The secretary shall promulgate for review and consideration by the West Virginia Legislature during the regular session of the Legislature, 2020, revisions to legislative rules (38 CSR 2) pertaining to surface owner protection from material damage due to subsidence under this article. The secretary shall specifically consider adoption of the federal standards codified at 30 C.F.R. § 817.121.

ARTICLE 11. WATER POLLUTION CONTROL ACT.

§22-11-10. Water Quality Management Fund established; permit application fees; annual permit fees; dedication of proceeds; rules.

(a) The special revenue fund designated the Water Quality Management Fund established in the State Treasury on July 1, 1989, is hereby continued.

(b) The permit application fees and annual permit fees established and collected pursuant to this section; any interest or surcharge assessed and collected by the secretary; interest accruing on investments and deposits of the fund; and any other moneys designated by the secretary shall be deposited into the Water Quality Management Fund. The secretary shall expend the proceeds of the Water Quality Management Fund for the review of initial permit applications, renewal permit applications, and permit issuance activities.

(c) The secretary shall propose for promulgation, legislative rules in accordance with the provisions of §29A-1-1 *et seq.* of this code, to establish a schedule of application fees for all applications except for surface coal mining operations as defined in §22-3-13 of this code. The appropriate fee shall be submitted by the applicant to the department with the application filed pursuant to this article for any state water pollution control permit or national pollutant discharge elimination system permit. The schedule of application fees shall be designed to establish reasonable categories of permit application fees based upon the complexity of the permit application review process required by the department pursuant to the provisions of this article and the rules promulgated under this article: *Provided*, That no initial application fee may exceed \$15,000 for any facility nor may any permit renewal application fee exceed \$5,000. The department may not process any permit application pursuant to this article until the required permit application fee has been received.

(d) The secretary shall propose for promulgation legislative rules in accordance with the provisions of §29A-1-1 *et seq.* of this code, to establish a schedule of permit fees to be assessed annually upon each person holding a state water pollution control permit or national pollutant discharge elimination system permit issued pursuant to this article except for permits held by surface coal mining operations as defined in §22-3-1 *et seq.* of this ~~chapter~~ code. Each person holding a permit shall pay the prescribed annual permit fee to the department pursuant to the rules promulgated under this section: *Provided*, That no person holding a permit for a home aerator of ~~six hundred~~ 600 gallons and under shall be required to pay an annual permit fee. The schedule of annual permit fees shall be designed to establish reasonable categories of annual permit fees based upon the relative potential of categories or permits to degrade the waters of the state: *Provided, however*, That no annual permit fee may exceed \$5,000. The secretary may declare any permit issued pursuant to this article void when the annual permit fee is more than ~~ninety~~ 90 days past due pursuant to the rules promulgated under this section. Voiding of the permit will only become effective upon the date the secretary mails, by

certified mail, written notice to the permittee's last known address notifying the permittee that the permit has been voided.

(e) The secretary shall file a quarterly report with the Joint Committee on Government and Finance setting forth the fees established and collected pursuant to this section.

(f) On July 1, 2002, and each year thereafter, a \$1,000 fee shall be assessed for permit applications and renewals submitted pursuant to this article for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. On July 1, 2002, and each year thereafter, a \$500 fee shall be assessed for application for permit modifications submitted pursuant to this article for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. Beginning July 1, 2002 and every year thereafter, an annual permit fee shall be assessed on the issuance anniversary dates of all permits issued pursuant to this article for surface coal mining operations as defined in §22-3-1 *et seq.* of this code. The annual permit fee shall be collected as follows: ~~Five hundred dollars~~ \$500 for the fiscal year beginning on July 1, 2002, and \$1,000 for each fiscal year thereafter. For all other categories of permitting actions pursuant to this article related to surface coal mining operations, the secretary shall propose for promulgation legislative rules in accordance with the provisions of §29A-1-1 *et seq.* of this code to establish a schedule of permitting fees.

ARTICLE 30. THE ABOVEGROUND STORAGE TANK ACT.

§22-30-3. Definitions.

For purposes of this article:

(1) 'Aboveground storage tank' or 'tank' or 'AST' means a device made to contain an accumulation of more than ~~one thousand three hundred twenty~~ 1,320 gallons of fluids that are liquid at standard temperature and pressure, which is constructed primarily of nonearthen materials, including concrete, steel, plastic, or fiberglass reinforced plastic, which provide structural support, more than ~~ninety percent~~ 90 percent of the capacity of which is

above the surface of the ground, and includes all ancillary pipes and dispensing systems up to the first point of isolation. The term includes stationary devices which are permanently affixed, and mobile devices which remain in one location on a continuous basis for ~~three hundred sixty five~~ 365 or more days. A device meeting this definition containing hazardous waste subject to regulation under 40 C. F. R. Parts 264 and 265, exclusive of tanks subject to regulation under 40 C. F. R. § 265.201 is included in this definition but is not a regulated tank. Notwithstanding any other provision of this code to the contrary, the following categories of devices are not subject to the provisions of this article:

(A) Shipping containers that are subject to state or federal laws or regulations governing the transportation of hazardous materials, including, but not limited to, railroad freight cars subject to federal regulation under the Federal Railroad Safety Act, 49 U. S. C. §§20101-2015, as amended, including, but not limited to, federal regulations promulgated thereunder at 49 C. F. R. ~~Parts §§~~ §§ 172, 173, or 174;

(B) Barges or boats subject to federal regulation under the United States Coast Guard, United States Department of Homeland Security, including, but not limited to, federal regulations promulgated at 33 C. F. R. 1; *et seq.* or subject to other federal law governing the transportation of hazardous materials;

(C) Swimming pools;

(D) Process vessels;

(E) Devices containing drinking water for human or animal consumption, surface water or groundwater, demineralized water, noncontact cooling water, or water stored for fire or emergency purposes;

(F) Devices containing food or food-grade materials used for human or animal consumption and regulated under the Federal Food, Drug and Cosmetic Act (21 U. S. C. §301-392);

(G) Except when located in a zone of critical concern, a device located on a farm, the contents of which are used exclusively for farm purposes and not for commercial distribution;

(H) Devices holding wastewater that is being actively treated or processed (e.g., clarifier, chlorine contact chamber, batch reactor, etc.);

(I) Empty tanks held in inventory or offered for sale;

(J) Pipeline facilities, including gathering lines, regulated under the Natural Gas Pipeline Safety Act of 1968 or the Hazardous Liquid Pipeline Safety Act of 1979, or an intrastate pipeline facility regulated by the West Virginia Public Service Commission or otherwise regulated under any state law comparable to the provisions of either the Natural Gas Pipeline Safety Act of 1968 or the Hazardous Liquid Pipeline Safety Act of 1979;

(K) Liquid traps, atmospheric and pressure vessels, or associated gathering lines related to oil or gas production and gathering operations;

(L) Electrical equipment such as transformers, circuit breakers, and voltage regulator transformers;

(M) Devices having a capacity of ~~two hundred ten~~ 210 barrels or less, containing brine water or other fluids produced in connection with hydrocarbon production activities, that are not located in a zone of critical concern; and

(N) Devices having a capacity of 10,000 gallons or less, containing sodium chloride or calcium chloride water for roadway snow and ice pretreatment, that are not located in a zone of critical concern: *Provided*, That all such devices exempted under subdivisions (M) and (N) of this subdivision must still meet the registration requirements contained in §22-30-4 of this code, the notice requirements contained in §22-30-10 of this code, and the signage requirements contained in §22-30-11 of this code.

(2) ‘Department’ means the West Virginia Department of Environmental Protection.

(3) ‘First point of isolation’ means the valve, pump, dispenser, or other device or equipment on or nearest to the tank where the flow of fluids into or out of the tank may be shut off manually or where it automatically shuts off in the event of a pipe or tank failure.

(4) ‘Nonoperational storage tank’ means an empty aboveground storage tank in which fluids will not be deposited or from which fluids will not be dispensed on or after the effective date of this article.

(5) ‘Operator’ means any person in control of, or having responsibility for, the daily operation of an aboveground storage tank.

(6) ‘Owner’ means a person who holds title to, controls, or owns an interest in an aboveground storage tank, including the owner immediately preceding the discontinuation of its use. ‘Owner’ does not mean a person who holds an interest in a tank for financial security unless the holder has taken possession of and operated the tank.

(7) ‘Person’, ‘persons’, or ‘people’ means any individual, trust, firm, owner, operator, corporation, or other legal entity, including the United States government, an interstate commission or other body, the state or any agency, board, bureau, office, department, or political subdivision of the state, but does not include the Department of Environmental Protection.

(8) ‘Process vessel’ means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process or in which a biological, chemical, or physical change in the material occurs. This does not include tanks used for storage of materials prior to their introduction into the production process or for the storage of finished products or by-products of the production process.

(9) 'Public groundwater supply source' means a primary source of water supply for a public water system which is directly drawn from a well, underground stream, underground reservoir, underground mine, or other primary sources of water supplies which are found underneath the surface of the state.

(10) 'Public surface water supply source' means a primary source of water supply for a public water system which is directly drawn from rivers, streams, lakes, ponds, impoundments, or other primary sources of water supplies which are found on the surface of the state.

(11) 'Public surface water influenced groundwater supply source' means a source of water supply for a public water system which is directly drawn from an underground well, underground river or stream, underground reservoir, or underground mine, and the quantity and quality of the water in that underground supply source is heavily influenced, directly or indirectly, by the quantity and quality of surface water in the immediate area.

(12) 'Public water system' means:

(A) Any water supply or system which regularly supplies or offers to supply water for human consumption through pipes or other constructed conveyances, if serving at least an average of ~~twenty five~~ 25 individuals per day for at least ~~sixty~~ 60 days per year, or which has at least ~~fifteen~~ 15 service connections, and shall include:

(i) Any collection, treatment, storage, and distribution facilities under the control of the owner or operator of the system and used primarily in connection with the system; and

(ii) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with the system.

(B) A public water system does not include a bathhouse located on coal company property solely for the use of its employees or a system which meets all of the following conditions:

(i) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

(ii) Obtains all of its water from, but is not owned or operated by, a public water system which otherwise meets the definition;

(iii) Does not sell water to any person; and

(iv) Is not a carrier conveying passengers in interstate commerce.

(13) ‘Regulated level 1 aboveground storage tank’ or ‘level 1 regulated tank’ means:

(A) An AST located within a zone of critical concern, source water protection area, public surface water influenced groundwater supply source area, or any AST system designated by the secretary as a level 1 regulated tank; or

(B) An AST that contains substances defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as a ‘hazardous substance’ (42 U. S. C. § 9601(14)); or is on EPA’s Consolidated List of Chemicals Subject to the Emergency Planning and Community Right to Know Act (EPCRA), CERCLA, and §112(r) of the Clean Air Act (CAA) (known as the List of Lists) as provided by 40 C. F. R. §§ 355, 372, 302, and 68) in a concentration of one percent or greater, regardless of the AST’s location, except ASTs containing petroleum are not level 1 regulated tanks based solely upon containing constituents recorded on the CERCLA lists; or

(C) An AST with a capacity of 50,000 gallons or more, regardless of its contents or location.

(14) ‘Regulated level 2 aboveground storage tank’ or ‘level 2 regulated tank’ means an AST that is located within a zone of peripheral concern that is not a level 1 regulated tank.

(15) ‘Regulated aboveground storage tank’ or ‘regulated tank’ means an AST that meets the definition of a level 1 or level 2 regulated tank.

(16) 'Release' means any spilling, leaking, emitting, discharging, escaping, or leaching of fluids from an aboveground storage tank into the waters of the state or escaping from secondary containment.

(17) 'Secondary containment' means a safeguard applied to one or more aboveground storage tanks that prevents the discharge into the waters of the state of the entire capacity of the largest single tank and sufficient freeboard to contain precipitation. In order to qualify as secondary containment, the barrier and containment field must be sufficiently impervious to contain fluids in the event of a release, and may include double-walled tanks, dikes, containment curbs, pits, or drainage trench enclosures that safely confine the release from a tank in a facility catchment basin or holding pond. Earthen dikes and similar containment structures must be designed and constructed to contain, for a minimum of ~~seventy-two~~ 72 hours, fluid that escapes from a tank.

(18) 'Secretary' means the Secretary of the Department of Environmental Protection, or his or her designee.

(19) 'Source water protection area' for a public groundwater supply source is the area within an aquifer that supplies water to a public water supply well within a five-year time of travel; and is determined by the mathematical calculation of the locations from which a drop of water placed at the edge of the protection area would theoretically take five years to reach the well.

(20) 'Zone of critical concern' for a public surface water supply source and for a public surface water influenced groundwater supply source is a corridor along streams within a watershed that warrants detailed scrutiny due to its proximity to the surface water intake and the intake's susceptibility to potential contaminants within that corridor. The zone of critical concern is determined using a mathematical model that accounts for stream flows, gradient and area topography. The length of the zone of critical concern is based on a five-hour time of travel of water in the streams to the intake. The width of the zone of critical concern is ~~one thousand~~ 1,000 feet measured horizontally from each bank of the principal stream and ~~five hundred~~ 500 feet measured

horizontally from each bank of the tributaries draining into the principal stream.

(21) 'Zone of peripheral concern' for a public surface water supply source and for a public surface water influenced groundwater supply source is a corridor along streams within a watershed that warrants scrutiny due to its proximity to the surface water intake and the intake's susceptibility to potential contaminants within that corridor. The zone of peripheral concern is determined using a mathematical model that accounts for stream flows, gradient, and area topography. The length of the zone of peripheral concern is based on an additional five-hour time of travel of water in the streams beyond the perimeter of the zone of critical concern, which creates a protection zone of ~~ten~~ 10 hours above the water intake. The width of the zone of peripheral concern is ~~one thousand~~ 1,000 feet measured horizontally from each bank of the principal stream and ~~five hundred~~ 500 feet measured horizontally from each bank of the tributaries draining into the principal stream.

§22-30-24. Powers and duties of secretary.

(a) In addition to the powers and duties prescribed in this chapter or otherwise provided by law, the secretary has the exclusive authority to perform all acts necessary to implement this article.

(b) The secretary may receive and expend money from the federal government or any other sources to implement this article.

(c) The secretary may revoke any registration or certificate to operate for a significant violation of this article or the rules promulgated hereunder.

(d) The secretary may issue orders, assess civil penalties, institute enforcement proceedings, and prosecute violations of this article as necessary.

(e) The secretary, in accordance with this article, may order corrective action to be undertaken, take corrective action, or authorize a third party to take corrective action.

(f) The secretary may recover the costs of taking corrective action, including costs associated with authorizing third parties to perform corrective action. Costs may not include routine inspection and administrative activities not associated with a release.

(g) The secretary shall promulgate for review and consideration by the West Virginia Legislature in the regular session of the Legislature, 2020, legislative rules to incorporate the relevant provisions of this article in the Groundwater Protection Rules for Coal Mining, 38 CSR 2F, for tanks and devices located at coal mining operations.

CHAPTER 22A. MINERS' HEALTH, SAFETY, AND TRAINING.

ARTICLE 1. OFFICE OF MINERS' HEALTH, SAFETY, AND TRAINING; ADMINISTRATION; ENFORCEMENT.

§22A-1-21. Penalties.

(a) (1) Any operator of a coal mine in which a violation of any health or safety rule occurs or who violates any other provisions of this chapter shall be assessed a civil penalty by the director under subdivision (3) of this subsection, which shall be not more than \$5,000, for each violation, unless the director determines that it is appropriate to impose a special assessment for the violation, pursuant to the provisions of subdivision (2), subsection (b) of this section. Each violation constitutes a separate offense. In determining the amount of the penalty, the director shall consider the operator's history of previous violations, whether the operator was negligent, the appropriateness of the penalty to the size of the business of the operator charged, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation.

(2) Revisions to the assessment of civil penalties shall be proposed as legislative rules in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(3) Any miner who knowingly violates any health or safety provision of this chapter or health or safety rule promulgated pursuant to this chapter is subject to a civil penalty assessed by the director under subdivision (4) of this subsection which shall not be more than \$250 for each occurrence of the violation. Any miner issued a violation under this subsection shall either appeal the violation or pay the civil penalty within 30 days after receipt of the violation. Any violation not appealed or paid within 30 days shall become delinquent.

Any civil penalty that becomes delinquent on or after July 1, 2019, and has not been paid shall be deemed a failure by the miner to perform a duty mandated pursuant to this article for purposes of §22A-1-31 of this code.

(4) A civil penalty under subdivision (1) or (2), subsection (a) of this section or subdivision (1) or (2), subsection (b) of this section shall be assessed by the director only after the person charged with a violation under this chapter or rule promulgated pursuant to this chapter has been given an opportunity for a public hearing and the director has determined, by a decision incorporating the director's findings of fact in the decision, that a violation did occur and the amount of the penalty which is warranted and incorporating, when appropriate, an order in the decision requiring that the penalty be paid. Any hearing under this section shall be of record.

(5) If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in the order, the director may file a petition for enforcement of the order in any appropriate circuit court. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall immediately be sent by certified mail, return receipt requested, to the respondent and to the representative of the miners at the affected mine or the operator, as the case may be. The director shall certify and file in the court the record upon which the order sought to be enforced was issued. The court has jurisdiction to enter a judgment enforcing, modifying and enforcing as modified, or setting aside, in whole or in part, the order and decision of the director or it may remand the proceedings

to the director for any further action it may direct. The court shall consider and determine de novo all relevant issues, except issues of fact which were or could have been litigated in review proceedings before a circuit court under §22A-1-20 of this code and, upon the request of the respondent, those issues of fact which are in dispute shall be submitted to a jury. On the basis of the jury's findings the court shall determine the amount of the penalty to be imposed. Subject to the direction and control of the Attorney General, attorneys appointed for the director may appear for and represent the director in any action to enforce an order assessing civil penalties under this subdivision.

(b) (1) Any operator who knowingly violates a health or safety provision of this chapter or health or safety rule promulgated pursuant to this chapter, or knowingly violates or fails or refuses to comply with any order issued under §22A-1-15 of this ~~article~~ code, or any order incorporated in a final decision issued under this article, except an order incorporated in a decision under §22A-1-22(a) or §22A-1-22(b) of this ~~article~~ code, shall be assessed a civil penalty by the director under subdivision (5), subsection (a) of this section of not more than \$5,000 and for a second or subsequent violation assessed a civil penalty of not more than \$10,000, unless the director determines that it is appropriate to impose a special assessment for the violation, pursuant to the provisions of subdivision (2) of this subsection.

(2) In lieu of imposing a civil penalty pursuant to the provisions of subsection (a) of this section or subdivision (1) of this subsection, the director may impose a special assessment if an operator violates a health or safety provision of this chapter or health or safety rule promulgated pursuant to this chapter and the violation is of serious nature and involves one or more of the following by the operator:

(A) Violations involving fatalities and serious injuries;

(B) Failure or refusal to comply with any order issued under §22A-1-15 of this code;

(C) Operation of a mine in the face of a closure order;

(D) Violations involving an imminent danger;

(E) Violations involving an extraordinarily high degree of negligence or gravity or other unique aggravating circumstances;
or

(F) A discrimination violation under §22A-1-22 of this code.

In situations in which the director determines that there are factors present which would make it appropriate to impose a special assessment, the director shall assess a civil penalty of at least \$5,000 and not more than \$10,000.

(c) Whenever a corporate operator knowingly violates a health or safety provision of this chapter or health or safety rules promulgated pursuant to this chapter, or knowingly violates or fails or refuses to comply with any order issued under this law or any order incorporated in a final decision issued under this law, except an order incorporated in a decision issued under §22A-1-22(a) or §22A-1-22(b) of this ~~article~~ code, any director, officer, or agent of the corporation who knowingly authorized, ordered or carried out the violation, failure or refusal is subject to the same civil penalties that may be imposed upon a person under subsections (a) and (b) of this section.

(d) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this law or any order or decision issued under this law is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000 or confined in jail not more than one year, or both fined and confined. The conviction of any person under this subsection shall result in the revocation of any certifications held by the person under this chapter which certified or authorized the person to direct other persons in coal mining by operation of law and bars that person from being issued any license under this chapter, except a miner's certification, for a period of not less than one year or for a longer period as may be determined by the director.

(e) Whoever willfully distributes, sells, offers for sale, introduces, or delivers in commerce any equipment for use in a coal mine, including, but not limited to, components and accessories of the equipment, who willfully misrepresents the equipment as complying with the provisions of this law, or with any specification or rule of the director applicable to the equipment, and which does not comply with the law, specification or rule, is guilty of a misdemeanor and, upon conviction thereof, is subject to the same fine and confinement that may be imposed upon a person under subsection (d) of this section.

(f) Any person who willfully violates any safety standard pursuant to this chapter or a rule promulgated thereunder that causes a fatality or who willfully orders or carries out such violation that causes a fatality is guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000 or confined in a state correctional facility not less than one year and not more than five years, or both fined and ~~imprisoned~~ confined.

(g) There is continued in the Treasury of the State of West Virginia a Special Health, Safety and Training Fund. All civil penalty assessments collected under this section shall be collected by the director and deposited with the Treasurer of the State of West Virginia to the credit of the Special Health, Safety and Training Fund. The fund shall be used by the director who is authorized to expend the moneys in the fund for the administration of this chapter.

§22A-1-35. Mine rescue teams.

(a) The operator shall provide mine rescue coverage at each active underground mine.

(b) Mine rescue coverage may be provided by:

(1) Establishing at least two mine rescue teams which are available at all times when miners are underground; or

(2) Entering into an arrangement for mine rescue services which assures that at least two mine rescue teams are available at all times when miners are underground.

(3) A West Virginia Office of Miners' Health, Safety, and Training Mine Rescue Team ~~may~~ shall serve as a second or backup team for mines within the state and qualify as one of the two teams required under subdivision (1) of this subsection and in accordance with 30 CFR, Part 49.20(4) for all mines with no backup team available within a one-hour drive to the mine. The operator shall contact the office and ~~obtain the state's agreement to serve as a backup team in the form of a written notification signed by the director and this notification shall be kept posted at the mine~~ notify them of the need for mine rescue services beginning July 1, 2019. The director shall utilize surplus funds from the West Virginia Office of Miners' Health, Safety, and Training's special revenue fund to provide backup mine rescue services.

(c) As used in this section, mine rescue teams shall be considered available where teams are capable of presenting themselves at the mine site(s) within a reasonable time after notification of an occurrence which might require their services. Rescue team members will be considered available even though performing regular work duties or while in an off-duty capacity. The requirement that mine rescue teams be available does not apply when teams are participating in mine rescue contests or providing rescue services to another mine.

(d) In the event of a fire, explosion, or recovery operations in or about any mine, the director is hereby authorized to assign any mine rescue team to said mine to protect and preserve life and property. The director may also assign mine rescue and recovery work to inspectors, instructors, or other qualified employees of the office as he or she deems necessary.

(e) The ground travel time between any mine rescue station and any mine served by that station shall not exceed two hours. To ensure adequate rescue coverage for all underground mines, no mine rescue station may provide coverage for more than ~~seventy~~ 70 mines within the two-hour ground travel limit as defined in this subsection.

(f) Each mine rescue team shall consist of five members and one alternate, who are fully qualified, trained, and equipped for

providing emergency mine rescue service. Each mine rescue team shall be trained by a state certified mine rescue instructor.

(g) Each member of a mine rescue team must have been employed in an underground mine for a minimum of one year. For the purpose of mine rescue work only, miners who are employed on the surface but work regularly underground meet the experience requirement. The underground experience requirement is waived for those members of a mine rescue team on the effective date of this statute.

(h) An applicant for initial mine rescue training shall pass, on at least an annual basis, a physical examination by a licensed physician certifying his or her fitness to perform mine rescue work. A record that such examination was taken, together with pertinent data relating thereto, shall be kept on file by the operator and a copy shall be furnished to the director.

(i) Upon completion of the initial training, all mine rescue team members shall receive at least ~~forty~~ 40 hours of refresher training annually. This training shall be given at least four hours each month, or for a period of eight hours every two months, and shall include:

(1) Sessions underground at least once every six months;

(2) The wearing and use of a breathing apparatus by team members for a period of at least two hours, while under oxygen, once every two months;

(3) Where applicable, the use, care, capabilities, and limitations of auxiliary mine rescue equipment, or a different breathing apparatus; and

(4) Mine map training and ventilation procedures.

(j) When engaged in rescue work required by an explosion, fire, or other emergency at a mine, all members of mine rescue teams assigned to rescue operations shall, during the period of their rescue work, be employees of the operator of the mine where the emergency exists, and shall be compensated by the operator at the

rate established in the area for such work. In no case shall this rate be less than the prevailing wage rate in the industry for the most skilled class of inside mine labor. During the period of their emergency employment, members of mine rescue teams shall be protected by the workers' compensation subscription of the mine operator.

(k) During the recovery work and prior to entering any mine at the start of each shift, all rescue or recovery teams shall be properly informed of existing conditions and work to be performed by the designated company official in charge.

(1) For every two teams performing rescue or recovery work underground, one six-member team shall be stationed at the mine portal.

(2) Each rescue or recovery team performing work with a breathing apparatus shall be provided with a backup team of equal number, stationed at each fresh air base.

(3) The mine operator shall provide two-way communication and a lifeline or its equivalent at each fresh air base for all mine rescue or recovery teams and no mine rescue team member shall advance more than 1,000 feet in by the fresh air base: *Provided*, That if a life may possibly be saved and existing conditions do not create an unreasonable hazard to mine rescue team members, the rescue team may advance a distance agreed upon by those persons directing the mine rescue or recovery operations: *Provided, however*, That the mine operator shall provide a lifeline or its equivalent in each fresh air base for all mine rescue or recovery teams.

(4) A rescue or recovery team shall immediately return to the fresh air base when the atmospheric pressure of any member's breathing apparatus depletes to ~~sixty~~ 60 atmospheres, or its equivalent.

(l) Mine rescue stations shall provide a centralized storage location for rescue equipment. This storage location may be either at the mine site, affiliated mines, or a separate mine rescue

structure. All mine rescue teams shall be guided by the mine rescue apparatus and auxiliary equipment manual. Each mine rescue station shall be provided with at least the following equipment:

(1) Twelve self-contained oxygen breathing apparatuses, each with a minimum of two hours capacity, and any necessary equipment for testing such breathing apparatuses;

(2) A portable supply of liquid air, liquid oxygen, pressurized oxygen, oxygen generating or carbon dioxide absorbent chemicals, as applicable to the supplied breathing apparatuses and sufficient to sustain each team for six hours while using the breathing apparatuses during rescue operations;

(3) One extra, fully charged, oxygen bottle for each self-contained compressed oxygen breathing apparatus, as required under subdivision (1) of this subsection;

(4) One oxygen pump or a cascading system, compatible with the supplied breathing apparatuses;

(5) Twelve permissible cap lamps and a charging rack;

(6) Two gas detectors appropriate for each type of gas which may be encountered at the mines served;

(7) Two oxygen indicators;

(8) One portable mine rescue communication system or a sound-powered communication system. The wires or cable to the communication system shall be of sufficient tensile strength to be used as a manual communication system. The communication system shall be at least ~~one thousand~~ 1,000 feet in length; and

(9) Necessary spare parts and tools for repairing the breathing apparatuses and communication system, as presently prescribed by the manufacturer.

(m) Mine rescue apparatuses and equipment shall be maintained in a manner that will ensure readiness for immediate use. A person trained in the use and care of breathing apparatuses

shall inspect and test the apparatuses at intervals not exceeding ~~thirty~~ 30 days and shall certify by signature and date that the inspections and tests were done. When the inspection indicates that a corrective action is necessary, the corrective action shall be made and recorded by said person. The certification and corrective action records shall be maintained at the mine rescue station for a period of one year and made available on request to an authorized representative of the director.

(n) Authorized representatives of the director have the right of entry to inspect any designated mine rescue station.

(o) When an authorized representative finds a violation of any of the mine rescue requirements, the representative shall take appropriate corrective action in accordance with §22A-1-15 of this article code.

(p) Operators affiliated with a station issued an order by an authorized representative will be notified of that order and that their mine rescue program is invalid. The operators shall have ~~twenty-four~~ 24 hours to submit to the director a revised mine rescue program.

(q) Every operator of an underground mine shall develop and adopt a mine rescue program for submission to the director within ~~thirty~~ 30 days of the effective date of this statute: *Provided*, That a new program need only be submitted when conditions exist as defined in subsection (p) of this section, or when information contained within the program has changed.

(r) A copy of the mine rescue program shall be posted at the mine and kept on file at the operator's mine rescue station or rescue station affiliate and the state regional office where the mine is located. A copy of the mine emergency notification plan filed pursuant to 30 CFR §49.9(a) will satisfy the requirements of subsection (q) of this section if submitted to the director.

(s) The operator shall immediately notify the director of any changed conditions materially affecting the information submitted in the mine rescue program.

§22A-1-43. Hold harmless clause; decision to enter mine.

(a) If any injury or death shall occur to any person who has entered any mine, whether active workings, inactive workings, or abandoned workings, without permission, neither:

(1) The owner of that mine or property; nor

(2) The State of West Virginia or any of its political subdivisions, or any agency operating under color of law thereunder; nor

(3) Any person, organization, or entity involved in any rescue or attempted rescue of such person who has committed an entry without permission, shall be held liable in any court or other forum for such injury or death.

(b) The director is authorized to make the decision on whether a mine is too dangerous, and this decision is not subject to review by a court of this state.

(c) A company shall not be required or ordered to conduct rescue operations.

§22A-1-44. Temporary exemption for environmental regulations.

In the event of an unauthorized entry by any person or persons into any mine whether active workings, inactive workings, or abandoned workings, neither the owner of that mine or property, nor any other person, organization, or entity involved in any rescue or attempted rescue of such person, may be held liable for any violation of any environmental regulation, if such violation occurred as part of any rescue efforts.

**ARTICLE 1A. OFFICE OF MINERS' HEALTH, SAFETY,
AND TRAINING; ADMINISTRATION; SUBSTANCE
ABUSE.****§22A-1A-1. Substance abuse screening; minimum
requirements; standards and procedures for screening.**

(a) Every employer of certified persons, as defined in §22A-1-2 of this ~~chapter~~ ~~code~~, shall implement a substance abuse screening policy and program that shall, at a minimum, include:

(1) A preemployment, ~~ten~~ 10-panel urine test for the following and any other substances as set out in rules adopted by the Office of Miners' Health, Safety, and Training:

- (A) Amphetamines;
- (B) Cannabinoids/THC;
- (C) Cocaine;
- (D) Opiates;
- (E) Phencyclidine (PCP);
- (F) Benzodiazepines;
- (G) Propoxyphene;
- (H) Methadone;
- (I) Barbiturates; and
- (J) Synthetic narcotics.

Split samples shall be collected by providers who are certified as complying with standards and procedures set out in the United States Department of Transportation's rule, 49 C. F. R. Part 40, which may be amended, from time to time, by legislative rule of the Office of Miners' Health, Safety, and Training. Collected samples shall be tested by laboratories certified by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) for collection and testing. Notwithstanding the provisions of this subdivision, the mine operator may implement a more stringent substance abuse screening policy and program;

(2) A random substance abuse testing program covering the substances referenced in subdivision (1) of this subsection.

'Random testing' means that each person subject to testing has a statistically equal chance of being selected for testing at random and at unscheduled times. The selection of persons for random testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the persons' Social Security numbers, payroll identification numbers, or other comparable identifying numbers; and

(3) Review of the substance abuse screening program with all persons required to be tested at the time of employment, upon a change in the program and annually thereafter.

(b) For purposes of this subsection, preemployment testing shall be required upon hiring by a new employer, rehiring by a former employer following a termination of the employer/employee relationship or transferring to a West Virginia mine from an employer's out-of-state mine to the extent that any substance abuse test required by the employer in the other jurisdiction does not comply with the minimum standards for substance abuse testing required by this article. Furthermore, the provisions of this section apply to all employers that employ certified persons who work in mines, regardless of whether that employer is an operator, contractor, subcontractor or otherwise.

(c) Any employee involved in an accident that results in physical injuries or damage to equipment or property may be subject to a drug test by his or her employer.

~~(e)~~ (d) (1) Every employer shall notify the director, on a form prescribed by the director, within seven days of any of the following:

(A) ~~A~~ Any positive drug or alcohol test of a certified person.; ~~whether it be a preemployment test, random test, reasonable suspicion test or post accident test.~~ However, for purposes of determining whether a drug test is positive the certified employee may not rely on a prescription dated more than one year prior to the date of the drug test result;

(B) The refusal of a certified person to submit a sample;

(C) A certified person possessing a substituted sample or an adulterated sample; or

(D) A certified person submitting a substituted sample or an adulterated sample.

(2) With respect to any certified person subject to a collective bargaining agreement, the employer shall notify the director, on a form prescribed by the director, within seven days of any of the following:

(A) ~~A Any positive drug or alcohol test of a certified person, whether it be a preemployment test, random test, reasonable suspicion test or post accident test.~~ However, for purposes of determining whether a drug test is positive the certified employee may not rely on a prescription dated more than one year prior to the date of the drug test result;

(B) The refusal of a certified person to submit a sample;

(C) A certified person possessing a substituted sample or an adulterated sample; or

(D) A certified person submitting a substituted sample or an adulterated sample.

(3) When the employer submits the completed notification form prescribed by the director, the employer shall also submit a copy of the laboratory test results showing the substances tested for and the results of the test.

(4) Notice shall result in the immediate temporary suspension of all certificates held by the certified person who failed the screening, pending a hearing before the board of appeals pursuant to §22A-1-2 of this ~~article~~ code.

~~(d)~~ (e) Suspension or revocation of a certified person's certificate as a miner or other miner specialty in another jurisdiction by the applicable regulatory or licensing authority for

substance abuse-related matters shall result in the director's immediately and temporarily suspending the certified person's West Virginia certificate until such time as the certified person's certification is reinstated in the other jurisdiction.

(e) (f) The provisions of this article shall not be construed to preclude an employer from developing or maintaining a drug and alcohol abuse policy, testing program, or substance abuse program that exceeds the minimum requirements set forth in this section. The provisions of this article shall also not be construed to require an employer to alter, amend, revise or otherwise change, in any respect, a previously established substance abuse screening policy and program that meets or exceeds the minimum requirements set forth in this section. The provisions of this article shall require an employer to subject its employees who as part of their employment are regularly present at a mine and who are employed in a safety-sensitive position to preemployment and random substance abuse tests: *Provided*, That each employer shall retain the discretion to establish the parameters of its substance abuse screening policy and program so long as it meets the minimum requirements of this article. For purposes of this section, a 'safety-sensitive position' means an employment position where the employee's job responsibilities include duties and activities that involve the personal safety of the employee or others working at a mine.

§22A-1A-2. Board of Appeals hearing procedures.

(a) Any hearing conducted after the temporary suspension of a certified person's certificate pursuant to this article, shall be conducted within ~~sixty~~ 60 days of the temporary suspension. The Board of Appeals shall make every effort to hold the hearing within ~~forty~~ 40 days of the temporary suspension.

(b) All hearings of the Board of Appeals pursuant to this section shall be conducted in accordance with the provisions of §22A-1-31 of this ~~chapter~~ code. In addition to the rules and procedures in §22A-1-31 of this ~~chapter~~ code in hearings under this section, the Board of Appeals may accept as evidence a notarized affidavit of drug testing procedures and results from a Medical Review Officer (MRO) in lieu of live testimony by the MRO. If

the Board of Appeals desires testimony in lieu of a notarized affidavit, the MRO may testify under oath telephonically or by an Internet-based program in lieu of physically attending the hearing. The Board of Appeals may suspend the certificate or certificates of a certified person for violation of this article or for any other violation of this chapter pertaining to substance abuse. The Board of Appeals may impose further disciplinary actions for repeat violations. The director shall have the authority to propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the disciplinary actions referenced in this section following the receipt of recommendations from the Board of Coal Mine Health and Safety following completion of the study required pursuant to §22A-6-14 of this ~~chapter~~ code. The legislative rules authorized by this subsection shall not, however, include any provisions requiring an employer to take or refrain from taking any specific personnel action or mandating any employer to establish or maintain an employer-funded substance abuse rehabilitation program.

(c) No person whose certification is suspended or revoked under this section may perform any duties under any other certification issued under this chapter; during the period of the suspension imposed by the Board of Appeals. For all miners determined to have a positive drug or alcohol test as determined pursuant to the provisions of this article, the board shall suspend the miner's certification card(s) for a minimum of six months from the date of the drug test. This six-month minimum suspension shall also apply to miners who enter into a treatment program after testing positive in a drug test administered pursuant to the provisions of this article and are placed under probationary treatment and testing agreements by the board. The director shall promulgate an emergency rule and legislative rule by July 1, 2019, requiring all miners who have a positive drug or alcohol test shall have their miner certification card(s) suspended for a minimum of six months.

(d) Any party adversely affected by a final order or decision issued by the Board of Appeals hereunder is entitled to judicial review thereof pursuant to §29A-5-4 of this code.

ARTICLE 2. UNDERGROUND MINES.**§22A-2-2. Submittal of detailed ventilation plan to director.**

~~(a) A mine operator shall submit a detailed ventilation plan and any addenda to the director for review and comment. The mine operator shall review the plan with the director and address concerns to the extent practicable. The operator shall deliver to the miners' representative employed by the operator at the mine, if any, a copy of the operator's proposed annual ventilation plan at least 10 days prior to the date of submission. The miners' representative, if any, shall be afforded the opportunity to submit written comments to the operator prior to such submission; in addition, the miners' representative, if any, may submit written comments to the director. The director shall submit any concern that is not addressed to the United States Department of Labor Mine Safety and Health Administration (MSHA) through comments to the plan. The mine operator shall provide a copy of the plan to the director 10 days prior to the submittal of the plan to MSHA. The MSHA approved plan shall serve as the state approved plan: Provided, That the MSHA approved plan shall comply with all provisions of state mining law as set forth in state code or code of state rules.~~

~~(b) (a) The A mine operator shall give the director a copy of the MSHA United States Department of Labor's Mine Safety and Health Administration (MSHA)-approved plan and any addenda as soon as the operator receives the approval from MSHA. The MSHA-approved plan shall serve as the state-approved plan: Provided, That the MSHA-approved plan shall comply with all provisions of state mining law as set forth in this code or state rules.~~

~~(c) (b) In the event of an unforeseen situation requiring immediate action on a plan revision, the operator shall submit the proposed revision to the director and the miners' representative, if any, employed by the operator at the mine when the proposed revision is submitted to MSHA. The director shall work with the operator to review and comment on the proposed plan revision to MSHA as quickly as possible.~~

(c) Upon approval by MSHA, the plan is enforceable by the director. The approved plan and all revisions and addenda thereto shall be posted on the mine bulletin board and made available for inspection by the miners at that mine for the period of time that they are in effect.

§22A-2-12. Instruction of employees and supervision of apprentices; annual examination of persons using approved methane-detecting devices; records of examination; maintenance of methane detectors, etc.

(a) The Office of Miners' Health, Safety, and Training shall prescribe and establish a course of instruction in mine safety and particularly in dangers incident to employment in mines and in mining laws and rules, which course of instruction shall be successfully completed within ~~twelve~~ 12 weeks after any person is first employed as a miner. It is further the duty and responsibility of the Office of Miners' Health, Safety, and Training to see that the course is given to all persons as above provided after their first being employed in any mine in this state. In addition to other enforcement actions available to the director, upon a finding by the director of the existence of a pattern of conduct creating a hazardous condition at a mine, the director shall notify the ~~Board of Miners' Training, Education and Certification~~ Board of Coal Mine Health and Safety, which shall cause additional training to occur at the mine addressing such safety issue or issues identified by the director, pursuant to §22A-7-1 *et seq.* of this ~~chapter~~ code. The Director of the Office of Miners' Health, Safety, and Training is authorized to promulgate emergency and legislative rules in consultation with the Board of Coal Mine Health and Safety establishing a course of instruction.

(b) It is the duty of the mine foreman or the assistant mine foreman of every coal mine in this state to see that every person employed to work in the mine is, before beginning work therein, instructed in the particular danger incident to his or her work in the mine, and furnished a copy of the mining laws and rules of the mine. It is the duty of every mine operator who employs apprentices, as that term is used in §22A-8-3 and §22A-8-4 of this ~~chapter~~ code to ensure that the apprentices are effectively

supervised with regard to safety practices and to instruct apprentices in safe mining practices. Every apprentice shall work under the direction of the mine foreman or his or her assistant mine foreman and they are responsible for his or her safety. The mine foreman or assistant mine foreman may delegate the supervision of an apprentice to an experienced miner, but the foreman and his or her assistant mine foreman remain responsible for the apprentice. During the first ~~one hundred twenty~~ 120 days of employment in a mine, the apprentice shall work within sight and sound of the mine foreman, assistant mine foreman, or an experienced miner, and in a location that the mine foreman, assistant mine foreman, or experienced miner can effectively respond to cries for help of the apprentice; Provided, that if the apprentice has completed an approved training program as approved by the Board of Coal Mine Health and Safety, this period may be reduced by an amount not to exceed 30 days. The location shall be on the same side of any belt, conveyor, or mining equipment.

(c) Persons whose duties require them to use an approved methane-detecting device or other approved methane detectors shall be examined at least annually as to their competence by a qualified official from the Office of Miners' Health, Safety, and Training and a record of the examination shall be kept by the operator and the office. Approved methane-detecting devices and other approved methane detectors shall be given proper maintenance and shall be tested before each working shift. Each operator shall provide for the proper maintenance and care of the permissible approved methane-detecting device or any other approved device for detecting methane and oxygen deficiency by a person trained in the maintenance, and, before each shift, care shall be taken to ensure that the approved methane-detecting device or other device is in a permissible condition and maintained according to manufacturer's specifications.

§22A-2-13. Daily inspection of working places; records.

Before the beginning of any shift upon which they shall perform supervisory duties, the mine foreman or his or her assistant shall review carefully and countersign all books and records reflecting the conditions and the areas under their supervision,

exclusive of equipment logs, which the operator is required to keep under this chapter. The mine foreman, assistant mine foreman, or fire boss shall visit and carefully examine each working place in which miners will be working at the beginning of each shift before any face equipment is energized and shall examine each working place in the mine at least once every two hours each shift while such miners are at work in such places, and shall direct that each working place shall be secured by props, timbers, roof bolts, or other approved methods of roof support or both where necessary to the end that the working places shall be made safe. The mine foreman or his or her assistants upon observing a violation or potential violation of §22A-2-1 *et seq.* of this ~~chapter~~ code or any regulation or any plan or agreement promulgated or entered into thereunder shall arrange for the prompt correction thereof. The foreman shall not permit any miner other than a certified foreman, fire boss, assistant mine foreman, assistant mine foreman-fire boss or pumper to be on a working section by himself or herself. Should the mine foreman or his or her assistants find a place to be in a dangerous condition, they shall not leave the place until it is made safe; or shall remove the persons working therein until the place is made safe by some competent person designated for that purpose.

He or she shall place his or her initials, time and the date at or near each place he or she examines. He or she shall also record any dangerous conditions and practices found during his or her examination in a book provided for that purpose.

§22A-2-80. Existing regulations to be revised.

By August 31, 2019, all existing rules or regulations under authority of this article shall be revised to reflect the changes enacted during the 2019 Regular Session of the Legislature.

ARTICLE 8. CERTIFICATION OF UNDERGROUND AND SURFACE COAL MINERS.

§22A-8-5. Supervision of apprentices.

Each holder of a permit of apprenticeship shall be known as an apprentice. Any miner holding a certificate of competency and

qualification may have one person working with him or her, and under his or her supervision and direction, as an apprentice, for the purpose of learning and being instructed in the duties and calling of mining. Any mine foreman or fire boss, or assistant mine foreman or fire boss, may have three persons working with him or her under his or her supervision and direction, as apprentices, for the purpose of learning and being instructed in the duties and calling of mining: *Provided*, That a mine foreman, assistant mine foreman, or fire boss supervising apprentices in an area where no coal is being produced or which is outby the working section may have as many as five apprentices under his or her supervision and direction, as apprentices, for the purpose of learning and being instructed in the duties and calling of mining or where the operator is using a production section under program for training of apprentice miners, approved by the ~~Board of Miner Training, Education and Certification~~ Board of Coal Mine Health and Safety.

Every apprentice working at a surface mine shall be at all times under the supervision and control of at least one person who holds a certificate of competency and qualification.

In all cases, it is the duty of every mine operator who employs apprentices to ensure that such persons are effectively supervised and to instruct such persons in safe mining practices. Each apprentice shall wear a red hat which identifies the apprentice as such while employed at or near a mine. No person shall be employed as an apprentice for a period in excess of eight months, except that in the event of illness or injury, time extensions shall be permitted as established by the Director of the Office of Miners' Health, Safety, and Training.

§22A-8-10. Loss of certification for unlawful trespass.

Upon a conviction under the provisions of §61-3B-6 of this code, the certification of any person certified under the provision of §22A-8-1 et seq. of this code, including a safety sensitive certification issued pursuant to 56 CSR 19, shall be deemed revoked and person shall be permanently barred from holding a certification under the provisions of §22A-8-1 et seq. of this code.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**ARTICLE 3. CRIMES AGAINST PROPERTY.****§61-3-12. Entry of building other than dwelling; entry of railroad, traction or motorcar, steamboat, or other vessel; penalties; counts in indictment.**

If any person shall, at any time, break and enter, or shall enter without breaking, any office, shop, ~~underground coal mine~~, storehouse, warehouse, banking house, or any house or building, other than a dwelling house or outhouse adjoining thereto or occupied therewith, any railroad or traction car, propelled by steam, electricity or otherwise, any steamboat or other boat or vessel, or any commercial, industrial or public utility property enclosed by a fence, wall, or other structure erected with the intent of the property owner of protecting or securing the area within and its contents from unauthorized persons, within the jurisdiction of any county in this state, with intent to commit a felony or any larceny, he or she shall be deemed guilty of a felony and, upon conviction, shall be confined in a state correctional facility not less than one nor more than 10 years. And if any person shall, at any time, break and enter, or shall enter without breaking, any automobile, motorcar, or bus, with like intent, within the jurisdiction of any county in this state, he or she shall be guilty of a misdemeanor and, upon conviction, shall be confined in jail not less than two nor more than 12 months and be fined not exceeding \$100.

An indictment for burglary may contain one or more counts for breaking and entering, or for entering without breaking, the house or building mentioned in the count for burglary under the provisions of this section and §61-3-11 of this code.

ARTICLE 3B. TRESPASS.**§61-3B-6. Mine trespass; penalties.**

(a) A person who willfully enters an underground coal mine, whether active workings, inactive workings, or abandoned workings, without permission, is guilty of a felony and, upon

conviction thereof shall be imprisoned in a correctional facility not less than one year and nor more than 10 years and shall be fined not less than \$5,000 nor more than \$10,000: *Provided*, that for any conviction pursuant to this subsection, any inactive or abandoned underground workings must be either: (1) sealed; or (2) clearly identified by signage at some conspicuous place near the entrance of the mine that includes a notice that the unauthorized entry into the mine is a felony criminal offense,

(b) A person who willfully enters a surface coal mine, whether active workings, inactive workings or abandoned workings, without permission, and with the intent to commit a felony or any larceny, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than one week and not more than one month and shall be fined not less than \$1,000 nor more than \$5,000. For a second conviction, pursuant to this subsection, the person shall be guilty of a felony and shall be confined in a correctional facility not less than one year and not more than five years and shall be fined not less than \$5,000 nor more than \$10,000. For a third or subsequent conviction, pursuant to this subsection, the person shall be guilty of a felony and shall be confined in a correctional facility not less than five year and not more than 10 years and shall be fined not less than \$10,000, nor more than \$25,000.

(c) If a person violates subsections (a) or (b) of this section, and during any rescue efforts for any such person, there occurs an injury that causes substantial physical pain, illness, or any impairment of physical condition to any person other than himself or herself, then that person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one week and not more than one year and shall be fined not less than \$1,000 nor more than \$5,000: *Provided*, That such jail term shall include actual confinement of not less than seven days.

(d) If a person violates subsections (a) or (b) of this section, and during any rescue efforts for any such person, there occurs an injury that creates a substantial risk of death, causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ

to any person other than himself or herself, then that person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a correctional facility for not less than two nor more than 10 years and shall be fined not less than \$5,000 nor more than \$10,000.

(e) If a person violates subsections (a) or (b) of this section, and during any rescue efforts of such person, the death of any other person occurs, then that person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a correctional facility for not less than three nor more than 15 years and shall be fined not less than \$10,000 nor more than \$25,000.

(f) Notwithstanding and in addition to any other penalties provided by law, any person who performs or causes damage to property in the course of a willful trespass in violation of this section is liable to the property owner in the amount of twice the amount of such damage.

(g) The terms ‘mine’, ‘active workings’, ‘inactive workings’, and ‘abandoned workings’ have the same meaning ascribed to such terms as set forth in §22A-1-2 of this code.

(h) Nothing in this section shall be construed to prevent lawful assembly and petition for the lawful redress of grievances, during any dispute, including, but not limited to, activities protected by the West Virginia Constitution or the United States Constitution or any statute of this state or the United States.”

And,

By amending the title of the bill to read as follows:

S. B. 635 - “A Bill to amend and reenact §5B-2A-5, §5B-2A-6, §5B-2A-8, and §5B-2A-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §11-28-1, §11-28-2, and §11-28-3; to amend and reenact §22-3-14 of said code; to amend and reenact §22-11-10 of said code; to amend and reenact §22-30-3 and §22-30-24 of said code; to amend and reenact §22A-1-21 and §22A-1-35 of said code; to amend said code by adding thereto two new sections,

designated §22A-1-43 and §22A-1-44; to amend and reenact §22A-1A-1 and §22A-1A-2 of said code; to amend and reenact §22A-2-2, §22A-2-12, and §22A-2-13 of said code; to amend said code by adding thereto a new section, designated, §22A-2-80; to amend and reenact §22A-2A-405 of said code; to amend and reenact §22A-8-5 of said code; to amend said code by adding thereto a new section, designated §22A-8-10; to amend and reenact §61-3-12 of said code; and to amend said code by adding thereto a new section, designated §61-3B-6, all relating generally to coal mining activities; eliminating the requirement for submission of the community impact statement; requiring review of new mining activity for submission to the Office of Coalfield Community Development; eliminating requirements for submission of certain additional information; requiring the submission of certain information related to land and infrastructure needs upon request of the Office of Coalfield Community Development; requiring and authorizing the Secretary of the Department of Environmental Protection to promulgate rules relating to mine subsidence protection for dwelling owners; creating a tax credit for post coal mine development; authorizing the Secretary of the Department of Environmental Protection to promulgate rules for permit modification and renewal fees for surface mining operations pursuant to the Water Pollution Control Act; authorizing the Secretary of the Department of Environmental Protection to promulgate rules relating to exemptions pursuant to the Aboveground Storage Tank Act; requiring a miner who was issued an assessment to either pay the fine or appeal a violation within 30 days; requiring the Office of Miners' Health, Safety, and Training Mine Rescue Team be provided to a coal operation where the operation has no mine rescue team available within one hour's drive; permitting employers to drug test an employee involved in an accident that results in physical injuries or damage to equipment or property; requiring miners testing positive for drug use to undergo a mandatory minimum six-month suspension; eliminating timing requirements for submission of a detailed mine ventilation plan to the Director of the Office of Miners' Health, Safety, and Training; authorizing the Director of the Office of Miners' Health, Safety, and Training to promulgate emergency rules for establishing a course of instruction for apprentice miners; requiring

apprentice miners to work 90 days in a mine within sight and sound of a mine foreman or assistant foreman; permitting the Director of the Office of Miners' Health, Safety, and Training to decertify miners who fail to perform daily examinations; allowing the Director of the Office of Miners' Health, Safety, and Training to use the employer's tracking data of the designated daily examiner; authorizing the Director of the Office of Miners' Health, Safety, and Training to promulgate rules generally; amending standards for controlling and monitoring exhaust gases for diesel-powered underground coal mining equipment; allowing certified competent miners to supervise up to two apprentice miners; holding mine owners, the state, and person or entities engaged in rescue operations harmless for injury or death; authorizing a temporary exemption from environmental regulations during rescue operations; revoking certifications of persons convicted of mine trespass; removing underground coal mines from those places subject to the crime of unlawful entry of building other than a dwelling; creating the new criminal misdemeanor and felony offenses of mine trespass; establishing penalties for mine trespass including enhanced penalties for bodily injury or death during rescue operations; authorizing increased liability for damages caused during a mine trespass; and exempting lawful activities under the West Virginia and United States Constitutions, and state and federal law from the operation of the mine trespass criminal statute.”

The further title amendment offered by Delegate Anderson and adopted by the House being as follows:

S. B. 635 - “A Bill to amend and reenact §5B-2A-5, §5B-2A-6, §5B-2A-8, and §5B-2A-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §11-28-1, §11-28-2, and §11-28-3; to amend and reenact §22-3-14 of said code; to amend and reenact §22-11-10 of said code; to amend and reenact §22-30-3 and §22-30-24 of said code; to amend and reenact §22A-1-21 and §22A-1-35 of said code; to amend said code by adding thereto a new sections, designated §22A-1-43; to amend and reenact §22A-1A-1 and §22A-1A-2 of said code; to amend and reenact §22A-2-2, §22A-2-

12, and §22A-2-13 of said code; to amend said code by adding thereto a new section, designated, §22A-2-80; to amend and reenact §22A-8-5 of said code; to amend said code by adding thereto a new section, designated §22A-8-10; to amend and reenact §61-3-12 of said code; and to amend said code by adding thereto a new section, designated §61-3B-6, all relating generally to coal mining activities; eliminating the requirement for submission of the community impact statement; requiring review of new mining activity for submission to the Office of Coalfield Community Development; eliminating requirements for submission of certain additional information; requiring the submission of certain information related to land and infrastructure needs upon request of the Office of Coalfield Community Development; requiring and authorizing the Secretary of the Department of Environmental Protection to promulgate rules relating to mine subsidence protection for dwelling owners; creating a tax credit for post coal mine site development; adding definitions; delineating eligibility for tax credit for post coal mine site development; specifying application of the tax credit for post coal mine site development; authorizing the Secretary of the Department of Environmental Protection to promulgate rules for permit modification and renewal fees for surface mining operations pursuant to the Water Pollution Control Act; authorizing the Secretary of the Department of Environmental Protection to promulgate rules relating to exemptions pursuant to the Aboveground Storage Tank Act; requiring a miner who was issued an assessment to either pay the fine or appeal a violation within 30 days; requiring the Office of Miners' Health, Safety, and Training Mine Rescue Team be provided to a coal operation where the operation has no mine rescue team available within one hour's drive; permitting employers to drug test an employee involved in an accident that results in physical injuries or damage to equipment or property; requiring miners testing positive for drug use to undergo a mandatory minimum six-month suspension; eliminating timing requirements for submission of a detailed mine ventilation plan to the Director of the Office of Miners' Health, Safety, and Training; authorizing the Director of the Office of Miners' Health, Safety, and Training to promulgate emergency rules for establishing a course of instruction for apprentice miners; requiring apprentice

miners to work at least 90 days in a mine within sight and sound of a mine foreman or assistant foreman; permitting the Director of the Office of Miners' Health, Safety, and Training to decertify miners who fail to perform daily examinations; authorizing the Director of the Office of Miners' Health, Safety, and Training to promulgate rules generally; holding mine owners, the state, and person or entities engaged in rescue operations harmless for injury or death resulting from mine trespass; authorizing a temporary exemption from environmental regulations during rescue operations; revoking certifications of persons convicted of mine trespass; removing underground coal mines from those places subject to the crime of unlawful entry of building other than a dwelling; creating the new criminal misdemeanor and felony offenses of mine trespass; establishing penalties for mine trespass including enhanced penalties for bodily injury or death during rescue operations; authorizing increased liability for damages caused during a mine trespass; and exempting lawful activities under the West Virginia and United States Constitutions, and state and federal law from the operation of the mine trespass criminal statute.”

The bill, as amended, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 696**), 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: Cooper and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 635) passed.

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

On this question, the yeas and nays were taken (**Roll No. 697**), 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: Cooper and Ellington.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 635) 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.

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. 2049, Relating to a prime contractor's responsibility for wages and benefits.

On motion of Delegate Kessinger, 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, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 5. WAGE PAYMENT AND COLLECTION.

§21-5-4a. Safe Harbor.

(a) An employee, in bringing an action for the underpayment or nonpayment of wages and fringe benefits due upon the employee's separation of employment as contemplated by §21-5-4 of this code, is not entitled to seek liquidated damages or attorney's fees from an employer without first making a written demand, as defined in subsection (c) of this section, to the employer seeking the payment of any alleged underpayment or nonpayment as set forth in this section. The written demand shall be mailed or delivered to the employer's correct address or delivered to the employer's authorized representative. Upon receiving a written demand, the employer has seven calendar days from receipt to correct the alleged underpayment or nonpayment of the wages and fringe benefits due. If, after the seven calendar days, the employer has not corrected the alleged underpayment or nonpayment, or otherwise disputes the allegation, the employee shall be allowed to

seek liquidated damages and attorney's fees. Nothing in this section prohibits the employee from presenting a claim under this article without making a written demand to the employer.

(b) In a class action lawsuit brought under this article for the underpayment or nonpayment of wages and fringe benefits due upon the employee's separation of employment, participation in the class shall be limited only to those individual employees who have made a written demand on the employer as required in subsection (a) of this section.

(c) For purposes of this section, a 'written demand' means any writing, including email, from or on behalf of an employee stating only that the employer has not paid all of the wages or fringe benefits which the employee is owed.

(d) In order for the employer to be eligible for the protections of this section, the employer shall: (i) Inform its employees through a posted notice maintained in a place accessible to its employees in accordance with §21-5-9 of this code of the employee's obligation to make a written demand in order to preserve the right to seek liquidated damages, attorney's fees, or class action relief; and (ii) furnish to the employee with his or her last paycheck or pay stub a written notice of that obligation together with a mailing address and email address to which the notice may be delivered.

§21-5-7. Prime contractor's responsibility for wages and benefits.

(a) Whenever any person, firm, or corporation shall contract with another for the performance of any work which the prime contracting person has undertaken to perform for another, the prime contractor shall become civilly liable to employees engaged in the performance of work under ~~such~~ the contract for the payment of wages and fringe benefits relating to such work only, exclusive of attorney's fees, interest, liquidated damages, or any other damages of any kind, as provided in §21-5-4(e) of this code, or other applicable law and/or common law, to the extent that the employer of ~~such~~ the employee fails to pay ~~such~~ the wages and fringe benefits: for work performed under the contract with the

prime contractor. The employer, and its shareholders, owners, directors, and officers shall be personally and civilly liable to the prime contractor for any sums paid under this section, including attorney's fees.

(b) Any individual or entity seeking redress pursuant to subsection (a) of this section must:

(1) Notify the prime contractor, by certified mail, only that wages or fringe benefits have not been paid within 100 days of the date the wages or fringe benefits become payable to the employee; and

(2) Commence the action within one year of the date the employee delivered notice to the prime contractor pursuant to subdivision (1) of this subsection.

~~*Provided, That such employees have exhausted all feasible remedies contained in this article against such employer, but if the prime contractor has failed to notify the commissioner as required by section sixteen of this article, then the employee shall not be required to exhaust any remedies against the employer: Provided, however, That such employer shall become civilly liable to such prime contractor for any sum of money paid by him under this section.*~~

(c) The employer of the employee to whom wages and/or fringe benefits are owed, shall whenever feasible provide, immediately upon request by the employee or the prime contractor, complete payroll records relating to work performed under the contract with the prime contractor.

(d) Whenever the employee to whom wages and/or fringe benefits are due is represented by a union or other plan administrator, the union or other plan administrator, shall whenever feasible, immediately upon notice of a claim hereunder, cooperate with the employee and the prime contractor to identify and quantify the wages and fringe benefits owed for work performed under the contract with the prime contractor. Further, if the union or agents thereof or other plan administrator, including,

but not limited to, third party administrators, trustees, administrators, or employees, become aware that an employer is not timely in the payment of wages and/or fringe benefits, the union or other plan administrator shall immediately notify the affected employee and the prime contractor for whom the affected employee provided work.

(e) A prime contractor must notify the owner and the architect prior to the completion of the contract if any subcontractor has not been paid in full.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2049 - “A Bill to amend and reenact §21-5-7 of the Code of West Virginia, 1931, as amended, relating to a prime contractor’s responsibility for wages and benefits of employees of a subcontractor; establishing personal and civil liability for the employer and its shareholders, owners, directors, and officers to the prime contractor for any sums paid under this section, including attorney’s fees; requiring notice to prime contractor by certified mail within 100 days of the missing wages becoming payable to the employee; instituting a one-year statute of limitations; requiring the employer of the employee to whom wages and fringe benefits are owed to whenever feasible provide immediately upon request by the employee or the prime contractor complete payroll records relating to work performed under the contract with the prime contractor; requiring when an employee to whom wages and fringe benefits are due is represented by a union or other plan administrator that the union or other plan administrator must whenever feasible immediately upon notice of a claim cooperate with the employee and the prime contractor to identify and quantify the wages and fringe benefits owed for work performed under the contract with the prime contractor; providing that if the union or its agents or other plan administrator become aware that an employer is not timely in the payment of wages and fringe benefits the union or other plan administrator must immediately notify the affected employee and the prime contractor for whom the affected employee provided work; and providing that

a prime contractor must notify the owner and the architect prior to the completion of the contract if any subcontractor has not been paid in full.”

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

On motion of Delegate Summers, the House concurred in the following amendment by the Senate, with further title amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-22. Use of criminal records as disqualification of authorization to practice.

Notwithstanding any other provision of this chapter to the contrary, except for the professions and occupations in §30-2-1 et seq., §30-3-1 et seq., §30-3E-1 et seq., §30-14-1 et seq., §30-18-1 et seq., and §30-29-1 et seq. of this code and where not in conflict with an existing compact or model act:

(a) Boards or licensing authorities referred to in this chapter may not disqualify an applicant for initial licensure, certification or registration because of a prior criminal conviction that has not been reversed unless that conviction is for a crime that bears a rational nexus to the occupation requiring licensure, certification, or registration.

(b) Because the term ‘moral turpitude’ is vague and subject to inconsistent applications, boards or licensing authorities referred to in this chapter when making licensure, certification or registration determination may not rely upon the description of a crime as one of ‘moral turpitude’ unless the underlying crime bears a rational nexus to the occupation requiring licensure, certification, or registration.

(c) If an applicant is disqualified for initial licensure, certification or registration because of a criminal conviction that has not been reversed, the board or licensing authority shall afford the applicant the opportunity to reapply for licensure, certification or registration after the expiration of five years from the date of conviction or date of release from the penalty that was imposed, whichever is later, if the individual has not been convicted of any other crime during that period of time: *Provided*, That convictions for violent or sexual offenses shall subject an individual to a longer period of disqualification, to be determined by the individual board or licensing authority.

(d) An individual with a criminal record who has not previously applied for licensure, certification, or registration may petition a board at any time for a determination of whether the individual’s criminal record will disqualify the individual from obtaining a license or other authorization to practice. This petition shall include sufficient details about the individual’s criminal record to enable the licensing authority to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The licensing authority shall inform the individual of his or her standing within 60 days of receiving the petition from the applicant. The licensing authority may charge a fee to recoup its costs for each petition.

(e) Nothing in this section alters the standards and procedures each licensing authority uses for evaluating licensure, certification, or registration renewals.

(f) Every board subject to the provisions of this section shall propose rules or amendments to existing rules for legislative approval to comply with the provisions of this section. These rules

or amendments to rules shall be proposed pursuant to the provisions of §29A-3-1 et seq. of this code within the applicable time limit to be considered by the Legislature during its regular session in the year 2020.

**ARTICLE 5. PHARMACISTS, PHARMACY
TECHNICIANS, PHARMACY INTERNS AND
PHARMACIES.**

§30-5-11. Registration of pharmacy technicians.

(a) To be eligible for registration as a pharmacy technician to assist in the practice of pharmacist care, the applicant shall:

(1) Submit a written application to the board;

(2) Pay the applicable fees;

(3) Have graduated from high school or obtained a ~~Certificate of General Educational Development (GED)~~ Test Assessing Secondary Completion (TASC) or equivalent;

(4) Have:

(A) Graduated from a competency-based pharmacy technician education and training program as approved by legislative rule of the board;

(B) Completed a pharmacy-provided, competency-based education and training program approved by the board; or

(C) Obtained a national certification as a pharmacy technician and have practiced in another jurisdiction for a period of time as determined by the board.

(5) Have successfully passed an examination developed using nationally recognized and validated psychometric and pharmacy practice standards approved by the board;

(6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be

evidenced by participation in a 12-step program or other similar group or process, may be considered;

(7) Not have been convicted of a felony in any jurisdiction within 10 years preceding the date of application for license, which conviction remains unreversed: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §29A-3-1 et seq. of this code.

(8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted ~~bearing~~ bears a rational nexus to the practice of pharmacist care, which conviction remains unreversed: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code; and

(9) Have fulfilled any other requirement specified by the board in rule.

(b) A person whose license to practice pharmacist care has been denied, revoked, suspended, or restricted for disciplinary purposes in any jurisdiction is not eligible to be registered as a pharmacy technician.

(c) A person registered to assist in the practice pharmacist care issued by the board shall for all purposes be considered registered under this article and may renew pursuant to the provisions of this article.

§30-5-11a. Pharmacy technician trainee qualifications.

(a) To be eligible for registration as a pharmacy technician trainee to assist in the practice of pharmacist care, the applicant shall:

- (1) Submit a written application to the board;
- (2) Pay the applicable fees;

(3) (A) Have graduated from a high school or obtained a ~~Certificate of General Educational Development (GED)~~ Test Assessing Secondary Completion (TASC), or equivalent;

(B) Be currently enrolled in a high school competency-based pharmacy technician education and training program;

(4) (A) Be currently enrolled in a competency-based pharmacy technician education and training program of a learning institution or training center approved by the board; or

(B) Be an employee of a pharmacy in an on-the-job competency-based pharmacy technician training program.

(5) Not be an alcohol or drug abuser as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a 12-step program or other similar group or process, may be considered;

(6) Not have been convicted of a felony in any jurisdiction within 10 years preceding the date of application for registration, which conviction remains unreversed: *Provided*, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;

(7) Not have been convicted of a misdemeanor or felony in any jurisdiction which bears a rational nexus to the practice of pharmacist care, which conviction remains unreversed: *Provided*, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code; and

(8) Have requested and submitted to the board the results of a fingerprint-based state and a national electronic criminal history records check.

(b) The rules, authorized duties, and unauthorized prohibitions as set out in §30-5-12 of this code for pharmacy technicians apply to pharmacy technician trainees.

(c) The board shall promulgate an emergency rule and legislative rule pursuant to §29A-2-1 *et seq.* of this code to authorize the requirements of this section to permit pharmacy technician trainee.

ARTICLE 10. VETERINARIANS.

§30-10-8. Requirements for Veterinary License.

(a) To be eligible for a license to practice veterinary medicine under the provisions of this article, the applicant must:

(1) Be of good moral character;

(2) (A) Be a graduate of an accredited school approved by the board; or

(B) Be a graduate of a foreign veterinary school and hold a certificate of competence issued by a foreign veterinary graduate educational organization as approved by the board;

(3) Have passed the examinations required by the board;

(4) Be at least 18 years of age;

(5) Be a citizen of the United States or be eligible for employment in the United States; and

~~(6) Not have been convicted of a crime involving moral turpitude;~~

(7) ~~(6)~~ Not have been convicted of a felony under the laws of any jurisdiction within five years preceding the date of application for licensure which conviction remains unreversed: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code; and

~~(8)~~ ~~(7)~~ Not have been convicted of a misdemeanor or a felony under the laws of any jurisdiction at any time if the offense for which the applicant was convicted related to the practice of veterinary medicine or animal abuse or neglect: Provided, That any

consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code.

(b) A person seeking a license under the provisions of this article shall submit an application on a form prescribed by the board and pay all applicable fees.

(c) An applicant from another jurisdiction shall comply with all the requirements of this article.

(d) A license to practice veterinary medicine issued by the board prior to July 1, 2010, shall for all purposes be considered a license issued under this article and may be renewed under this article.

(e) An application for a license to practice veterinary medicine submitted to the board prior to July 1, 2010, shall be considered in conformity with the licensing provisions of this article and the rules promulgated thereunder in effect at the time of the submission of the application.

§30-10-10. Requirements for a registered veterinary technician.

(a) To be eligible for a registration to practice veterinary technology under the provisions of this article, the applicant must:

(1) Be of good moral character;

(2) Have a degree in veterinary technology from an accredited school, approved by the board;

(3) Have passed the examinations required by the board;

(4) Be at least 18 years of age;

(5) Be a citizen of the United States or be eligible for employment in the United States; and

~~(6) Not have been convicted of a crime involving moral turpitude;~~

~~(7)~~ (6) Not have been convicted of a felony under the laws of any jurisdiction within five years preceding the date of application for registration which conviction remains unreversed: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code; and

~~(8)~~ (7) Not have been convicted of a misdemeanor or a felony under the laws of any jurisdiction at any time if the offense for which the applicant was convicted related to the practice of veterinary technology or animal abuse or neglect: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;

(b) A person seeking registration under the provisions of this article shall submit an application on a form prescribed by the board and pay all applicable fees.

(c) A person registered to practice veterinary technology issued by the board prior to July 1, 2010, shall for all purposes be considered registered under this article and may renew pursuant to the provisions of this article.

ARTICLE 13A. LAND SURVEYORS.

§30-13A-9. Surveying license requirements.

(a) The board shall issue a surveying license to an applicant who meets the following requirements:

(1) Is of good moral character;

(2) Is at least 18 years of age;

(3) Is a citizen of the United States or is eligible for employment in the United States;

(4) Holds a high school diploma or its equivalent; and

~~(5) Has not been convicted of a crime involving moral turpitude; and~~

(5) Has not been convicted of a felony in any jurisdiction within five years preceding the date of application of license which conviction remains unreversed; *Provided*; That any consideration of prior criminal convictions shall be governed by §30-1-22.

(6) Has completed all of one of the education, experience, and examination requirements set out in §30-13A-8 of this code.

(b) An application for a surveying license shall be made on forms provided by the board and include the following:

(1) Name and address of the applicant;

(2) Applicants education and experience;

(3) Location and date of passage of all the examinations;

(4) Names of five persons for reference, at least three of whom shall be licensees or persons authorized in another jurisdiction to engage in the practice of surveying, and who have knowledge of the applicant's work; and

(5) Any other information the board prescribes.

(c) An applicant shall pay all the applicable fees.

(d) A license to practice surveying issued by the board prior to July 1, 2010, shall for all purposes be considered a license issued under this article: *Provided*, That a person holding a license to practice surveying issued by the board prior to July 1, 2010, must renew the license pursuant to the provisions of this article.

§30-13A-12. Surveyor intern requirements.

(a) To be recognized as a surveyor intern by the board, a person ~~must~~ who meets the following requirements:

(1) Is of good moral character;

(2) Is at least 18 years of age;

(3) Is a citizen of the United States or is eligible for employment in the United States;

(4) Holds a high school diploma or its equivalent;

~~(5) Has not been convicted of a crime involving moral turpitude;~~

(5) Has not been convicted of a felony in any jurisdiction within five years preceding the date of application of license which conviction remains unreversed; *Provided*; That any consideration of prior criminal convictions shall be governed by §30-1-22 of this code.

(6) Has completed one of the education requirements set out in §30-13A-8 of this code; and

(7) Has passed an examination in the fundamentals of land surveying.

(b) A surveyor intern must pass the principles and practice of land surveying examination and the West Virginia examination within 10 years of passing the fundamentals of land surveying examination. If the examinations are not passed within 10 years, then the surveyor intern must retake the fundamentals of land surveying examination.

ARTICLE 20. PHYSICAL THERAPISTS.

§30-20-8. License to practice physical therapy.

(a) To be eligible for a license to engage in the practice of physical therapy, the applicant must:

(1) Submit an application to the board;

(2) Be at least 18 years of age;

(3) Be of good moral character;

(4) Have graduated from an accredited school of physical therapy approved by the Commission on Accreditation in Physical Therapy Education or a successor organization;

(5) Pass a national examination as approved by the board;

(6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a 12-step program or other similar group or process, may be considered;

(7) Not have been convicted of a felony in any jurisdiction within 10 years preceding the date of application for license which conviction remains unreversed: *Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;*

(8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of physical therapy, which conviction remains unreversed: *Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;* and

(9) Has fulfilled any other requirement specified by the board.

(b) A physical therapist shall use the letters 'PT' immediately following his or her name to designate licensure under this article.

(c) A license to practice physical therapy issued by the board prior to July 1, 2010, is considered a license issued under this article: *Provided*, That a person holding a license issued prior to July 1, 2010, must renew the license pursuant to the provisions of this article.

§30-20-10. License to act as a physical therapist assistant.

(a) To be eligible for a license to act as a physical therapist assistant, the applicant must:

- (1) Submit an application to the board;
- (2) Be at least 18 years of age;
- (3) Be of good moral character;

(4) Have graduated from a two-year college level education program for physical therapist assistants which meets the standards established by the Commission on Accreditation in Physical Therapy Education and the board;

(5) Have passed the examination approved by the board for a license to act as a physical therapist assistant;

(6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a 12-step program or other similar group or process, may be considered;

(7) Not have been convicted of a felony in any jurisdiction within 10 years preceding the date of application for license which conviction remains unreversed: *Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;*

(8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of physical therapy, which conviction remains unreversed: *Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;* and

~~(10)~~ (9) Meet any other requirements established by the board.

(b) A physical therapist assistant shall use the letters 'PTA' immediately following his or her name to designate licensure under this article.

(c) A license to act as a physical therapist assistant issued by the board prior to July 1, 2010, is considered a license issued under

this article: *Provided*, That a person holding a license issued prior to July 1, 2010, must renew the license pursuant to the provisions of this article.

ARTICLE 21. PSYCHOLOGISTS; SCHOOL PSYCHOLOGISTS.

§30-21-7. Qualifications of applicants; exceptions; applications; fee.

(a) To be eligible for a license to engage in the practice of psychology, the applicant must:

- (1) Be at least 18 years of age;
- (2) Be of good moral character;

(3) Be a holder of a doctor of philosophy degree or its equivalent or a masters degree in psychology from an accredited institution of higher learning, with adequate course study at such institution in psychology, the adequacy of any such course study to be determined by the board;

(4) When the degree held is a doctor of philosophy degree or its equivalent, at least 1,800 hours must be a predoctoral internship in the performance of any of the psychological services described in §30-21-2(e) of this code, including those activities excluded from the definition of the term practice of psychology in said subdivision (e), and, when the degree held is a masters degree, have at least five years' experience subsequent to receiving said degree in the performance of any of the psychological services described in said subdivision (e), including those activities excluded from the definition of the term 'practice of psychology' in said subdivision (e);

(5) Have passed the examination prescribed by the board, which examination shall cover the basic subject matter of psychology and psychological skills and techniques;

(6) Not have been convicted of a felony ~~or crime involving moral turpitude~~: *Provided*, That any consideration of prior criminal

convictions shall be governed by the provisions of §30-1-22 of this code; and

(7) Not, within the next preceding six months, have taken and failed to pass the examination required by subdivision (5), subsection (a) of this section.

(b) The following persons shall be eligible for a license to engage in the practice of psychology without examination:

(1) Any applicant who holds a doctor of philosophy degree or its equivalent from an institution of higher learning, with adequate course study at such institution in psychology and who is a diplomate of the 'American Board of Examiners in Professional Psychology'; and

(2) Any person who holds a license or certificate to engage in the practice of psychology issued by any other state, the requirements for which license or certificate are found by the board to be at least as great as those provided in this article.

(c) Any person who is engaged in the practice of psychology in this state, or is engaged in any of the activities described in §30-21-2(e)(1), 30-21-2(e)(2), or §30-21-2(e)(3) of this code, in this state, on the effective date of this article and has been so engaged for a period of two consecutive years immediately prior thereto shall be eligible for a license to engage in the practice of psychology without examination and without meeting the requirements of subdivision (4), subsection (a) of this section, if application for such license is made within six months after the effective date of this article and if such person meets the requirements of subdivisions (1), (2), (3) and (6), subsection (a) of this section: *Provided*, That an equivalent of a masters degree in psychology may be considered by the board, only for the purpose of this subsection (c), as meeting the requirements of subdivision (3), subsection (a) of this section.

(d) Any applicant for any such license shall submit an application therefor at such time (subject to the time limitation set forth in subsection (c) of this section), in such manner, on such

forms and containing such information as the board may from time to time by reasonable rule and regulation prescribe, and pay to the board an application fee.

ARTICLE 22. LANDSCAPE ARCHITECTS.

§30-22-10. License requirements.

(a) The board shall issue a license to practice under the provisions of this article to an applicant who meets the following requirements:

(1) Is of good moral character;

(2) Is at least 18 years of age;

(3) Is a citizen of the United States or is eligible for employment in the United States;

~~(4) Has not been convicted of a crime involving moral turpitude;~~

~~(5)~~ (4) Has not had his or her application for a license to practice as a landscape architect refused in any state of the United States;

~~(6)~~ (5) Has not had his or her license to practice landscape architecture suspended or revoked in any state of the United States; and

~~(7)~~ (6) Has completed the licensure requirements set out in this article and the rules promulgated hereunder.

(b) The board may issue a license to practice under the provisions of this article to an applicant who does not meet the licensure requirements set out in subdivisions ~~(5) or (6)~~ (4) or (5) of subsection (a) of this section, but who does meet the licensure requirements established by rule by the board.

(c) An application for a license shall be made on forms prescribed by the board.

(d) An applicant shall pay all the applicable fees.

(e) A license to practice landscape architecture issued by the board prior to July 1, 2006, shall for all purposes be considered a license issued under this article: *Provided*, That a person holding a license to practice landscape architecture issued prior to July 1, 2006, must renew the license pursuant to the provisions of this article.

ARTICLE 23. RADIOLOGIC TECHNOLOGISTS.

§30-23-9. Requirements for Radiologic Technology license.

(a) To be eligible for a license to practice Radiologic Technology, the applicant must:

(1) Be of good moral character;

(2) Have a high school diploma or its equivalent;

(3) Have successfully completed an accredited program in Radiologic Technology, as determined by an accreditation body recognized by the board, from a school of Radiologic Technology that has been approved by the board;

(4) Have passed the examination prescribed by the board, which examination shall cover the basic subject matter of Radiologic Technology, skills and techniques; and

(5) Not have been convicted of a felony under the laws of any state or the United States within five years preceding the date of application for licensure, which conviction remains unreversed: *Provided*, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code; and

(6) Not have been convicted of a misdemeanor or a felony under the laws of any state or the United States at any time if the offense for which the applicant was convicted related to the practice of Medical Imaging, which conviction remains unreversed: *Provided*, That any consideration of prior criminal

convictions shall be governed by the provisions of §30-1-22 of this code.

(b) A person seeking a Radiologic Technology license shall submit an application on a form prescribed by the board and pay the license fee, which fee shall be returned to the applicant if the license application is denied.

(c) A Radiologic Technology license issued by the board prior to July 1, 2009, shall for all purposes be considered a license issued under this article.

§30-23-15. Requirements for Nuclear Medicine Technologist license

(a) To be eligible for a license to practice Nuclear Medicine Technology, the applicant must:

(1) Be of good moral character;

(2) Have a high school diploma or its equivalent;

(3) Not have been convicted of a felony under the laws of any state or the United States within five years preceding the date of application for licensure, which conviction remains unreversed;

(4) Not have been convicted of a misdemeanor or felony under the laws of any state or the United States if the offense for which the applicant was convicted related to the practice of Medical Imaging, which conviction remains unreversed: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;

(5) Meet one of the following qualifications:

(A) Have a baccalaureate or associate degree in one of the physical or biological sciences pertaining to the Medical Imaging or Radiation Therapy profession;

(B) Have a baccalaureate or associate degree in other disciplines of Medical Imaging with successful completion of

courses in the following areas: college algebra, physics or chemistry, human anatomy, physiology, and radiation safety;

(C) National certification as a certified Nuclear Medicine Technologist (CNMT);

(D) National certification as a Registered Radiographer (ARRT (R));

(E) National certification as a Registered Radiographer specializing in Nuclear Medicine (ARRT (N)); or

(F) National certification as a Radiation Therapist (ARRT (T)); and

(6) Pass an examination which has been approved by the board, with a minimum passing score of 75 percent, which examination shall cover the basic subject matter of medical imaging, radiation safety, skills and techniques as it pertains to Nuclear Medicine.

(b) A person seeking a Nuclear Medicine Technology license shall submit an application on a form prescribed by the board and pay the license fee, which fee shall be returned to the applicant if the license application is denied.

(c) A Nuclear Medicine Technology license issued by the board prior to July 1, 2007, shall for all purposes be considered a license issued under this article: *Provided*, That a person holding a Nuclear Medicine Technology license issued prior to July 1, 2007, must renew the license pursuant to the provisions of this article.

§30-23-17. Requirements for Magnetic Resonance Imaging Technologist license.

(a) To be eligible for a license to practice Magnetic Resonance Imaging Technology, the applicant must:

(1) Be of good moral character;

(2) Have a high school diploma or its equivalent;

(3) Not have been convicted of a felony under the laws of any state or the United States within five years preceding the date of application for licensure, which conviction remains unreversed: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;

(4) Not have been convicted of a misdemeanor or a felony under the laws of any state or the United States if the offense for which the applicant was convicted practice of Medical Imaging, which conviction remains unreversed: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;

(5) Meet one of the following qualifications:

(A) Have a baccalaureate or associate degree in one of the physical or biological sciences pertaining to the Medical Imaging or Radiation Therapy profession;

(B) Have a baccalaureate or associate degree in other disciplines of Medical Imaging with successful completion of courses in the following areas: college algebra, physics or chemistry, human anatomy, physiology, and radiation safety;

(C) National certification as a certified Nuclear Medicine Technologist (CNMT);

(D) National certification as a Registered Radiographer (ARRT (R));

(E) National certification as a Registered Radiographer specializing in Nuclear Medicine (ARRT (N));

(F) National certification as a Radiation Therapist (ARRT(T));
or

(G) National certification as an MRI technologist (ARRT (MR) or ARMRT); and

(6) Pass an examination which has been approved by the board, with a minimum passing score of 75 percent, which examination

shall cover the basic subject matter of Medical Imaging, radiation safety, skills and techniques as it pertains to Magnetic Resonance Imaging.

(b) A person seeking a Magnetic Resonance Imaging Technology license shall submit an application on a form prescribed by the board and pay the license fee, which fee shall be returned to the applicant if the license application is denied.

(c) A Magnetic Resonance Imaging Technology license issued by the board prior to July 1, 2007, shall for all purposes be considered a license issued under this article: *Provided*, That a person holding a Magnetic Resonance Imaging Technology license issued prior to July 1, 2007, must renew the license pursuant to the provisions of this article.

§30-23-20. Requirements for Podiatric Medical Assistant permit.

(a) To be eligible for a Podiatric Medical Assistant permit to perform podiatric radiographs, the applicant must:

(1) Be of good moral character;

(2) Have a high school diploma or its equivalent;

(3) Pass a written examination for certification from the American Society of Podiatric Medical Assistants (ASPMA);

(4) Maintain an active certification in the American Society of Podiatric Medical Assistants (ASPMA) and meet all requirements of that organization including the continuing education requirements; and

(5) Not have been convicted of a felony under the laws of any state or the United States within five years preceding the date of application for licensure, which conviction remains unreversed: *Provided*, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code; and

(6) Not have been convicted of a misdemeanor or felony under the laws of any state or the United States if the offense for which the applicant was convicted related to the practice of Radiologic Technology, which conviction remains unreversed: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code.

(b) A person seeking a Podiatric Medical Assistant permit shall submit an application on a form prescribed by the board and pay the permit fee, which fee shall be returned to the applicant if the permit application is denied.

Upon application for renewal, the permittee shall submit documentation of an active certification in ASPMA and payment of a renewal fee.

(c) A Podiatric Medical Assistant permit issued by the board prior to July 1, 2007, shall for all purposes be considered a permit issued under this article: Provided, That a person holding a Podiatric Medical Assistant permit issued prior to July 1, 2007, must renew the permit pursuant to the provisions of this article.

ARTICLE 25. NURSING HOME ADMINISTRATORS.

§30-25-8. Qualifications for license; exceptions; application; fees.

(a) To be eligible for a license to engage in the practice of nursing home administration, the applicant must:

- (1) Submit an application to the board;
- (2) Be of good moral character;
- (3) Obtain a baccalaureate degree;
- (4) Pass a state and national examination as approved by the board;
- (5) Complete the required experience as prescribed by the board;

(6) Successfully complete a criminal background check, through the West Virginia State Police and the National Criminal Investigative Center;

(7) Successfully complete a Health Integrity Protection Data Bank check;

(8) Not be an alcohol or drug abuser as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a 12-step program or other similar group or process, may be considered;

(9) Not have been convicted of a felony in any jurisdiction within 10 years preceding the date of application for license which conviction remains unreversed;

(10) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of nursing home administration, which conviction remains unreversed: *Provided*, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code; and

(11) Has fulfilled any other requirement specified by the board.

(b) A license issued by the board prior to July 1, 2010, shall for all purposes be considered a license issued under this article: *Provided*, That a person holding a license issued prior to July 1, 2010, must renew the license pursuant to the provisions of this article.

ARTICLE 26. HEARING-AID DEALERS AND FITTERS.

§30-26-5. Application for licenses; qualifications of applicants; fees; duties of the board with respect thereto.

Each person desiring to obtain a license from the board to engage in the practice of dealing in or fitting of hearing aids shall make application to the board. The application shall be made in such manner and form as prescribed by the board and shall be

accompanied by the prescribed fee. The application shall state under oath that the applicant:

(1) Intends to maintain a permanent office or place of business in this state or that the applicant has at the time of application a permanent office or place of business in another state within a reasonable commuting distance from this state. The board shall determine and prescribe by regulation the term 'reasonable distance' as used herein;

(2) Is a person of good moral character ~~and that he or she has never been convicted of nor is presently under indictment for a crime involving moral turpitude;~~

(3) Is 18 years of age or older;

(4) Has an education equivalent to a four-year course in an accredited high school; and

(5) Is free of chronic infectious or contagious diseases.

Any person who fails to meet any of the standards set forth in the next preceding paragraph shall not be eligible or qualified to take the examination nor shall any such person be eligible or qualified to engage in the practice of dealing in or fitting of hearing aids.

The board, after first determining that the applicant is qualified and eligible in every respect to take the examination, shall notify the applicant that he or she has fulfilled all of the qualifications and eligibility requirements as required by this section and shall advise him or her of the date, time, and place for him or her to appear to be examined as required by the provisions of this article and the regulations promulgated by the board pursuant to this article.

The board, with the aid and assistance of the department, shall give at least one annual examination of the type required by this article and may give such additional examinations, at such times and places, as the board and the department may deem proper, giving consideration to the number of applications.

§30-26-13. Refusal to issue, suspension or revocation of license or trainee permit; false and deceptive advertising.

(a) The board may refuse to issue or renew, or may suspend or revoke any license or trainee permit for ~~any one, or~~ any combination of the following causes: Violation of a rule or regulation governing the ethical practice of dealing in or fitting of hearing aids promulgated by the board under the authority granted by this article; conviction of a felony, as shown by a certified copy of the record of the court wherein such conviction was had after such conviction has become final; the obtaining of or the attempt to obtain a license, money, or any other thing of value, by fraudulent misrepresentation; malpractice; continued practice of dealing in or fitting of hearing aids by a person knowingly having a chronic infectious or contagious disease; habitual drunkenness or addiction to the use of a controlled substance as defined in §60-1-101 *et seq.* of this code; advertising, practicing or attempting to practice under a name other than ones own; advertising by means of or selling by the use of knowingly false or deceptive statements: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code.

(b) False and deceptive advertisement shall constitute unethical practice and the board, by rules and regulations, may regulate and proscribe acts considered by it to be false and deceptive advertisement.

The rules and regulations promulgated pursuant to this subsection shall include prohibitions against: (1) Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised; (2) representing that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the words ‘doctor’, ‘clinic’, or similar words, abbreviations, or symbols which tend to connote the medical profession when such use is not accurate; and (3) advertising a manufacturers

product or using a manufacturer's name or trademark which implies a relationship with the manufacturer that does not exist or using the words 'audiologist', 'state licensed clinic', 'state registered', 'state certified', or 'state approved', or any other term, abbreviation, or symbol when it would falsely give the impression that service is being provided by persons holding a degree in audiology or trained in clinical audiology, or that licensee's service has been recommended by the state when such is not the case.

(c) The refusal to issue or renew a license or trainee permit, or the suspension or revocation of a license or trainee permit by the board must have the concurrence of a majority of the members of the board.

ARTICLE 30. SOCIAL WORKERS.

§30-30-8. License to practice as an independent clinical social worker.

To be eligible for a license to practice as an independent clinical social worker, the applicant must:

- (1) Submit an application to the board;
- (2) Be at least 18 years of age;
- (3) Be of good moral character;

(4) Have obtained a masters degree from a school of social work accredited by the council on social work education that included a concentration of clinically-oriented course work as defined by the board;

(5) Have completed a supervised clinical field placement at the graduate level, or post-masters clinical training that is found by the board to be equivalent;

(6) Have practiced clinical social work for at least two years in full-time employment, or 3,000 under the supervision of an independent clinical social worker, or clinical supervision that is found by the board to be equivalent;

(7) Have passed an examination approved by the board;

(8) Have satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant;

(9) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in an acknowledged substance abuse treatment and/or recovery program may be considered;

(10) Not have been convicted of a felony in any jurisdiction within five years preceding the date of application for license which conviction remains unreversed;

(11) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of social work, which conviction remains unreversed: *Provided*, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code; and

(12) Meet any other requirements established by the board.

§30-30-10. License to practice as a certified social worker.

(a) To be eligible for a license to practice as certified social worker, the applicant must:

(1) Submit an application to the board;

(2) Be at least 18 years of age;

(3) Be of good moral character;

(4) Have obtained a masters degree from a school of social work accredited by the council on social work education;

(5) Have practiced social work for at least two-years post-masters experience in full-time employment or earned 3,000 hours of post-master's social work experience;

(6) Have passed an examination approved by the board;

(7) Have satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant;

(8) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in an acknowledged substance abuse treatment and/or recovery program may be considered;

(9) Not have been convicted of a felony in any jurisdiction within five years preceding the date of application for license which conviction remains unreversed: *Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;*

(10) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of social work, which conviction remains unreversed: *Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code; and*

(11) Meet other additional requirements as established by the board.

(b) A certified social worker may engage in the practice of clinical social work, if that certified social worker has:

(1) Obtained a masters degree from a school of social work accredited by the council on social work education that included a concentration of clinically-oriented course work as defined by the board;

(2) Has completed a supervised clinical field placement at the graduate level, or post-master's clinical training that is found by the board to be equivalent;

(3) Has contracted, in writing, with a licensed clinical social worker who shall assume responsibility for and supervise the certified social workers practice as directed by the board by promulgation of legislative rules;

(4) Is an employee of an institution or organization in which the certified social worker has no direct or indirect interest other than employment.

(c) A certified social worker may not practice clinical social work until his or her contract has been approved by the board and shall cease the practice of clinical social work immediately upon the termination of the contract. At the termination of the contract, the certified social worker shall apply for licensure as a licensed clinical social worker or request an extension of the contract from the board.

§30-30-12. License to practice as a licensed graduate social worker.

(a) To be eligible for a license to practice as a graduate social worker, the applicant must:

(1) Submit an application to the board;

(2) Be at least 18 years of age;

(3) Be of good moral character;

(4) Have obtained a master's degree from a school of social work accredited by the council on social work education;

(5) Have passed an examination approved by the board;

(6) Have satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant;

(7) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by

participation in an acknowledged substance abuse treatment and/or recovery program may be considered;

(8) Not have been convicted of a felony in any jurisdiction within five years preceding the date of application for license which conviction remains unreversed: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;

(9) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of social work, which conviction remains unreversed: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code; and

(10) Meet any other requirements established by the board.

(b) A licensed graduate social worker may engage in the practice of clinical social work, if he or she has:

(1) Obtained a masters degree from a school of social work accredited by the council on social work education that included a concentration of clinically oriented course work as defined by the board;

(2) Has completed a supervised clinical field placement at the graduate level, or post-master's clinical training that is found by the board to be equivalent;

(3) Has contracted, in writing, with a licensed clinical social worker who shall assume responsibility for and supervise the certified social worker's practice as directed by the board by promulgation of legislative rules;

(4) Be employed by an institution or organization in which the graduate social worker has no direct or indirect interest other than employment.

(c) A graduate social worker may not practice clinical social work until this contract has been approved by the board and shall

cease the practice of clinical social work immediately upon the termination of the contract. At the termination of the contract, the graduate social worker shall apply for licensure as a licensed independent clinical social worker or request an extension of the contract from the board.

§30-30-14. License to practice as a social worker.

To be eligible for a license to practice as a social worker, the applicant must:

- (1) Submit an application to the board;
- (2) Be at least 18 years of age;
- (3) Be of good moral character;
- (4) Have a baccalaureate degree in social work from a program accredited by the council on social work education;
- (5) Have passed an examination approved by the board;
- (6) Have satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant;
- (7) Not be an alcohol or drug abuser, as these terms are defined in 27A-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in an acknowledged substance abuse treatment and/or recovery program may be considered;
- (8) Not have been convicted of a felony in any jurisdiction within five years preceding the date of application for license which conviction remains unreversed: *Provided*, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;
- (9) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of social work, which conviction remains unreversed: *Provided*, That any consideration of prior criminal

convictions shall be governed by the provisions of §30-1-22 of this code; and

(10) Meet any other requirements established by the board.

§30-30-26. Complaints; investigations; due process procedure; grounds for disciplinary action.

(a) The board may upon its own motion based on credible information, and shall upon the written complaint of any person, cause an investigation to be made to determine whether grounds exist for disciplinary action under this article or the legislative rules promulgated pursuant to this article.

(b) Upon initiation or receipt of the complaint, the board shall provide a copy of the complaint to the licensee or permittee.

(c) After reviewing any information obtained through an investigation, the board shall determine if probable cause exists that the licensee or permittee has violated subsection (g) of this section or rules promulgated pursuant to this article.

(d) Upon a finding that probable cause exists that the licensee or permittee has violated subsection (g) of this section or rules promulgated pursuant to this article, the board may enter into a consent decree or hold a hearing for the suspension or revocation of the license or permit or the imposition of sanctions against the licensee or permittee. Any hearing shall be held in accordance with this article.

(e) Any member of the board or the administrator of the board may issue subpoenas and subpoenas duces tecum to obtain testimony and documents to aid in the investigation of allegations against any person regulated by the article.

(f) Any member of the board or its administrator may sign a consent decree or other legal document on behalf of the board.

(g) The board may, after notice and opportunity for hearing, deny or refuse to renew, suspend, restrict, or revoke the license or permit of, or impose probationary conditions upon or take

disciplinary action against, any licensee or permittee for any of the following reasons once a violation has been proven by a preponderance of the evidence:

(1) Obtaining a license or permit by fraud, misrepresentation, or concealment of material facts;

(2) Being convicted of a felony ~~or other crime involving moral turpitude~~: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;

(3) Being guilty of unprofessional conduct which placed the public at risk, as defined by legislative rule of the board;

(4) Intentional violation of a lawful order or legislative rule of the board;

(5) Having had a license or other authorization revoked or suspended, other disciplinary action taken, or an application for licensure or other authorization revoked or suspended by the proper authorities of another jurisdiction;

(6) Aiding or abetting unlicensed practice; or

(7) Engaging in an act while acting in a professional capacity which has endangered or is likely to endanger the health, welfare, or safety of the public.

(h) For the purposes of subsection (g) of this section, effective July 1, 2011, disciplinary action may include:

(1) Reprimand;

(2) Probation;

(3) Restrictions;

(4) Administrative fine, not to exceed \$1,000 per day per violation;

(5) Mandatory attendance at continuing education seminars or other training;

(6) Practicing under supervision or other restriction; or

(7) Requiring the licensee or permittee to report to the board for periodic interviews for a specified period of time.

(i) In addition to any other sanction imposed, the board may require a licensee or permittee to pay the costs of the proceeding.

ARTICLE 31. LICENSED PROFESSIONAL COUNSELORS.

§30-31-8. Requirements for license to practice counseling.

(a) To be eligible for a license to practice professional counseling, an applicant must:

(1) Be of good moral character;

(2) Be at least 18 years of age;

(3) Be a citizen of the United States or be eligible for employment in the United States;

(4) Pay the applicable fee;

(5)(A)(i) Have earned a master's degree in an accredited counseling program or in a field closely related to an accredited counseling program as determined by the board or have received training equivalent to such degree as may be determined by the board; and

(ii) Have at least two years of supervised professional experience in counseling of such a nature as is designated by the board after earning a master's degree or equivalent; or

(B)(i) Have earned a doctorate degree in an accredited counseling program or in a field closely related to an accredited counseling program as determined by the board or have received

training equivalent to such degree as may be determined by the board; and

(ii) Have at least one year of supervised professional experience in counseling of such a nature as is designated by the board after earning a doctorate degree or equivalent;

(6) Have passed a standardized national certification examination in counseling approved by the board;

(7) Not have been convicted of a felony ~~or crime involving moral turpitude~~ under the laws of any jurisdiction: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code:

(A) If the applicant has never been convicted of a felony ~~or a crime involving moral turpitude~~, the applicant shall submit letters of recommendation from three persons not related to the applicant and a sworn statement from the applicant stating that he or she has never been convicted of a felony ~~or a crime involving moral turpitude~~; or

(B) If the applicant has been convicted of a felony ~~or a crime involving moral turpitude~~, it is a rebuttable presumption that the applicant is unfit for licensure unless he or she submits competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensed professional counselor as may be established by the production of:

(i) Documentary evidence including a copy of the relevant release or discharge order, evidence showing compliance with all conditions of probation or parole, evidence showing that at least one year has elapsed since release or discharge without subsequent conviction, and letters of reference from three persons who have been in contact with the applicant since his or her release or discharge; and

(ii) Any collateral evidence and testimony as may be requested by the board which shows the nature and seriousness of the crime, the circumstances relative to the crime or crimes committed and any mitigating circumstances or social conditions surrounding the

crime or crimes and any other evidence necessary for the board to judge present fitness for licensure or whether licensure will enhance the likelihood that the applicant will commit the same or similar offenses;

(8) Not be an alcohol or drug abuser as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant who has had at least two continuous years of uninterrupted sobriety in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a 12-step program or other similar group or process, may be considered; and

(9) Has fulfilled any other requirement specified by the board.

(b) A person who holds a license or other authorization to practice counseling issued by another state, the qualifications for which license or other authorization are determined by the board to be at least substantially equivalent to the license requirements in this article, is eligible for licensure.

(c) A person seeking licensure under the provisions of this section shall submit an application on a form prescribed by the board and pay all applicable fees. A person applying for licensure may elect for a temporary permit to utilize during the application process while the applicant takes the required examination. The temporary permit shall be valid for a period not to exceed six months and may not be renewed. The fee for the temporary permit is \$50. The permittee shall be supervised by an approved licensed professional supervisor while practicing under the temporary permit. Supervision hours completed under the temporary permit count as supervised professional experience as required for licensure under this section. The supervision requirements are the same as required with a provisional license as defined in section six of this article. The temporary permit may be revoked at any time by a majority vote of the board.

(d) A person who has been continually licensed under this article since 1987, pursuant to prior enactments permitting waiver of certain examination and other requirements, is eligible for renewal under the provisions of this article.

(e) A license to practice professional counseling issued by the board prior to July 1, 2009, shall for all purposes be considered a license issued under this article: *Provided*, That a person holding a license issued prior to July 1, 2009, must renew the license pursuant to the provisions of this article.

§30-31-9. Requirements for a license to practice marriage and family therapy.

(a) To be eligible for a license to practice marriage and family therapy, an applicant must:

(1) Be of good moral character;

(2) Be at least 18 years of age;

(3) Be a citizen of the United States or be eligible for employment in the United States;

(4) Pay the applicable fee;

(5)(A)(i) Have earned a master's degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, the Council for Accreditation of Counseling and Related Education Programs, or a comparable accrediting body as approved by the board, or in a field closely related to an accredited marriage and family therapy program as determined by the board, or have received training equivalent to such degree as may be determined by the board; and

(ii) Have at least two years of supervised professional experience in marriage and family therapy of such a nature as is designated by the board after earning a master's degree or equivalent; or

(B)(i) Have earned a doctorate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, the Council for Accreditation of Counseling and Related Education Programs, or a comparable accrediting body as approved by the

board, or in a field closely related to an accredited marriage and family therapy program as determined by the board, or have received training equivalent to such degree as may be determined by the board; and

(ii) Have at least one year of supervised professional experience in marriage and family therapy of such a nature as is designated by the board after earning a doctorate degree or equivalent;

(6) Have passed a standardized national certification examination in marriage and family therapy as approved by the board;

(7) Not have been convicted of a felony ~~or crime involving moral turpitude~~ under the laws of any jurisdiction: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code:

(A) If the applicant has never been convicted of a felony ~~or a crime involving moral turpitude~~, the applicant shall submit letters of recommendation from three persons not related to the applicant and a sworn statement from the applicant stating that he or she has never been convicted of a felony ~~or a crime involving moral turpitude~~; or

(B) If the applicant has been convicted of a felony ~~or a crime involving moral turpitude~~, it is a rebuttable presumption that the applicant is unfit for licensure unless he or she submits competent evidence of sufficient rehabilitation and present fitness to perform the duties of a person licensed to practice marriage and family therapy as may be established by the production of:

(i) Documentary evidence including a copy of the relevant release or discharge order, evidence showing compliance with all conditions of probation or parole, evidence showing that at least one year has elapsed since release or discharge without subsequent conviction, and letters of reference from three persons who have been in contact with the applicant since his or her release or discharge; and

(ii) Any collateral evidence and testimony as may be requested by the board which shows the nature and seriousness of the crime, the circumstances relative to the crime or crimes committed and any mitigating circumstances or social conditions surrounding the crime or crimes, and any other evidence necessary for the board to judge present fitness for licensure or whether licensure will enhance the likelihood that the applicant will commit the same or similar offenses;

(8) Not be an alcohol or drug abuser as these terms are defined in §27-1A-1 of this code: *Provided*, That an applicant who has had at least two continuous years of uninterrupted sobriety in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a 12-step program or other similar group or process, may be considered; and

(9) Has fulfilled any other requirement specified by the board.

(b) A person who holds a license or other authorization to practice marriage and family therapy issued by another state, the qualifications for which license or other authorization are determined by the board to be at least substantially equivalent to the license requirements in this article, is eligible for licensure.

(c) A person seeking licensure under the provisions of this section shall submit an application on a form prescribed by the board and pay all applicable fees. A person applying for licensure may elect for a temporary permit to utilize during the application process while the applicant takes the required examination. The temporary permit shall be valid for a period not to exceed six months and may not be renewed. The fee for the temporary permit is \$50. The permittee shall be supervised by an approved licensed professional supervisor while practicing under the temporary permit. Supervision hours completed under the temporary permit count as supervised professional experience as required for licensure under this section. The supervision requirements are the same as required with a provisional license as defined in section six of this article. The temporary permit may be revoked at any time by a majority vote of the board.

(d) A person who is licensed for five years as of July 1, 2010, and has substantially similar qualifications as required by subdivisions (1), (2), (3), (4), (5)(A)(i) or (5)(B)(i), (7) and (8), subsection (a) of this section is eligible for a license to practice marriage and family therapy until July 1, 2012, and is eligible for renewal under section ten of this article.

ARTICLE 38. THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT.

§30-38-12. Refusal to issue or renew license or certification; suspension or revocation; grounds for disciplinary action.

(a) The following acts or omissions are grounds for disciplinary action, and the board may refuse to issue or renew a license or certification, or after issuance may suspend or revoke a license or certification, or impose disciplinary sanctions for:

(1) Procuring or attempting to procure license or certification under this article by knowingly making a false statement, submitting false information, or making a material misrepresentation in an application filed with the board, or procuring or attempting to procure a license or certification through fraud or misrepresentation;

(2) Paying money other than the fees provided for by this article to any member or employee of the board to procure a license or certification under this article;

(3) An act or omission in the practice of real estate appraising which constitutes dishonesty, fraud, or misrepresentation with the intent to substantially benefit the licensee or another person or with the intent to substantially injure another person;

(4) Entry of a final civil or criminal judgment against a licensee on grounds of fraud, misrepresentation, or deceit in the making of an appraisal of real estate;

(5) Conviction, including a conviction based upon a plea of guilty or ~~nolo contendere~~ nolo contendere of a crime which is substantially related to the qualifications, functions, or duties of a

person developing real estate appraisals and communicating real estate appraisals to others: Provided, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code;

(6) Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications;

(7) Violation of any section of this article, or any rule of the board;

(8) Violation of the confidential nature of governmental records to which a licensee gained access through employment or engagement as an appraiser by a governmental agency;

(9) Acceptance of a fee that is or was contingent upon the appraiser reporting a predetermined analysis, opinion, or conclusion, or is or was contingent upon the analysis, opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;

(10) Failing to meet the minimum qualifications for state licensure or certification established by or pursuant to this article; or

(11) Failing or refusing without good cause to exercise reasonable diligence, or negligence or incompetence, in developing an appraisal, preparing an appraisal report, or communicating an appraisal.

(b) Every person licensed or certified by the board has a duty to report to the board in a timely manner any known or observed violation of this article or the board's rules by any other person licensed or certified by the board.

ARTICLE 39. UNIFORM ATHLETE AGENTS ACT.

§30-39-6. Certificate of registration; issuance or denial; renewal.

(a) Except as otherwise provided in subsection (b) of this section, the Secretary of State shall issue a certificate of registration to an individual who complies with §30-39-5 of this code or whose application has been accepted under §30-39-5 of this code.

(b) The Secretary of State may refuse to issue a certificate of registration if the Secretary of State determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to act as an athlete agent. In making the determination, the Secretary of State may consider whether the applicant has:

(1) Been convicted of a crime that, if committed in this state, would be a ~~crime involving moral turpitude~~ or a felony;

(2) Made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent;

(3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(4) Engaged in conduct prohibited by §30-39-14 of this code;

(5) Had a registration or licensure as an athlete agent suspended, revoked, or denied, or been refused renewal of registration or licensure as an athlete agent in any state;

(6) Engaged in conduct the consequence of which was that a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student-athlete or educational institution; or

(7) Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity.

(c) In making a determination under subsection (b) of this section, the Secretary of State shall consider:

(1) How recently the conduct occurred;

(2) The nature of the conduct and the context in which it occurred; and

(3) Any other relevant conduct of the applicant.

(d) An athlete agent may apply to renew a registration by submitting an application for renewal in a form prescribed by the Secretary of State. An application filed under this section is a public record. The application for renewal must be signed by the applicant under penalty of perjury and must contain current information on all matters required in an original registration.

(e) An individual who has submitted an application for renewal of registration or licensure in another state, in lieu of submitting an application for renewal in the form prescribed pursuant to subsection (d) of this section, may file a copy of the application for renewal and a valid certificate of registration or licensure from the other state. The Secretary of State shall accept the application for renewal from the other state as an application for renewal in this state if the application to the other state:

(1) Was submitted in the other state within six months next preceding the filing in this state and the applicant certifies the information contained in the application for renewal is current;

(2) Contains information substantially similar to or more comprehensive than that required in an application for renewal submitted in this state; and

(3) Was signed by the applicant under penalty of perjury.

(f) A certificate of registration or a renewal of a registration is valid for two years.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2486 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22; and to amend and reenact §30-5-11, §30-5-11a, §30-10-8, §30-10-10, §30-13A-9, §30-13A-12, §30-14-11, §30-20-8, §30-20-10, §30-21-7, §30-22-10, §30-23-9, §30-23-15, §30-23-17, §30-23-20, §30-25-8, §30-26-5, §30-26-13, §30-30-8,

§30-30-10, §30-30-12, §30-30-14, §30-30-26, §30-31-8, §30-31-9, §30-38-12 and §30-39-6 of said code, all relating to 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; removing offenses of moral turpitude as to basis for license denial; authorizing persons to petition licensure boards for a determination as to whether a person's criminal record precludes licensure; limiting licensure disqualification."

The further title amendment offered by Delegate Shott and adopted by the House being as:

Com. Sub. for H. B. 2486 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22; and to amend and reenact §30-5-11, §30-5-11a, §30-10-8, §30-10-10, §30-13A-9, §30-13A-12, §30-20-8, §30-20-10, §30-21-7, §30-22-10, §30-23-9, §30-23-15, §30-23-17, §30-23-20, §30-25-8, §30-26-5, §30-26-13, §30-30-8, §30-30-10, §30-30-12, §30-30-14, §30-30-26, §30-31-8, §30-31-9, §30-38-12 and §30-39-6 of said code, all relating to 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; 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 requiring licensure, certification or registration; limiting licensure disqualification; authorizing persons to petition licensure boards for a determination as to whether a person's criminal record precludes licensure; and providing for rulemaking."

The bill, as amended, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 698**), 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 C. Martin.

Absent and Not Voting: Cooper and Ellington.

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. 2486) 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. 2583, Family Planning Access 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 following the enacting clause, and inserting in lie thereof the following:

“ARTICLE 57. FAMILY PLANNING ACCESS ACT.

§16-57-1. Definitions.

As used in this article:

‘Dispense’ means the same as that term is defined in §30-5-4 of this code.

‘Patient counseling’ means the same as that term is defined in §30-5-4 of this code.

‘Pharmacist’ means the same as that term is defined in §30-5-4 of this code.

‘Self-administered hormonal contraceptive’ means a self-administered hormonal contraceptive that is approved by the United States Food and Drug Administration to prevent pregnancy and does not include the class of emergency contraceptives commonly known as the ‘morning after pill’ or ‘Plan B’.

§16-57-2. Voluntary participation.

This article does not create a duty or standard of care for a person to prescribe or dispense a self-administered hormonal contraceptive.

§16-57-3. Authorization to dispense self-administered hormonal contraceptives.

(a) A pharmacist licensed under §30-5-1 *et seq.* of this code may dispense a self-administered hormonal contraceptive: (1) pursuant to a standing prescription drug order made in accordance with §16-57-4 of this code without any other prescription drug order from a person licensed to prescribe a self-administered hormonal contraceptive; (2) in accordance with the dispensing guidelines in §16-57-6 of this code; and (3) to a patient who is 18 years old or older.

(b) All state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services shall apply to self-administered contraceptives dispensed by a pharmacist under a standing order pursuant to this section.

§16-57-4. Standing prescription drug orders for a self-administered hormonal contraceptive.

The state health officer may prescribe on a statewide basis a self-administered hormonal contraceptive by one or more standing orders in accordance with a protocol consistent with the United States Medical Eligibility Criteria for Contraceptive Use (MEC) Centers for Disease Control and Prevention, that requires:

(1) Use of the self-screening risk assessment questionnaire described below;

(2) Written and oral education;

(3) The timeline for renewing and updating the standing order;

(4) Who is eligible to utilize the standing order;

(5) The pharmacist to make and retain a record of each person to whom the self-administered hormonal contraceptive is dispensed, including:

- (A) The name of the person;
- (B) The drug dispensed; and
- (C) Other relevant information.

§16-57-5. Pharmacist education and training required.

(a) The Board of Pharmacy, in collaboration with the Bureau for Public Health, shall approve a training program or programs to be eligible to participate in the utilization of the standing prescription drug order for self-administered hormonal contraceptives by a pharmacist.

(b) Documentation of training shall be provided to the Board of Pharmacy upon request.

§16-57-6. Guidelines for dispensing a self-administered hormonal contraceptive.

(a) A pharmacist who dispenses a self-administered hormonal contraceptive under this article:

(1) Shall obtain a completed self-screening risk assessment questionnaire that has been approved by the state health officer in collaboration with the Board of Pharmacy, the Board of Osteopathic Medicine, and the Board of Medicine from the patient before dispensing the self-administered hormonal contraceptive;

(2) Shall notify the patient's primary care provider, if provided;

(3) If when dispensing within the guidelines it is unsafe to dispense a self-administered hormonal contraceptive to a patient then the pharmacist:

(A) May not dispense a self-administered hormonal contraceptive to the patient; and

(B) Shall refer the patient to a health care practitioner or local health department;

(4) May not continue to dispense a self-administered hormonal contraceptive to the patient for more than 12 months after the date of the initial prescription without evidence that the patient has consulted with a health care practitioner during the preceding 12 months; and

(5) Shall provide the patient with:

(A) Written and verbal information regarding:

(i) The importance of seeing the patient's health care practitioner to obtain recommended tests and screening; and

(ii) The effectiveness and availability of long-acting reversible contraceptives and other effective contraceptives as an alternative to self-administered hormonal contraceptives; and

(B) A copy of the record of the encounter with the patient that includes:

(i) The patient's completed self-assessment tool; and

(ii) A description of the contraceptives dispensed, or the basis for not dispensing a contraceptive.

(b) If a pharmacist dispenses a self-administered hormonal contraceptive to a patient, the pharmacist shall, at a minimum, provide the patient counseling regarding:

(1) The appropriate administration and storage of the self-administered hormonal contraceptive;

(2) Potential side effects and risks of the self-administered hormonal contraceptive;

(3) The need for backup contraception;

(4) When to seek emergency medical attention;

(5) The risk of contracting a sexually transmitted infection or disease, and ways to reduce the risk of contraction; and

(6) Any additional counseling outlined in the protocol as prescribed in §16-57-4 of this code.

(c) The Board of Pharmacy regulates a pharmacist who dispenses a self-administered hormonal contraceptive under 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. 699**), and there were—yeas 90, nays 8, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast, D. Jeffries, J. Jeffries, C. Martin, P. Martin, Pack, Porterfield and Worrell.

Absent and Not Voting: Cooper and Ellington.

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. 2583) 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. 2670, Relating to damages for medical monitoring.

On motion of Delegate Kessinger, 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, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 7. ACTIONS FOR INJURIES.**§55-7-32. Limitations on medical monitoring damages.**

(a) Increased risk of disease, whether or not accompanied by physiological or other changes in the human body, is not compensable through damages or any other form of relief under the law of this state, regardless of the legal theory being asserted. In any civil action a defendant cannot be required to pay as damages or provide any other type of legal, injunctive, or equitable relief for a plaintiff’s future medical surveillance, screening tests, or monitoring procedures unless the plaintiff proves in addition to the other requirements for the underlying cause of action: (1) That the future medical surveillance, screening tests, or monitoring procedures are directly related to a presently existing and diagnosable physical disease of the plaintiff; and (2) that the plaintiff’s presently existing physical disease was caused by the defendant’s conduct.

(b) In any civil action in which a court orders a defendant to pay for a plaintiff’s future medical surveillance, screening tests, or monitoring procedures, a plaintiff shall not be awarded or paid any moneys to cover the cost of his or her future medical surveillance, screening tests, or monitoring procedures until they have been completed. The court shall order that the liable defendant make periodic payments into a fund established to pay the cost of future medical surveillance, screening tests, or monitoring procedures that are required by the judgment of the court. The court shall determine how the fund will be administered. The court shall also determine the date after which the future medical surveillance, screening tests, or monitoring procedures are no longer required, and after that date any moneys remaining in the fund that are not needed to pay for medical surveillance, screening tests, or monitoring procedures completed prior to the termination date shall be repaid to the liable defendant who paid such amounts in the fund. If there are multiple defendants, then repayments shall be made in proportion to the total contributions of each defendant into the fund.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2670 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; providing that an increased risk of disease is not a compensable basis for damages in any civil action; requiring proof that future medical surveillance, screening tests, or monitoring procedures are directly related to a presently existing and diagnosable physical disease caused by the defendant’s conduct; prohibiting payment for cost of future medical surveillance, screening tests, or monitoring procedures until they are completed; allowing court to order defendant to make periodic payments into a fund to pay future costs; and authorizing court to determine when future medical surveillance, screening tests, or monitoring procedures are no longer required and providing for disbursement of any moneys remaining in the fund.”

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. 2694, Relating to the state’s ability to regulate hemp.

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 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-3. Definitions.

As used in this article:

(a) ‘Cannabidiol’ or ‘CBD’ means the compound by the same name derived from the hemp variety of the cannabis sativa L. plant;

(b) ‘Commercial sales’ means the sale of products in the stream of commerce, at retail, wholesale, and online;

(4) (c) ‘Commissioner’ means the Commissioner of Agriculture or his or her designee;

(d) ‘Cultivating’ means planting, watering, growing, and harvesting a plant or crop;

(e) ‘Department’ means the West Virginia Department of Agriculture and its employees;

(f) ‘Handling’ means possessing or storing hemp plants for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or process hemp. ‘Handling’ also includes possessing or storing hemp plants in a vehicle for any period of time other than during its actual transport from the premises of one licensed person to cultivate or process industrial hemp to the premises of another licensed person. ‘Handling’ does not mean possessing or storing finished hemp products;

(2)(g) ‘Hemp’ or ‘~~Industrial~~ industrial hemp’ means all parts and varieties of the plant Cannabis sativa L. ~~containing~~ and any part of the plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not with no greater than ~~one percent~~ 0.3% tetrahydrocannabinol, or the THC concentration for hemp defined in 7 U.S.C. § 5940, whichever is greater; ~~and~~

(h) ‘Hemp products’ means all products derived from, or made by, processing hemp plants or plant parts, that are prepared in a form available for commercial sale;

(i) ‘Licensee’ means an individual or business entity possessing a license issued by the Department to grow, handle, cultivate, or process hemp;

~~(3)(j)~~ (j) 'Marijuana' means all plant material from the genus cannabis containing more than one percent tetrahydrocannabinol or seeds of the genus capable of germination;

(k) 'Processing' means converting an agricultural commodity into a marketable form; and

(l) 'THC' means tetrahydrocannabinol. Notwithstanding any other provision of this code to the contrary, the THC found in industrial hemp shall not be considered to be THC for the purposes of qualifying as a controlled substance.

§19-12E-4. Industrial hemp authorized as agricultural crop; license required.

(a) ~~Industrial hemp that has not more than one percent tetrahydrocannabinol~~ is considered an agricultural crop in this state if grown for the purposes authorized by the provisions of this article. Upon meeting the requirements of ~~section three~~ §19-12E-5 of this ~~article~~ code, an individual in this state may plant, grow, harvest, possess, process, sell or buy industrial hemp.

(b) A person shall not cultivate, handle, or process industrial hemp in this state unless the person holds an industrial hemp license issued by the department.

§19-12E-5. Industrial hemp – licensing.

(a) A person growing industrial hemp ~~for commercial purposes~~ shall apply to the commissioner for a license on a form prescribed by the commissioner.

(b) The application for a license must include the name and address of the applicant and the legal description and global positioning coordinates of the land area to be used for the production of industrial hemp.

(c) The commissioner shall require each first-time applicant, and may establish requirements for other persons involved with the industrial hemp program, to submit to a for a license to file a set of the applicant's fingerprints, taken by a law enforcement officer,

~~and any other information necessary to complete a statewide and nationwide criminal history check with the criminal investigation bureau of the department of justice for state processing and with the Federal Bureau of Investigation for federal processing. All of the costs associated with the criminal history check are the responsibility of the applicant. Criminal history records provided to the department under this section are confidential. The commissioner may use the records only to determine if an applicant is eligible to receive a license for the production of industrial hemp.~~ state and national criminal history record check. The criminal history record check shall be based on fingerprints submitted to the West Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.

(1) The applicant shall meet all requirements necessary to accomplish the state and national criminal history record check, including:

(A) Submitting fingerprints; and

(B) Authorizing the board, the West Virginia State Police, and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a license.

(2) The results of the state and national criminal history record check may not be released to or by a private entity except:

(A) To the individual who is the subject of the criminal history record check;

(B) With the written authorization of the individual who is the subject of the criminal history record check; or

(C) Pursuant to a court order.

(3) The criminal history record check and related records are not public records for the purposes of §29B-1-1 *et seq.* of this code.

(4) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.

(d) If the applicant has completed the application process to the satisfaction of the commissioner, the commissioner shall issue the license, which is valid until December 31 of the year of application; Provided, That an individual applying to renew a current license may continue to operate under an existing license, as long as his or her completed renewal application has been submitted to the department on or before the deadline established by the department. An individual licensed under this section is presumed to be growing industrial hemp for commercial purposes.

~~(e) Notwithstanding any provision of this article, rule or the provisions of chapter sixty a 60A of this code to the contrary, the Commissioner of Agriculture may license qualified persons and state institutions of higher learning to lawfully grow or cultivate industrial hemp in this state, but institutions of higher learning may only lawfully grow industrial hemp for research and educational purposes.~~

(e) Any person seeking to grow, cultivate, or process industrial hemp shall provide to the Department prior written consent allowing the Department, State Police, and other state and local law enforcement agencies to enter onto all premises where industrial hemp is grown, cultivated, processed, or stored to conduct physical inspections or otherwise ensure compliance with the requirements of this code and the legislative rules promulgated pursuant to this code.

(f) Sale of industrial hemp products —

(1) Notwithstanding any provision of the code to the contrary, a person need not obtain a license to possess, handle, transport, or sell hemp products or extracts, including those containing one or more hemp-derived cannabinoids, including CBD.

(2) Hemp-derived cannabinoids, including CBD, are not controlled substances or adulterants.

(3) Products containing one or more hemp-derived cannabinoids, such as CBD, intended for ingestion are to be

considered foods, not controlled substances or adulterated products.

(4) Applicable state agencies shall make available any and all customary registrations to the processors and manufacturers of hemp products.

(5) Retail sales of hemp products may be conducted when the products and the hemp used in the products were grown and cultivated legally in another state or jurisdiction and meet the same or substantially the same requirements for processing hemp products or growing hemp under this article and rules promulgated under §19-2E-7 of this code.

(6) Notwithstanding any other provision of this code to the contrary, derivatives of hemp, including hemp-derived cannabidiol, may be added to cosmetics, personal care products, and products intended for animal or human consumption, and the addition is not considered an adulteration of the products.

(7) Hemp and hemp products may be legally transported across state lines, and exported to foreign nations, consistent with U. S. federal law and laws of respective foreign nations.

§19-12E-6. Industrial hemp production – notification.

(a) Every licensee shall file with the commissioner:

(1) Documentation showing that the seeds planted are of a type and variety certified to contain no more than ~~one percent~~ 0.3% tetrahydrocannabinol; ~~and~~

(2) A copy of any contract to grow industrial hemp; and

(3) Any other document required to be submitted by the commissioner.

(b) Each licensee shall notify the commissioner of the sale or distribution of any industrial hemp grown by the licensee, including, but not limited to, the name and address of the person or

entity receiving the industrial hemp and the amount of industrial hemp sold.

§19-12E-7. Rule-making authority.

The commissioner shall ~~promulgate legislative rules~~ propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code that include, but are not limited to:

(1) Licensing persons who wish to grow, cultivate, handle, or process industrial hemp;

(2) Sampling and Testing testing of the industrial hemp during growth to determine tetrahydrocannabinol levels;

~~(2)~~ (3) Supervision of the industrial hemp during its growth and harvest;

~~(3)~~ (4) Assessment of a fee fees that is are commensurate with the costs of the commissioner's activities in licensing, testing, and supervising industrial hemp production;

~~(4)~~ Promulgate rules relating to the (5) The production and sale of industrial hemp which are consistent with the rules of the United States Department of Justice, Drug Enforcement Administration for the production, distribution and sale of industrial hemp;

(6) The production, sale, possession, handling, or transport of hemp products and extracts, including those containing one or more hemp-derived cannabinoids, including CBD; and

~~(5)~~ (7) Any other rules and procedures necessary to carry out the purposes of this article.

§19-12E-8. Disposition of fees.

All fees assessed as provided for in ~~section five~~ §19-12E-5 of this ~~article~~ code must be deposited with the state treasurer to the credit of the 'Agricultural Fees Fund' established by the provisions of ~~section four e, §19-1-4c~~ article one of this chapter code for the use of the commissioner for administering and enforcing the provisions of this article.

§19-12E-9. Defense for possession or cultivation of marijuana.

(a) It is a complete defense to a prosecution for the possession or cultivation of marijuana pursuant to the provisions of ~~article four, §60A-4-401 et seq. chapter sixty-a~~ of this code that defendant was growing industrial hemp pursuant to the provisions of this article.

(b) This section is not a defense to a charge of criminal sale or distribution of marijuana as defined in §60A-1-101 *et seq.* of this code which does not meet the definition of industrial hemp.

§19-12E-10. State regulation of industrial hemp.

(a) The commissioner may submit to the Secretary of the United States Department of Agriculture, for his or her approval, a plan under which this state monitors and regulates the production of industrial hemp. The plan shall comply with the requirements of 7 U.S.C. § 1621 et seq. and any other requirements established by the United States Department of Agriculture.

(b) Nothing in this section prohibits the production of industrial hemp in this state if the commissioner declines to submit a plan, or if a submitted plan is not approved by the United States Department of Agriculture in accordance with other federal laws and regulations.

§19-12E-11. Violations; negligent violations; notice.

(a) A licensee in this state that does not comply with any approved plan is subject to §19-12E-11(b) of this code if the department determines the licensee has negligently violated the state plan by:

(1) Failing to provide a legal description of the land on which the licensee produces hemp;

(2) Failing to obtain a license or other required authorization from the West Virginia Department of Agriculture; or

(3) Producing industrial hemp containing more than 0.3% of tetrahydrocannabinol.

(b) A licensee described in subsection (a) of this section shall comply with any requirements established by the department to correct any negligent violation, including:

(1) A reasonable date by which the hemp producer shall correct the negligent violation; and

(2) In the discretion of the commissioner, any requirement that the licensee shall periodically report to the department the licensee's compliance with the state plan for at least two calendar years from the date of the negligent violation.

(c) A licensee that negligently violates the provisions of this article, legislative rules promulgated pursuant to this article, or this state's approved plan authorized pursuant to §19-12E-10 of this code three times in a five-year period, is ineligible to produce hemp in this state for a period of five years beginning on the date of the third violation.

(d) If the department determines that a licensee in this state has intentionally violated the provisions of this article, legislative rules promulgated pursuant to this article, or this state's approved plan authorized pursuant to §19-12E-10 of this code, the provisions of §19-12E-11(b) of this code shall not apply to the violation and the department shall report the licensee to:

(1) The attorney general;

(2) The sheriff of the county in which the hemp is being grown; and

(3) The local detachment of the West Virginia State Police.

(e) Absent a notification pursuant to subsection (d) of this section, a licensee that negligently violates state laws or rules is not subject to any criminal or civil enforcement action by any state, county, or municipal government.”

And,

By amending the title of the bill to read as following:

Com. Sub. for H. B. 2694 - “A Bill to amend and reenact §19-12E-3, §19-12E-4, §19-12E-5, §19-12E-6, §19-12E-7, §19-12E-8, and §19-12E-9 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto two new sections, designated §19-12E-10 and §19-12E-11, all relating generally to the Industrial Hemp Development Act; adding and modifying definitions; updating code to reflect changes in federal law; clarifying that no person may grow, cultivate, possess, or process industrial hemp without a license from the Department of Agriculture; requiring certain documentation requested by the commissioner to be submitted by licensees; authorizing commissioner to submit plan for state regulation of industrial hemp to United States Department of Agriculture; requiring licensee to provide prior written consent for law enforcement to enter the premises; providing that a license is not necessary to possess, handle, transport, or sell hemp products and extracts; setting standards regarding sale of industrial hemp products; requiring plan to comply with federal law; providing for continued legality of hemp production in absence of submitted plan; providing for handling negligent violations; addressing handling of non-negligent violations; requiring notification of attorney general and law enforcement under certain circumstances; and making technical corrections.”

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. 700**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Jennings, Malcolm and Porterfield.

Absent and Not Voting: Cooper.

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. 2694) 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. 2828, Relating to Qualified Opportunity Zones.

Delegates Capito, Lovejoy and Hicks asked and obtained unanimous consent to be added as cosponsors of H. B. 2828.

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 11. TAXATION.

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-12j. Decreasing modification reducing federal adjusted gross income for the net income of Qualified Opportunity Zone Businesses; effective date.

(a) *General.* – In addition to the amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12(c) of this code, a modification reducing federal adjusted gross income is hereby authorized for taxable years beginning on and after January 1, 2020:

(1) For individuals: in an amount equal to and limited to that portion of net income included in federal adjusted gross income by a taxpayer in the taxable year that is directly derived from a qualified opportunity zone business located in a qualified opportunity zone which is located in West Virginia;

(2) For partners or members of limited liability companies that are treated as partnerships for federal income tax purposes, and other pass-through entities: in an amount equal to and limited to that portion of the distributive share of the partner or member that is attributable to the flow through income directly derived from the qualified opportunity zone business located in West Virginia. A similar rule applies to shareholders in corporations taxed under subchapter S of the Internal Revenue Code.

(b) Eligibility. — To be entitled to modification provided for in subsection (a) of this section, the qualified opportunity zone business must be a newly registered business in West Virginia registered on or after January 1, 2020, or an existing West Virginia business that has qualified as a qualified opportunity zone business in West Virginia on or after that date. Limited liability companies that are treated as corporations for purposes of the federal income tax and West Virginia corporation net income tax and which otherwise qualify in accordance with the requirements and limitations of this section may qualify for the modification authorized under this section.

(c) Duration. – The modification provided for in subsection (a) of this section shall apply with respect to a taxpayer for a 10-year period beginning with the first full taxable year during which the qualified opportunity zone business first qualifies as a qualified opportunity zone business, or the first year in which the qualified opportunity zone business reports net income: *Provided*, That the qualified opportunity zone business first qualifies as such on or after January 1, 2020.

(d) The following definitions apply to this section:

(1) ‘Qualified Opportunity Zone Business’ means ‘Qualified Opportunity Zone Business’ as that term is defined in 26 U.S.C. §1400Z-2.

(2) ‘Qualified Opportunity Zone’ means ‘Qualified Opportunity Zone’ as that term is defined in 26 U.S.C. §1400Z-1.

(e) The Tax Commissioner may propose rules necessary to carry out the provisions of this section and to provide guidelines and requirements to ensure uniform administrative practices statewide to effect the intent of this section, all in accordance with the provisions of §29A-3-1 et seq. of this code.

ARTICLE 24. CORPORATION NET INCOME TAX.

§11-24-6b. Decreasing modification reducing federal taxable income for the income of Qualified Opportunity Zone Businesses; effective date.

(a) General. - In addition to the amounts authorized to be subtracted from federal taxable income pursuant to §11-24-6(c) of this article, there shall be subtracted from federal taxable income, an amount equal to net income included in federal taxable income by a corporate taxpayer in a taxable year that is ordinary income derived from a qualified opportunity zone business located in a qualified opportunity zone located in West Virginia: *Provided*, That In any case in which a consolidated or combined return is filed, or required to be filed, the amount subtracted from federal taxable income under this section may not exceed that member's proportionate share of the affiliated, combined or unitary group's tax liability under this article, that is ordinary income derived from a qualified opportunity zone business located in a qualified opportunity zone located in West Virginia for the taxable year. The provisions of this section are effective for taxable years beginning on and after January 1, 2020.

(b) Eligibility. - To be entitled to modification provided for in subsection (a), the qualified opportunity zone business must be a newly registered business in West Virginia registered on or after January 1, 2020, or an existing West Virginia business that has qualified as a qualified opportunity zone business in West Virginia on or after that date. Limited liability companies that are treated as corporations for purposes of the federal income tax and West Virginia corporation net income tax and which otherwise qualify in accordance with the requirements and limitations of this section may qualify for the modification authorized under this section.

(c) Duration. - The modification provided for in subsection (a) of this section shall apply with respect to a taxpayer during the 10-year period beginning with the first full taxable year during which the qualified opportunity zone business first qualifies as a qualified opportunity zone business, or the first year in which the qualified opportunity zone business reports net income: *Provided*, That the qualified opportunity zone business first qualifies as such on or after January 1, 2020.

(d) The following definitions apply to this section:

(1) ‘Qualified Opportunity Zone Business’ means ‘Qualified Opportunity Zone Business’ as that term is defined in 26 U.S.C. §1400Z-2.

(2) ‘Qualified Opportunity Zone’ means ‘Qualified Opportunity Zone’ as that term is defined in 26 U.S.C. §1400Z-1.

(e) The Tax Commissioner may propose rules necessary to carry out the provisions of this section and to provide guidelines and requirements to ensure uniform administrative practices statewide to carry out the intent of this section, all in accordance with the provisions of §29A-3-1 *et seq.* of this code.

CHAPTER 31. CORPORATIONS.

ARTICLE 15D. WEST VIRGINIA BUSINESS GROWTH IN LOW-INCOME COMMUNITIES TAX CREDIT.

§31-15D-1. Title.

The provisions of this article shall be known as, and may be cited as, the ‘West Virginia New Markets Jobs Act’.

§31-15D-2. Definitions.

(a) Any term used in this article has the meaning ascribed by this section unless a different meaning is clearly required by the context of its use or by definition in this article.

(b) For purposes of this article, the term:

(1) ‘Affiliate’ means an entity that directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with the entity specified;

(2) ‘Aggregate offset’ shall mean the sum of the West Virginia New Market Jobs offset reported in each annual report to the authority pursuant to. § 31-15D-6(a)(10).

(3) ‘Annual jobs retained’ means the number of full-time equivalent employees that existed before the initial qualified low-income community investment in the qualified active low-income community business that are paid a high wage and for which:

(A) The qualified active low-income community business’s chief executive officer or similar officer certifies that the full-time equivalent employee positions would have been eliminated but for the initial qualified low-income community investment; and

(B) The qualified community development entity receives approval from the authority of the satisfaction of this definition;

(4) ‘Applicable percentage’ means zero percent of the qualified equity investment for the first two credit allowance dates, five percent of the qualified equity investment for the third credit allowance date, and ten percent of the qualified equity investment for each of the final four credit allowance dates;

(5) ‘Authority’ means the West Virginia Economic Development Authority as provided in §31-15-4 of this code;

(6) ‘Credit allowance date’ means with respect to any qualified equity investment:

(A) The date on which the investment is initially made; and

(B) Each of the six anniversary dates of such date thereafter;

(7) ‘Full-time equivalent employee’ means the quotient obtained by dividing the total number of hours for which employees were compensated for employment over the preceding 12 month period by 2,080;

(8) ‘High wage’ means an hourly wage rate of at least 150 percent of the federal minimum wage;

(9) ‘Insurance Commissioner’ means the Insurance Commissioner of West Virginia or his or her designee as provided in §33-2-1 of this code;

(10) ‘Investor allocation’ means the allocation of tax credits to insurance companies pursuant to §31-15D-3.

(11) ‘Long-term debt security’ means any debt instrument issued by a qualified community development entity with an original maturity date of at least seven years from the date of its issuance, with no repayment, amortization or prepayment features prior to its original maturity date. The qualified community development entity that issues the debt instrument may not make cash interest payments on the debt instrument during the period beginning on the date of issuance and ending on the final credit allowance date in an amount that exceeds the cumulative operating income, as defined by regulations adopted under 26 U. S. C. § 45D, as amended, of the qualified community development entity for that period prior to giving effect to the interest expense of the long-term debt security. The foregoing shall in no way limit the holder’s ability to accelerate payments on the debt instrument in situations where the qualified community development entity has defaulted on covenants designed to ensure compliance with this 26 U. S. C. § 45D, as amended;

(12) ‘New annual jobs’ means the difference, provided that if such difference is less than zero, the new annual jobs shall be zero, between:

(A)(i) The monthly average of full-time equivalent employees that are paid a high wage at a qualified low-income community business for the preceding calendar year; or

(ii) If the preceding calendar year contains the initial low-income community investment, the monthly average of full-time employees that are paid a high-wage at a qualified active low-income community investment, the monthly average of full-time

employees that are paid a high wage at a qualified low-income community business for the months including and after the initial low-income community investment and before the end of the preceding calendar year;

(B) The number of full-time equivalent employees at the qualified active low-income community business on the day of the initial qualified low-income community investment;

(13) ‘Opportunity zone’ means the low-income census tracts located in West Virginia receiving such designation from the U.S. Treasury Department;

(14) ‘Principal business operations’ of business is the location or locations where at least 60 percent of the business’s employees work or where the employees who are paid at least 60 percent of the business’s payroll are located. A business that agrees to relocate or hire new employees using the proceeds of a qualified low-income community investment to establish its principal business operations at a location is deemed to have its principal business operations in the new location provided it satisfies this definition within 180 days after receiving the qualified low-income community investment, unless the authority agrees to a later date;

(15) ‘Purchase price’ means the amount paid to the qualified community development entity for a qualified equity investment, which may not exceed the amount of qualified equity investment authority certified pursuant to §31-15D-4 of this code;

(16) ‘Qualified active low-income community business’ has the meaning given the term in 26 U. S. C. § 45D, as amended, and 26 C. F. R. § 1.45D-1 (2012). Any business that is nonprofit or derives, or projects to derive, 15 percent or more of its annual revenue from the rental or sale of real estate is not considered to be a qualified active low-income community business. The real estate exception does not apply to a business that is controlled by or under common control with another business if the second business: (A) Does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate; and (B) is the primary tenant of the real estate leased from the initial business. A business

shall be considered a qualified active low-income community business for the duration of the qualified community development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements of being a qualified active low-income community business, other than the size and net income standards, throughout the entire period of the investment or loan;

(17) 'Qualified community development entity' has the meaning given the term in 26 U. S. C. § 45D, as amended: Provided, That the entity has entered into an allocation agreement with the Community Development Financial Institutions Fund of the U. S. Treasury Department with respect to credits authorized by 26 U. S. C. § 45D, as amended, which includes the State of West Virginia within the service area set forth in the allocation agreement. An entity may not be deemed to be controlled by another entity solely as a result of the entity having made a direct or indirect equity investment in the other entity that earns tax credits under 26 U.S.C. § 45D, as amended, or similar state program. The term shall include subsidiary qualified community development entities of any qualified community development entity and transferees of qualified equity investment authority pursuant to §31-15D-4 of this code;

(18) 'Qualified equity investment' means any equity investment in, or long-term debt security issued by, a qualified community development entity that:

(A) Is acquired after the effective date of this act at its original issuance solely in exchange for cash;

(B) Has 100 percent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments in qualified active low-income community businesses located in this state by the first anniversary of the initial credit allowance date; and

(C) Is designated by the qualified community development entity as a qualified equity investment hereunder and is certified by

the authority pursuant to §31-15D-4 of this code. This term shall include any qualified equity investment that does not meet the provisions of paragraph (A) of this subdivision if the investment was a qualified equity investment in the hands of a prior holder;

(19) ‘Qualified low-income community investment’ means any capital or equity investment in, or loan to, any qualified active low-income community business: *Provided*, That with respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments made in the business, on a collective basis with all of the businesses’ affiliates, with the proceeds of qualified equity investments certified under §31-15D-4 of this code, shall be \$5 million, exclusive of qualified low-income community investments made with repaid or redeemed qualified low-income community investments or interest or profits realized thereon;

(20) ‘State premium tax liability’ means any liability incurred by any entity under §33-3-14, §33-3-14a, §33-3-15, §33-3-16 or §33-3-17 of this code: *Provided*, That if the tax liability imposed under these sections is eliminated or reduced, the term ‘state premium tax liability’ shall also include any tax liability imposed by this state on an insurance company or other person that had premium tax liability under the laws of this state for the purpose of making up tax revenue lost by the state as a result of the elimination or reduction of the taxes imposed under these sections: *Provided, however*, That the issuance of tax credits pursuant to §33-3-14e of this code shall in no way affect the funding of any fire department or volunteer fire department that receives any moneys from revenues generated by any of the taxes for which credits are issued pursuant to §33-3-14e of this code.

(21) ‘State reimbursement amount’ means the difference, provided that if such difference is less than zero, the state reimbursement amount shall be zero, between:

(A) The product of the amount of qualified equity investment authority certified and 45 percent; and

(B) The aggregate offset;

(22) ‘Tier One Job’ means a new annual job held by an employee who served in the active military, naval or air service and who was discharged or released under conditions other than dishonorable, suffers from a disability, was found guilty of a crime and sentenced by a court to a prison term, or was a non-West Virginia resident within the prior 12 months;

(23) ‘Tier Two Job’ means a new annual job held by an employee who received or had a family member receive, with neither still receiving, benefits under West Virginia Medicaid, West Virginia Unemployment Insurance, the West Virginia Supplemental Nutrition Assistance Program, the West Virginia Children’s Health Insurance Program, and West Virginia Head Start;

(24) ‘Tier Three Job’ means all new annual jobs that are not Tier One Jobs or Two Tier Jobs.

§31-15D-3. Transferability.

No tax credit earned under this article is transferrable to another entity other than an affiliate subject to state premium tax liability or saleable on the open market: *Provided*, That tax credits earned by or allocated to a partnership, limited liability company or S-corporation may be further allocated to the partners, members or shareholders of the entity in accordance with the provisions of any agreement among the partners, members or shareholders. The allocation shall not be considered a sale for purposes of this article.

§31-15D-4. Certification of qualified equity investments.

(a) A qualified community development entity that seeks to have an equity investment or long-term debt security designated as a qualified equity investment and eligible for tax credits under this article shall first file a credit application with the authority. The authority shall begin accepting applications on July 1, 2019. The application filed by the qualified community development entity shall include the following:

(1) The amount of qualified equity investment authority requested;

(2) The amount of qualified equity investment authority requested that the applicant agrees to designate as a federal qualified equity investment with the Community Development Financial

Institutions Fund;

(3) Evidence of the applicant's certification as a qualified community development entity, including evidence of the service area of the entity that includes this state;

(4) A copy of an allocation agreement executed by the applicant, or its controlling entity, and the Community Development Financial Institutions Fund;

(5) A certificate executed by an executive officer of the applicant attesting that the allocation agreement remains in effect and has not been revoked or canceled by the Community

Development Financial Institutions Fund;

(6) A business plan that includes a revenue impact assessment projecting state and local tax revenue to be generated by the applicant's proposed qualified low-income community investments prepared by a nationally recognized third-party independent economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant's business plan over the 10 years following the date the application is submitted to the authority; and

(7) A signed affidavit from each insurance company stating the amount of investor allocation the insurance company commits to receiving;

(8) A nonrefundable application fee of \$10,000. This fee shall be paid to the authority and shall be required of each application submitted.

(b) Within 30 days of receipt of a completed application containing the information set forth in subsection (a) of this section, the authority shall grant or deny the application in full or

in part. The authority shall deny an application if the business plan submitted with the application does not project revenue neutrality against the proposed tax credit utilization or if the applicant does not submit affidavits committing to the allocations equal to 45 percent of the amount of qualified equity authority requested. If the authority denies any part of the application, the authority shall inform the qualified community development entity of the grounds for the denial. If the qualified community development entity provides any additional information required by the authority or otherwise completes its application within days of the notice of denial, the application shall be considered complete as of the original date of submission. If the qualified community development entity fails to provide the information or complete its application within the 15 day period, the application remains denied and must be resubmitted in full with a new submission date.

(c) If the application is complete, the authority shall certify the proposed equity investment or long-term debt security as a qualified equity investment that is eligible for tax credits under this article, subject to the limitations contained in subsection (f) of this section. The Tax Commissioner shall provide written notice of the certification to the qualified community development entity.

(d) The authority shall certify qualified equity investments in the order applications are received by the authority. Applications received on the same day shall be deemed to have been received simultaneously.

(e) For applications that are complete and received on the same day, the authority shall first certify applications by applicants that agree to designate qualified equity investments as federal qualified equity investments in proportionate percentages based on the ratio of the amount of qualified equity investments requested in an application to be designated as a federal qualified equity investment to the total amount of qualified equity investments to be designated as federal qualified equity investments in all applications in which applicants agree to designate qualified equity investments. Thereafter, the authority shall certify the qualified equity investments of all other applicants, including the remaining qualified equity investment authority requested by applicants not

designated as federal qualified equity investments, in proportionate percentages based on the ratio of the amount of qualified equity investments not requested in an application to be designated as a federal qualified equity investment to the total amount of qualified equity investments not requested in applications to be designated as federal qualified equity investments.

(f) The authority shall certify no more than \$60 million in qualified equity investments pursuant to this article.

(g) An approved applicant may transfer all or a portion of its certified qualified equity investment authority to its controlling entity or any subsidiary qualified community development entity of the controlling entity: *Provided*, That the applicant and the transferee notify the authority of the transfer with the notice set forth in §31-15D-4(h) of this code and include the information required in the application with respect to such transferee with such notice.

(h) Within one calendar year of the applicant receiving notice of certification, the qualified community development entity shall issue the qualified equity investment and receive cash in the amount of the certified amount and, if applicable, designate the required amount of qualified equity investment authority as a federal qualified equity investment. The qualified community development entity must provide the authority with evidence of the receipt of the cash investment and designation as a federal qualified equity investment, if applicable and the allocation of tax credits to insurance companies that submitted affidavits in the qualified community development entity's application at least equal to 45 percent of the amount of qualified equity investment authority certified by the authority, within one calendar year and five days of the applicant receiving notice of certification. If the qualified community development entity does not receive the cash investment, issue the qualified equity investment and, if applicable, designate the qualified equity investment as a federal qualified equity investment and make such allocation of tax credits to insurance companies within such time period following receipt of the certification notice, the certification shall lapse and the entity

may not issue the qualified equity investment without reapplying to the authority for certification.

(i) Lapsed certifications revert to the authority and shall be reissued:

(1) First, pro rata to applicants whose qualified equity investment allocations were reduced pursuant to §31-15D-4(e) of this code with a preference to applicants who have agreed to designate qualified equity investments as federal qualified equity investments; and

(2) Thereafter, in accordance with the provisions of this article.

(j) Recaptured tax credits and the related qualified equity investment authority are eligible for reissuance to qualified community development entities under the provisions of this article and recaptured tax credits shall be reissued:

(1) First, pro rata to applicants whose qualified equity investment allocations were reduced pursuant to §31-15D-4(e) of this code, with a preference to applicants who agreed to designate qualified equity investments as federal qualified equity investments; and

(2) Thereafter, in accordance with the provisions of this article.

(k) The authority must notify the Insurance Commissioner of the names of the entities that are eligible to use tax credits provided under §31-15D-3 of this code, pursuant to an allocation of tax credits or change in allocation of tax credits or due to a transfer of a qualified equity investment upon the allocation, change or transfer.

§31-15D-5. New capital requirement.

No qualified active low-income community business that receives a qualified low-income community investment from a qualified community development entity that issues qualified equity investments under this article, or any affiliates of such a qualified active low-income community business, may directly or

indirectly: (1) Own or have the right to acquire an ownership interest in a qualified community development entity or member or affiliate of a qualified community development entity, including, but not limited to, a holder of a qualified equity investment issued by the qualified community development entity; or (2) loan to or invest in a qualified community development entity or member or affiliate of a qualified community development entity, including, but not limited to, a holder of a qualified equity investment issued by a qualified community development entity, where the proceeds of such loan or investment are directly or indirectly used to fund or refinance the purchase of a qualified equity investment hereunder. For purposes of this section, a qualified community development entity shall not be considered an affiliate of a qualified active low-income community business solely as a result of its qualified low-income community investment in such business.

§31-15D-6. Reporting.

Qualified community development entities shall submit a report to the authority within the first five business days after each anniversary of the initial credit allowance date. The report due for the second anniversary of the credit allowance date shall provide documentation as to the investment of 100 percent of the purchase price of the qualified equity investment in qualified low-income community investments in qualified active low-income community businesses located in West Virginia. Each report shall include:

(1) The location of the qualified active low-income community business;

(2) A bank statement of the qualified community development entity evidencing each qualified low-income community investment if such qualified low-income community investment occurred after the prior annual report;

(3) Evidence that the business was a qualified active low-income community business at the time of the qualified low-income community investment if evidence was not submitted in a prior annual report;

(4) Any information regarding the recapture under 26 U. S. C. § 45D, as amended, of a federal tax credit available with respect to a qualified equity investment that is eligible for a credit under this article;

(5) Any information regarding the qualified community development entity redeeming or making principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of such qualified equity investment;

(6) Any information that the qualified community development entity failed to invest an amount equal to 100 percent of the purchase price of the qualified equity investment in qualified low-income community investments in West Virginia within 24 months of the issuance of the qualified equity investment and maintain the level of investment in qualified low-income community investments in West Virginia until the last credit allowance date for the qualified equity investment. For purposes of this article, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, if the qualified community development entity reinvests an amount equal to the capital returned to or recovered by the qualified community development entity from the original investment, exclusive of any profits realized, in another qualified low-income community investment within 12 months of the receipt of the capital. Periodic amounts received as repayment of principal pursuant to regularly scheduled amortization payments on a loan that is a qualified low-income community investment shall be treated as continuously invested in a qualified low-income community investment if the amounts are reinvested in one or more qualified low-income community investments by the end of the following calendar year. A qualified community development entity shall not be required to reinvest capital returned from qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, and the qualified low-income community investment shall be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance;

(7) Number of new annual jobs and annual jobs retained as a result of qualified low-income community investments;

(8) Average annual salary of employment positions described in this subsection;

(9) In the event the authority is provided any information required by subdivision (4), (5) or (6) of this subsection, the authority shall provide that information to the insurance commissioner; and

(10) A qualified community development entity shall calculate the West Virginia New Market Jobs offset annually and include such amount in its annual report. A qualified community development entity may include new annual jobs and annual jobs retained at qualified active low-income community businesses that have repaid or redeemed their qualified low-income community investment. The West Virginia New Markets Job offset shall equal the sum of the following:

(A) The product of the number of new annual jobs that are Tier 1 Jobs and \$50,000;

(B) The product of the number of new annual jobs that are Tier 2 Jobs and \$40,000;

(C) The product of the number of new annual jobs that are Tier 3 Jobs and \$25,000;

(D) The product of the number of annual jobs retained and \$10,000; and

(E) A \$10,000 bonus added to the West Virginia New Markets offset of each of the following:

(I) Each new annual job at qualified active low-income community businesses whose principal business operations are in an opportunity zone; and

(II) Each new annual job held by an employee who has received workforce training either internally or externally,

provided such training is verified by the president or similar officer of the qualified low-income community business and approved by the authority.

§ 31-15D-7. Penalty for Job Creation Underperformance.

(a) At any time after the seventh anniversary of the initial credit allowance date and prior to making any distributions or payments that exceed the qualified community development entity's qualified equity investment authority, the qualified community development entity shall calculate the state reimbursement amount and submit such calculation to the authority.

(b) Thereafter, prior to any distribution or payment, the qualified community development entity must remit the state reimbursement amount to the authority.

(c) All amounts received by the authority under this section shall be submitted to the general revenue fund.

CHAPTER 33. INSURANCE.

ARTICLE 3. LICENSING, FEES AND TAXATION OF INSURERS.

§33-3-14e. Credits against premium tax for investment pursuant to the West Virginia New Market Jobs Acts.

(a) For the purpose of this section, the term:

(1) 'Applicable percentage' means zero percent of the qualified equity investment for the first two credit allowance dates, five percent of the qualified equity investment for the third credit allowance date, and ten percent of the qualified equity investment for each of the final four credit allowance dates;

(2) 'Credit allowance date' means with respect to any qualified equity investment:

(A) The date on which the investment is initially made; and

(B) Each of the six anniversary dates of the date thereafter;

(3) ‘Insurance Commissioner’ means the Insurance Commissioner of West Virginia or his or her designee as provided in §33-2-1 of this code;

(4) ‘Long-term debt security’ means any debt instrument issued by a qualified community development entity with an original maturity date of at least seven years from the date of its issuance, with no repayment, amortization or prepayment features prior to its original maturity date. The qualified community development entity that issues the debt instrument may not make cash interest payments on the debt instrument during the period beginning on the date of issuance and ending on the final credit allowance date in an amount that exceeds the cumulative operating income, as defined by regulations adopted under 26 U. S. C. § 45D, as amended, of the qualified community development entity for that period prior to giving effect to the interest expense of the long-term debt security. The foregoing shall in no way limit the holder’s ability to accelerate payments on the debt instrument in situations where the qualified community development entity has defaulted on covenants designed to ensure compliance with 26 U. S. C. § 45D, as amended;

(5) ‘Purchase price’ means the amount paid to the qualified community development entity for a qualified equity investment, which may not exceed the amount of qualified equity investment authority certified pursuant to §31-15D-4 of this code;

(6) ‘Qualified active low-income community business’ has the meaning given the term in 26 U. S. C. § 45D, as amended, and 26 C. F. R. § 1.45D-1 (2012). Any business that is a nonprofit or derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate is not considered to be a qualified active low-income community business. The real estate exception does not apply to a business that is controlled by or under common control with another business if the second business: (A) Does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate; and (B) is the primary tenant of the real estate leased from the initial business. A business shall be considered a qualified active low-income community business for the duration of the qualified community development

entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business, other than the size and net income standards, throughout the entire period of the investment or loan;

(7) 'Qualified community development entity' has the meaning given the term in Section 26 U. S. C § 45D, as amended: *Provided*, That the entity has entered into an allocation agreement with the Community Development Financial Institutions Fund of the U. S. Treasury Department with respect to credits authorized by 26 U. S. C § 45D, as amended, which includes the State of West Virginia within the service area set forth in the allocation agreement. An entity may not be deemed to be controlled by another entity solely as a result of the entity having made a direct or indirect equity investment in the other entity that earns tax credits under 26 U. S. C § 45D, as amended, or similar state program. The term shall include subsidiary community development entities of any such qualified community development entity and transferees of qualified equity investment authority pursuant to §31-15D-4 of this code;

(8) 'Qualified Equity Investment' means any equity investment in, or long-term debt security issued by, a qualified community development entity that:

(A) Is acquired after the effective date of this act at its original issuance solely in exchange for cash;

(B) Has 100 percent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments in qualified active low-income community businesses located in this state by the first anniversary of the initial credit allowance date; and

(C) Is designated by the qualified community development entity as a qualified equity investment hereunder and is certified by the Economic Development Authority pursuant to §31-15D-4 of this code. This term shall include any qualified equity investment

that does not meet the provisions of §33-3-14e(a)(9) of this code if the investment was a qualified equity investment in the hands of a prior holder:

(9) ‘Qualified low-income community investment’ means any capital or equity investment in, or loan to, any qualified active low-income community business: *Provided*, That with respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments made in the business, on a collective basis with all of the businesses’ affiliates, with the proceeds of qualified equity investments certified under §31-15D-4 of this code, shall be \$5 million, exclusive of qualified low-income community investments made with repaid or redeemed qualified low-income community investments or interest or profits realized thereon;

(10) ‘State premium tax liability’ means any liability incurred by any entity under §33-3-14, §33-3-14a, §33-3-15, §33-3-16 or §33-3-17 of this code: *Provided*, that if the tax liability imposed under these sections is eliminated or reduced, the term ‘state premium tax liability’ shall also include any tax liability imposed by this state on an insurance company or other person that had premium tax liability under the laws of this state for the purpose of making up tax revenue lost by the state as a result of the elimination or reduction of the taxes imposed under said sections.

(b) Any entity that makes a qualified equity investment pursuant to §31-15D-4 of this code shall be allowed an earned and vested tax credit against the entity’s state premium tax liability that may be used as follows:

(1) The amount of tax credit allowable on each credit allowance date to an entity that makes a qualified equity investment, or to a subsequent holder of the qualified equity investment, shall be annually computed by multiplying the purchase price paid to the qualified community development entity for the qualified equity investment by the applicable percentage for the credit allowance date;

(2) The annual credit allowance, computed pursuant to §33-3-14e(a)(1) of this code, may be used to offset the entity's state premium tax liability for tax periods ending on or after the credit allowance date; and

(3) The amount of the credit claimed by an entity shall not exceed the amount of the entity's state premium tax liability for the tax year for which the credit is claimed. Any amount of tax credit remaining, after the credit is used as provided in this section, may be carried forward for use in any subsequent taxable year.

(c) The Insurance Commissioner may recapture, from the entity that claimed the credit on a return, the tax credit allowed under this article if:

(1) Any amount of a federal tax credit available with respect to a qualified equity investment that is eligible for a credit under this article is recaptured under 26 U. S. C. § 45D, as amended. In such case the Insurance Commissioner's recapture shall be proportionate to the federal recapture with respect to such qualified equity investment;

(2) The qualified community development entity redeems or makes principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of the qualified equity investment. In such case the Insurance Commissioner's recapture shall be proportionate to the amount of the redemption or repayment with respect to the qualified equity investment;

(3) The qualified community development entity fails to invest an amount equal to 100 percent of the purchase price of the qualified equity investment in qualified low-income community investments in West Virginia within 24 months of the issuance of the qualified equity investment and maintain that level of investment in qualified low-income community investments in West Virginia until the last credit allowance date for the qualified equity investment. For purposes of this article, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, if the qualified

community development entity reinvests an amount equal to the capital returned to or recovered by the qualified community development entity from the original investment, exclusive of any profits realized, in another qualified low-income community investment within 12 months of the receipt of such capital. Periodic amounts received as repayment of principal pursuant to regularly scheduled amortization payments on a loan that is a qualified low-income community investment shall be treated as continuously invested in a qualified low-income community investment if the amounts are reinvested in one or more qualified low-income community investments by the end of the following calendar year. A qualified community development entity may not be required to reinvest capital returned from qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, and the qualified low-income community investment shall be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance; or

(4) As a result of any violation of §31-15D-5 of this code.

(d) Recaptured tax credits and the related qualified equity investment authority are eligible for reissuance to qualified community development entities under the provisions of this article and recaptured tax credits shall be reissued:

(1) First, pro rata to applicants whose qualified equity investment allocations were reduced pursuant to §31-15D-4(e) of this code, with a preference to applicants who agreed to designate qualified equity investments as federal qualified equity investments; and

(2) Thereafter, in accordance with the provisions of this article.

(e) Enforcement of the recapture provisions set forth in this section shall be subject to a six-month cure period. No recapture shall occur until the qualified community development entity shall have been given notice of noncompliance and afforded six months from the date of such notice to cure the noncompliance.

(f) In rendering letter rulings and making other determinations under this section, to the extent applicable, the Insurance Commissioner shall look for guidance in 26 U. S. C. § 45D, as amended, and the rules and regulations issued thereunder.”

And,

By amending the title of the bill to read as follows:

H. B. 2828 “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §11-21-12j; and to amend said code by adding thereto a new section, designated §11-24-6b; and to amend said code by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, and §31-15D-7; and to amend said code by adding thereto a new section, designated §33-3-14e; all relating to promoting investment and business growth in low-income communities in West Virginia; providing title; defining terms; providing for transferability; certification of qualified equity investment; providing for recapture of tax credits; requiring notice of noncompliance; letter rulings; new capital requirement; reporting; providing penalty for job creation underperformance; establishing amount of credit allowed; providing mechanism to exempt corporate net income tax and personal income tax for new businesses in Qualified Opportunity Zones located in West Virginia; providing effective date; authorizing rulemaking in Commissioner.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 701**), 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 Phillips.

Absent and Not Voting: Cooper and Rodighiero.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2828) 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, bills of the House of Delegates as follows:

H. B. 2853, Establishing the West Virginia Program for Open Education Resources,

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

And,

H. B. 3016, Relating to the State Aeronautics Commission.

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. 3020, Relating to sole source contracts for goods and services with nonprofit corporations affiliated with the respective education institutions.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, section three, lines ten through seventeen, by striking out all of subsection (b) and inserting in lieu thereof the following:

“(b) When a governing board, the commission, or the council determines that a contract for financial services is necessary and proper, it may enter into such a contract with an affiliated nonprofit corporation under such financial terms as the governing board, commission, or council determines are reasonable and proper in the sound administration of their financial responsibilities to the state. In so doing, the affiliated nonprofit corporation shall be deemed a sole source in respect to any applicable law or regulation relating to expenditures of public funds.”

And,

By amending the title of the bill to read as follows:

H. B. 3020 - “A Bill to amend and reenact §18B-5-3 of the Code of West Virginia, 1931, as amended, relating to the authority of the Higher Education Policy Commission, the Council for Community and Technical College Education, and institutional governing boards to enter into contracts for financial services; and providing for specified flexibility entering into agreements with certain affiliated nonprofit corporations.”

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

Nays: S. Brown, Campbell, Hardy, Lavender-Bowe and Rowe.

Absent and Not Voting: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3020) 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, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 3024, West Virginia Business Ready Sites Program.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page four, section one-n, line seventy-six, after the word “section”, by changing the period to a colon and inserting the following proviso: “Provided further, That if the number of congressional districts is reduced to two, that no more than five Industrial Development Sites shall be located in any one congressional district.”

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. 703**), 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: Cooper.

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. 3024) passed.

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

On this question, the yeas and nays were taken (**Roll No. 704**), 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: Cooper.

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. 3024) 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. 3044, Requiring the Commissioner of Highways to develop a formula for allocating road funds.

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, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 30. ALLOCATION OF FUNDS.

§17-30-1. Findings.

The Legislature finds that:

(1) According to an independent audit report submitted to the Joint Committee on Government and Finance on January 10, 2016, the West Virginia Division of Highways currently has no formula in place to allocate and distribute road funds among districts and counties. The audit report recommended that in order to more effectively distribute funds, the division should create a framework to allocate and distribute road funds to each of the districts and county organizations; that a baseline maintenance capital plan should be reexamined and revised periodically; and that metrics for the allocation process should be transparent.

(2) A transparent process to develop an official formula for allocating road funds among districts in the state is crucial to ensure that funds are distributed in an effective and efficient manner, based on the needs of the counties within the districts.

§17-30-2. Definitions.

For the purposes of this article:

‘Commissioner’ means the West Virginia Commissioner of Highways.

‘District’ means one of the management areas of the state, which include one or more counties, established by the West Virginia Division of Highways, with each district headed by a separate district engineer or manager.

‘Heavy truck’ means an on-road vehicle with a gross vehicle weight rating of 50,000 pounds or more.

‘Road funds’ means state funds appropriated or otherwise available to the West Virginia Division of Highways for the purpose of:

- (A) New construction;
- (B) Maintenance; or
- (C) New capacity improvements.

§17-30-3. Formula for allocation of funds.

(a) Prior to the beginning of the regular legislative session in 2020, the commissioner shall develop and propose a formula for the effective and efficient allocation of state road funds among the districts and counties in this state, to be promulgated as a legislative rule.

(b) The commissioner shall include, but not be limited to, the following factors in the formula developed pursuant to this section:

(1) The amount of population growth in each county according to the most recent United States Census projection;

(2) The number of total lane miles in a county;

(3) The approximate number of vehicle miles travelled within a county;

(4) The approximate number of heavy truck miles travelled within a county; and

(5) The number of bridges in a county and their condition.

(c) Before developing the formula required by this section, the commissioner shall review and consider all public comments submitted to the commissioner pursuant to §17-30-4 of this code.

§17-30-4. Public comment period.

(a) On or before October 1, 2019, the commissioner shall develop and implement a mechanism to proactively seek public

comments and recommendations regarding the division's current allocation of road funds.

(b) In developing and implementing a mechanism to seek public comments, the commissioner shall, at a minimum:

(1) Use multimedia resources to publicize the public comment period;

(2) Allow a period of six weeks for members of the public to submit comments to the commissioner through written and electronic forms of communication; and

(3) Make all public comments received by the commissioner available for the public to view on the department's website.

(c) The commissioner shall issue targeted communications to the following entities to encourage representatives of those entities to participate in the public comment period required by this subsection:

(1) Division of Highways district offices;

(2) County commissions; and

(3) Metropolitan planning organizations.

§17-30-5. Legislative rule.

(a) For approval during the regular legislative session of 2021, the commissioner shall propose rules for legislative approval in accordance with the requirements of §29A-3-1 *et seq.* of this code, including the formula developed pursuant to this section.

(b) The proposed legislative rule shall allow districts to exercise discretion over how to distribute funds among counties within the district over a period of five years: *Provided*, That at the end of the five-year period, all counties within the district shall have received the funds apportioned to them by the formula developed pursuant to this article.

(c) On or before June 30, 2020, the commissioner shall present the proposed legislative rule containing the formula developed pursuant to this section to the Joint Legislative Oversight Commission on Department of Transportation Accountability.”

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 3141, Requiring capitol building commission authorization for certain renovations.

The amendment by the Senate being as follows:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 8. CAPITOL BUILDING COMMISSION.

§4-8-4. Powers and duties generally.

The ~~capitol building commission~~ Capitol Building Commission shall review and approve or reject all plans recommending substantial physical changes inside or outside the state ~~Capitol capitol~~ capitol building or surrounding complex, ~~including the public meeting rooms, hallways and grounds,~~ which affect the appearance thereof. In all instances constituting a substantial physical change, the approval of the commission is mandatory before a contract may be let or before changes are started if the work is not done under a contract and includes all areas occupied by the Legislature, the Governor, and the Supreme Court of Appeals. As used in this article, the surrounding complex shall include the Governor’s mansion and other buildings used by the Governor as part of his or her residence, the state science and cultural center, all state office buildings located in the immediate vicinity of the state ~~Capitol capitol~~ capitol, and the roadways, structures and facilities which are incidental to such buildings. As used in this

article, substantial physical change shall include, but not be limited to, permanent physical changes that alter the appearance of ~~the public~~ all areas of the capitol building and surrounding complex. The secretary of the Department of Administration shall promulgate rules and regulations, pursuant to the provisions of §29A-1-1 *et seq.* of this code, which rules and regulations shall be subject to the approval of the ~~capitol building commission~~ Capitol Building Commission, to implement the provisions of this article.

On motion of Delegate Kessinger, the House concurred in the Senate amendment with the following further amendment, on page one, section four, line six, after the word “contract”, by inserting “or before work on a change order in excess of \$40,000 is begun”.

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 705**), 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: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3141) 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:

H. B. 3142, Relating to reducing the severance tax on thermal or steam coal.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, section three, lines ten through fourteen, by striking out the provisos and inserting in lieu thereof a new proviso to read as follows:

“*Provided*, That effective July 1, 2019, the tax rate imposed by this subsection on the gross value of thermal or steam coal produced shall be reduced incrementally over the next three tax years for a total reduction of two percent by July 1, 2021. That on July 1, 2019, the reduction shall occur at the rate of 35 percent of the two percent reduction, on July 1, 2020, the reduction shall occur at the rate of 65 percent of the two percent reduction, and on July 1, 2021, at the rate of 100 percent of the two percent reduction.”

On page three, section three, after line sixty-one, by inserting the following:

“(i) *Termination and expiration of the privilege tax on limestone or sandstone.* — The taxes imposed under this section for persons exercising the privilege of engaging or continuing within this state in the business of severing, extracting, reducing to possession and producing for sale, profit or commercial use limestone or sandstone shall cease, terminate and be of no further force or effect on and after July 1, 2019. Termination of the taxes imposed under this section do not relieve any person of any liability or duty to pay tax imposed under this article with respect to privileges exercised before the effective date of the termination.”

And,

On pages ten and eleven, section six-a, lines fifty-one through eighty, by striking out all of subsection (f) and inserting in lieu thereof a new subsection (f) to read as follows:

“(f) (1) No distribution made to a county under this section may be deposited into the county’s general revenue fund. The county commission of each county receiving a distribution under this section shall establish a special account to be known as the “(Name of County) Coal County Reallocated Severance Tax Fund” into which all distributions made to that county under this section shall be deposited.

(2) Moneys in the county's coal county reallocated severance tax fund shall be expended by the county commission solely for economic development projects and infrastructure projects.

(3) For purposes of this section:

(A) 'Economic development project' means a project in the state which is likely to foster economic growth and development in the area in which the project is developed for commercial, industrial, community improvement or preservation or other proper purposes.

(B) 'Infrastructure project' means a project in the state which is likely to foster infrastructure improvements including, but not limited to, post-mining land use, any water or wastewater facilities or any part thereof, storm water systems, steam, gas, telephone and telecommunications, broadband development, electric lines and installations, roads, bridges, railroad spurs, drainage and flood control facilities, industrial park development or buildings that promote job creation and retention.

(4) A county commission may not expend any of the funds available in its coal county reallocated severance tax fund for personal services, for the costs of issuing bonds, or for the payment of bond debt service, and shall direct the total funds available in its coal county reallocated severance tax fund to project development, which may include the costs of architectural and engineering plans, site assessments, site remediation, specifications and surveys, and any other expenses necessary or incidental to determining the feasibility or practicability of any economic development project or infrastructure project.

(5) On or before December 31, 2013, and December 1 of each year thereafter, the county commission of each county receiving a distribution of funds under this section shall deliver to the Joint Committee on Government and Finance a written report setting forth the specific projects for which those funds were expended during the next preceding fiscal year, a detailed account of those expenditures, and a showing that the expenditures were made for the purposes required by this section."

And,

By amending the title of the bill to read as follows:

H. B. 3142 - “A Bill to amend and reenact §11-13A-3, §11-13A-6 and §11-13A-6a of the Code of West Virginia, 1931, as amended, all relating to severance taxes; reducing the severance tax on thermal or steam coal to incrementally over three years; providing for a total reduction of two percent of the coal severance tax at the conclusion of the three year period; providing for a reduction of thirty-five percent of the two percent reduction in the first year; providing for a reduction of sixty-five percent of the two percent reduction in the second year; providing for a the full two percent reduction in the third year; providing for an elimination of the severance tax on limestone or sandstone; and establishing minimum amounts of distribution of portion of severance taxes on coal dedicated for use and benefit of coal-producing counties.”

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. 706**), and there were—yeas 82, nays 17, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, Cowles, Doyle, Estep-Burton, Fleischauer, Hansen, Hornbuckle, Miley, Pushkin, Pyles, Robinson, Rowe, Sponaugle, C. Thompson, Walker and Williams.

Absent and Not Voting: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3142) passed.

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. 3143, Relating to requirements for consumer loans in West Virginia.

On motion of Delegate Kessinger, 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, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 4. REGULATED CONSUMER LENDERS.

§46A-4-107. Loan finance charge for regulated consumer lenders.

(1) With respect to a regulated consumer loan, including a revolving loan account, a regulated consumer lender may contract for and receive a loan finance charge not exceeding that permitted by this section.

(2) On a loan of ~~\$2,000~~ \$3,500 or less which is unsecured by real property, the loan finance charge, calculated according to the actuarial method, may not exceed 31 percent per year on the unpaid balance of the principal amount.

(3) On a loan greater than ~~\$2,000~~ \$3,500 but less than or equal to \$15,000, or which is secured by real property, the loan finance charge, calculated according to the actuarial method, may not exceed 27 percent per year on the unpaid balance of the principal amount: *Provided*, That the loan finance charge on any loan greater than ~~\$10,000~~ \$15,000 may not exceed 18 percent per year on the unpaid balance of the principal amount. Loans made by regulated consumer lenders shall be subject to the restrictions and supervision set forth in this article irrespective of their rate of finance charges.

(4) Where the loan is nonrevolving and is greater than ~~\$2,000~~ \$3,500, the permitted finance charge may include a charge of not more than a total of two percent of the amount financed for any origination fee, points, or investigation fee: *Provided*, That where any loan, revolving or nonrevolving, is secured by real estate, the permitted finance charge may include a charge of not more than a total of five percent of the amount financed for any origination fee, points, or investigation fee. In any loan secured by real estate, the

charges may not be imposed again by the same or affiliated lender in any refinancing of that loan made within 24 months thereof, unless these earlier charges have been rebated by payment or credit to the consumer under the actuarial method or the total of the earlier and proposed charges does not exceed five percent of the amount financed. Charges permitted under this subsection shall be included in the calculation of the loan finance charge. The financing of the charges ~~may be~~ is permissible and ~~may~~ does not constitute charging interest on interest. In a revolving home equity loan, the amount of the credit line extended ~~shall~~ is, for purposes of this subsection, ~~constitute~~ the amount financed. Other than herein provided, no points, origination fee, investigation fee, or other similar prepaid finance charges attributable to the lender or its affiliates may be levied. Except as provided for by §46A-3-109 of this code, no additional charges may be made; nor may any charge permitted by this section be assessed unless the loan is made. To the extent that this section overrides the preemption on limiting points and other charges on first lien residential mortgages contained in Section 501 of the United States Depository Institutions Deregulation and Monetary Control Act of 1980, the state law limitations contained in this section shall apply. If the loan is precomputed:

(a) The loan finance charge may be calculated on the assumption that all scheduled payments will be made when due; and

(b) The effect of prepayment, refinancing, or consolidation is governed by the provisions on rebate upon prepayment, refinancing, or consolidation contained in §46A-3-111 of this code.

(5) For the purposes of this section, the term of a loan commences on the date the loan is made. Differences in the lengths of months are disregarded and a day may be counted as one thirtieth of a month. Subject to classifications and differentiations the licensee may reasonably establish, a part of a month in excess of 15 days may be treated as a full month if periods of 15 days or less are disregarded and if that procedure is not consistently used to obtain a greater yield than would otherwise be permitted.

(6) With respect to a revolving loan account:

(a) A charge may be made by a regulated consumer lender in each monthly billing cycle which is one-twelfth of the maximum annual rates permitted by this section computed on an amount not exceeding the greatest of:

(i) The average daily balance of the debt; or

(ii) The balance of the debt at the beginning of the first day of the billing cycle, less all payments on and credits to such debt during such billing cycle and excluding all additional borrowings during the billing cycle.

For the purpose of this subdivision, a billing cycle is monthly if the billing statement dates are on the same day each month or do not vary by more than four days therefrom.

(b) If the billing cycle is not monthly, the maximum loan finance charge which may be made by a regulated consumer lender is that percentage which bears the same relation to an applicable monthly percentage as the number of days in the billing cycle bears to 30.

(c) Notwithstanding subdivisions (a) and (b) of this subsection, if there is an unpaid balance on the date as of which the loan finance charge is applied, the licensee may contract for and receive a charge not exceeding 50 cents if the billing cycle is monthly or longer or the pro rata part of 50 cents which bears the same relation to 50 cents as the number of days in the billing cycle bears to 30 if the billing cycle is shorter than monthly, but no charge may be made pursuant to this subdivision if the lender has made an annual charge for the same period as permitted by the provisions on additional charges.

(7) As an alternative to the loan finance charges allowed by subsections (2) and (4) of this section, a regulated consumer lender may on a loan not secured by real estate of ~~\$2,000~~ \$3,500 or less contract for and receive interest at a rate of up to 31 percent per year on the unpaid balance of the principal amount, together with a nonrefundable loan processing fee of not more than two percent of the amount financed: *Provided*, That no other finance charges

are imposed on the loan. The processing fee permitted under this subsection shall be included in the calculation of the loan finance charge and the financing of the fee shall be permissible and may not constitute charging interest on interest.

(8) Notwithstanding any contrary provision in this section, a licensed regulated consumer lender who is the assignee of a nonrevolving consumer loan unsecured by real property located in this state, which loan contract was applied for by the consumer when he or she was in another state, and which was executed and had its proceeds distributed in that other state, may collect, receive, and enforce the loan finance charge and other charges, including late fees, provided in the contract under the laws of the state where executed: *Provided*, That the consumer was not induced by the assignee or its in-state affiliates to apply and obtain the loan from an out-of-state source affiliated with the assignee in an effort to evade the consumer protections afforded by this chapter. Such charges may not be considered to be usurious or in violation of the provisions of this chapter or any other provisions of this code.”

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

Conference Committee Report Availability

At 4:09 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for S. B. 241**, Permitting county court clerks scan certain documents in electronic form, was available in the Clerk’s Office.

Delegate Summers asked and obtained unanimous consent to return to further consideration of **Com. Sub. for S. B. 352**, Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities.

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

On this question, the yeas and nays were taken (**Roll No. 707**), 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: Cooper.

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. 352) takes effect from its passage.

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

At 4:19 p.m., the House of Delegates recessed until 6:30 p.m.

* * * * *

Evening Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Conference Committee Report Availability

At 6:50 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for S. B. 317**, Authorizing three or more adjacent counties form multicounty trail network authority, was available in the Clerk's Office.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

Com. Sub. for S. B. 522, Creating Special Road Repair Fund.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Criss, Linville and Barrett.

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:

Com. Sub. for H. B. 2479, Corporate Governance Annual Disclosure Act.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, bills of the House of Delegates as follows:

Com. Sub. for H. B. 2490, Preventing proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades,

H. B. 3132, Relating to exempting providers that serve more than 30 patients with office-based medication-assisted treatment,

And,

H. B. 2850, Relating to qualifications for commercial drivers license.

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. 2665, Supplemental appropriation for PEIA Rainy Day Fee.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, lines sixteen and seventeen, by striking out ‘and §5-16-28’.

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. 708**), 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: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2665) passed.

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

On this question, the yeas and nays were taken (**Roll No. 709**), 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: Cooper.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2665) 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:

Com. Sub. for H. B. 2673, Creating the Oil and Gas Abandoned Well Plugging Fund.

On motion of Delegate Kessinger, 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 11. TAXATION.

**ARTICLE 13A. SEVERANCE AND BUSINESS PRIVILEGE
TAX ACT.**

**§11-13A-3a. Imposition of tax on privilege of severing natural
gas or oil; ~~Tax Commissioner to develop a uniform
reporting form.~~**

(a) *Imposition of tax.* — For the privilege of engaging or continuing within this state in the business of severing natural gas or oil for sale, profit or commercial use, there is hereby levied and shall be collected from every person exercising ~~such~~ the privilege an annual privilege tax at the rate and measure provided in subsection (b) of this section: *Provided*, That effective for all taxable periods beginning on or after January 1, 2000, there is an exemption from the imposition of the tax provided in this article on the following: (1) Free natural gas provided to any surface owner; (2) natural gas produced from any well which produced an average of less than 5,000 cubic feet of natural gas per day during the calendar year immediately preceding a given taxable period; (3) oil produced from any oil well which produced an average of less than one-half barrel of oil per day during the calendar year immediately preceding a given taxable period; and (4) for a maximum period of 10 years, all natural gas or oil produced from any well which has not produced marketable quantities of natural gas or oil for five consecutive years immediately preceding the year in which a well is placed back into production and thereafter produces marketable quantities of natural gas or oil.

(b) *Rate and measure of tax.* — The tax imposed in subsection (a) of this section ~~shall be~~ is five percent of the gross value of the natural gas or oil produced by the producer as shown by the gross proceeds derived from the sale thereof by the producer, except as otherwise provided in this article: *Provided*, That effective for taxable periods beginning on or after January 1, 2019:

(1) For all natural gas produced from any well which produced an average in excess of 60,000 cubic feet of natural gas per day during the calendar year immediately preceding a given taxable

year, and for oil produced from any well which produced an average in excess of 10 barrels of oil per day, during the calendar year immediately preceding the beginning date of a given taxable year, the rate of tax is 5% of the gross value of the natural gas or oil produced as shown by the gross proceeds derived from the sale thereof by the producer; and

(2) For all natural gas produced from any well which produced an average between 5,000 cubic feet of natural gas per day and 60,000 cubic feet of natural gas per day during the calendar year immediately preceding the beginning date of a given taxable year, and for oil produced from any well which produced an average between ½ barrel per day and 10 barrels per day, during the calendar year immediately preceding the beginning date of a given taxable year, the rate of tax is 2.5% of the gross value of the natural gas or oil produced as shown by the gross proceeds derived from the sale thereof by the producer.

(c) *Tax in addition to other taxes.* — The tax imposed by this section ~~shall apply~~ applies to all persons severing gas or oil in this state, and ~~shall be~~ is in addition to all other taxes imposed by law.

~~(d)(1) The Legislature finds that in addition to the production reports and financial records which must be filed by oil and gas producers with the State Tax Commissioner in order to comply with this section, oil and gas producers are required to file other production reports with other agencies, including, but not limited to, the office of oil and gas, the Public Service Commission and county assessors. The reports required to be filed are largely duplicative, the compiling of the information in different formats is unnecessarily time consuming and costly, and the filing of one report or the sharing of information by agencies of government would reduce the cost of compliance for oil and gas producers.~~

~~(2) On or before July 1, 2003, the Tax Commissioner shall design a common form that may be used for each of the reports regarding production that are required to be filed by oil and gas producers, which form shall readily permit a filing without financial information when such information is unnecessary. The commissioner shall also design such forms so as to permit filings~~

~~in different formats, including, but not limited to, electronic formats.~~

~~(3) Effective July 1, 2006, this subsection shall have no force or effect~~

(d) For purposes of this section, in determining the average amount of production of gas and oil in any given calendar year, a taxpayer must calculate the actual production of such well in the calendar year and divide the same by the number of days the well was in operation and producing gas or oil in such calendar year.

(e) The proceeds of the tax imposed at the rate prescribed under subdivision (2), subsection (b) of this section are dedicated to the Oil and Gas Abandoned Well Plugging Fund created under §22-6-29a of this code: *Provided*, That if on June 1, 2021, or on June 1 of any year thereafter there exists in the Oil and Gas Abandoned Well Plugging Fund an amount equal to or exceeding the sum of \$4 million then the special rate of tax imposed under subdivision (2), subsection (b) of this section is reduced to zero for the taxable year beginning on and after the next succeeding January 1. The Tax Commissioner shall issue an Administrative Notice by July 1 of each year indicating the balance in the fund as of the immediately preceding June 1 and the rate of tax on wells pursuant to this subsection.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 6. OFFICE OF OIL AND GAS; OIL AND GAS WELLS.

§22-6-29a. Oil and Gas Abandoned Well Plugging Fund.

(a)(1) This section may be referred to as the Oil and Gas Abandoned Well Plugging Fund Act. There is established within the Treasury of the State of West Virginia the special use fund known as the Oil and Gas Abandoned Well Plugging Fund.

(2) The Oil and Gas Abandoned Well Plugging Fund shall be administered by the secretary solely for the purposes of carrying out the provisions of this section.

(3) Any balance remaining in the Oil and Gas Abandoned Well Plugging Fund at the end of any state fiscal year does not revert to the General Revenue Fund but shall remain in the special revenue account and may be used only as provided in this section. The revenues deposited in the Oil and Gas Abandoned Well Plugging Fund may not be designated as nonaligned state special revenue funds under §11B-2-32 of this code.

(b)(1) Using funds from the Oil and Gas Reclamation Fund and the Oil and Gas Abandoned Well Plugging Fund, the secretary shall plug and reclaim abandoned oil and gas wells without a responsible operator all in accordance with plans and specifications developed pursuant to the provisions of this article relating to the plugging and reclamation of wells, and the rules establishing well plugging standards adopted thereunder.

(2) Funds from the Oil and Gas Abandoned Well Plugging Fund may only be used to plug abandoned oil and gas wells without a responsible operator and to reclaim the property disturbed from the plugging.

(3) On or before July 1 of each year, the secretary shall make an annual report to the Governor and the Legislature as to the use of the Oil and Gas Abandoned Well Plugging Fund and the Oil and Gas Reclamation Fund. The report shall include the balance in both funds on June 1 of each year. The secretary's annual report shall set forth the number of wells reclaimed or plugged through the use of the Oil and Gas Reclamation Fund and the Oil and Gas Abandoned Well Plugging Fund in the previous year. The report shall identify each reclamation and plugging project, state the number of wells plugged thereby, show the county in which the wells are located, and make a detailed accounting of all expenditures from the Oil and Gas Reclamation Fund and from the Oil and Gas Abandoned Well Plugging Fund. The annual report shall also include a 5-year plan detailing current and future projects and activities to plug and reclaim wells.

(4) Wells shall be plugged, and plugged wells reclaimed by contract entered into by the secretary on a competitive bid basis as

provided for under the provisions of §5A-3-1 et seq. of this code and the rules promulgated thereunder.”

And,

By amending the title of the bill to read as follows:

Com. Sub for H. B. 2673 - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6-29a, all relating to creating the Oil and Gas Abandoned Well Plugging Fund for use by the West Virginia Department of Environmental Protection to plug abandoned oil and gas wells without a responsible operator; providing for administration of the fund; requiring 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; 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; providing rulemaking authority; and providing a short title.”

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. 710**), and there were—yeas 91, nays 8, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: S. Brown, Doyle, Fleischauer, Hansen, Pushkin, Pyles, Walker and Williams.

Absent and Not Voting: Cooper.

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. 2673) 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. 2674, Creating a student loan repayment program for a mental health provider.

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. HEALTH PROFESSIONALS STUDENT LOAN PROGRAMS.

§18C-3-3. Health Sciences Service Program; establishment; administration; eligibility.

(a) *Legislative findings.* — The Legislature finds that there is a critical need for additional practicing health care professionals in West Virginia. Therefore, there is created a Health Sciences Service Program to be administered by the Vice Chancellor for Health Sciences. The purpose of this program is to provide an incentive for health professional students to complete their training and provide primary care and emergency medical care in underserved areas of West Virginia.

(b) *Special account.* — There is continued a special revolving fund account under the Higher Education Policy Commission in the State Treasury formerly known as the Health Sciences Scholarship Fund. ~~and hereafter designated the Health Sciences Service Program Fund.~~ The fund shall be used to accomplish the purposes of this section. The fund consists of any of the following:

(1) All unexpended health sciences scholarship funds on deposit in the State Treasury on the effective date of this section;

(2) Appropriations as may be provided by the Legislature;

(3) Repayments, including interest as set by the Vice Chancellor for Health Sciences, collected from program award recipients who fail to practice or teach in West Virginia under the terms of an award agreement or the health sciences scholarship program previously established by this section; and

(4) Amounts that may become available from other sources.

Balances remaining in the fund at the end of the fiscal year do not expire or revert to the general revenue. All costs associated with the administration of this section shall be paid from the Health Sciences Service Program Fund under the direction of the Vice Chancellor for Health Sciences.

(c) *Eligibility requirements.* — Award preference is given to West Virginia residents. An individual is eligible for consideration for a Health Sciences Service Program award if the individual:

(1) Either:

(A) Is a fourth-year medical student at the Marshall University School of Medicine, West Virginia School of Osteopathic Medicine or West Virginia University School of Medicine who has been accepted in a primary care or emergency medicine internship/residency program in West Virginia; or

(B) Is enrolled in an approved education program at a West Virginia institution leading to a degree or certification in the field of nurse practitioner, nurse educator, nurse midwife, physician assistant, dentist, pharmacist, physical therapist, doctoral clinical psychologist, licensed independent clinical social worker or other disciplines identified as shortage fields by the Vice Chancellor for Health Sciences; and

(2) Signs an agreement to practice for at least two years in an underserved area of West Virginia or, if pursuing a Master's Degree in nursing, signs an agreement to teach at least two years for a school of nursing located in West Virginia, as may be determined by the Vice Chancellor for Health Sciences, after receiving the master's degree.

(d) *Program awards.* — Program awards shall be in an amount set by the Higher Education Policy Commission of at least \$20,000 for medical and dental students and at least \$10,000 for all others and may be awarded by the Vice Chancellor for Health Sciences, with the advice of an advisory panel, from the pool of all applicants with a commitment to practice in an underserved area of West Virginia. This section does not grant or guarantee any applicant any right to a program award.

(e) *Repayment provisions.* — A program award recipient who fails to practice in an underserved area of West Virginia within six months of the completion of his or her training, or who fails to complete his or her training or required teaching, is in breach of contract and is liable for repayment of the program award and any accrued interest. The granting or renewal of a license to practice in West Virginia or to reciprocal licensure in another state based upon licensure in West Virginia is contingent upon beginning payment and continuing payment until complete repayment of the award and any accrued interest. A license, renewal or reciprocity may not be granted to any person whose repayment is in arrears. The appropriate regulatory board shall inform all other states where a recipient has reciprocated based upon West Virginia licensure of any refusal to renew licensure in West Virginia as a result of failure to repay the award. This provision shall be explained in bold type in the award contract. Repayment terms, not inconsistent with this section, shall be established by the Vice Chancellor for Health Sciences pursuant to the rule required by this section.

(f) *Loan repayment program.* —

(1) There is created a student loan repayment program to be administered by the Higher Education Policy Commission. The loan repayment program shall help repay the student loans for mental health providers who provide therapy and counseling services and who reside in West Virginia and work in an underserved area of West Virginia for up to three years beginning January 1, 2020. Individuals participating in the loan repayment program may be eligible to receive up to \$30,000 to be dispersed as follows:

(A) A participant may receive a loan repayment program award of up to \$10,000 each year in exchange for the participant completing one year of practice in an underserved area.

(B) A participant may not receive a program award for more than three years of practice.

(C) A participant must direct each award received toward the repayment of his or her educational loans.

(2) There is created a special revenue fund account under the Higher Education Policy Commission in the State Treasury known as the 'Mental Health Provider Student Loan Repayment Fund'. The fund shall be used to accomplish the purposes of this subsection. The fund shall consist of appropriations as may be provided by the Legislature. Any moneys remaining in the fund at the close of a fiscal year shall be carried forward for use in the next fiscal year.

(3) The Higher Education Policy Commission shall promulgate a rule to implement the provisions of this subsection pursuant to §29A-3A-1.

~~(f)~~ (g) Rule. — The Higher Education Policy Commission shall promulgate a rule pursuant to §29A-3A-1 *et seq.* of this code to implement and administer this section.

~~(g)~~ (h) Definitions. — As used in this section:

(1) 'Training' means:

(A) The entire degree program or certification program for nurse midwives, nurse practitioners, nurse educators, physician assistants, dentists, pharmacists, physical therapists, doctoral clinical psychologists, licensed independent clinical social workers and other disciplines identified as shortage fields by the Vice Chancellor for Health Sciences; or

(B) Completion of a degree program and an approved residency/internship program for students pursuing a degree in

medicine or osteopathy, or as otherwise may be designated for such students in the rule required by this section.

(2) 'Underserved area' means any primary care health professional shortage area located in the state as determined by the Bureau for Public Health or any additional health professional shortage area, including an emergency medicine professional determined by the Vice Chancellor for Health Sciences.

§18C-3-5. Non-resident Medical Student Tuition Regularization Program.

(a) *Findings.* — The Legislature finds as follows:

(1) There is a critical need for additional primary care physicians practicing in West Virginia;

(2) West Virginia has an aging population, and an increasing need for recruiting primary care physicians and placing primary care physicians in rural areas of the state;

(3) West Virginia has a historically low retention rate of state resident medical students following graduation;

(4) Efforts by the medical schools in West Virginia to increase class sizes as a means of increasing the number of physicians practicing in the state have been largely ineffective;

(5) The primary care field of practice yields a lower wage than other medical specialties and maintains an extreme shortage of practicing physicians, particularly in rural areas of the state;

(6) The high cost of nonresident medical education tuition, and resulting high level of debt incurred by students, often prohibit nonresident graduates who remain in the state from entering a primary care practice;

(7) Many nonresident medical students in West Virginia have indicated that they would be willing to remain in the state as a practicing physician if it was affordable;

(8) A waiver of the state resident to nonresident tuition rate differential would offset the significant student debt load incurred by nonresident medical school graduates;

(9) Beginning a medical practice with up to four years committed to practicing medicine in a specific area has a strong likelihood of influencing a nonresident medical school graduate to remain in that area following the service commitment;

(10) Investing resources, developing professional networks, and creating community ties all serve to create permanent connections to an area for an individual who is not originally from that area; and

(11) Attracting practicing physicians to rural and medically under-served areas of the state will further attract related health-care professionals that support a medical practice or facility and will expand the economic and job-growth potential of such areas.

(b) Purpose. – It is the purpose of this section to offer nonresident medical students a partial tuition waiver as a means of recruiting practicing physicians to under-served areas, and to primary care and practitioner shortage fields in West Virginia.

(c) Program established. – There is created the Nonresident Medical Student Tuition Regularization Program to be administered by the Vice Chancellor for Health Sciences in cooperation with the deans of the three medical schools in the state.

(1) Two nonresident medical students from each medical school in the state are selected annually to participate in the program subject to the exception provided in subsection (f) of this section.

(2) Each student selected is charged the state resident tuition rate for each academic year he or she is enrolled in the program, and has the cost differential between the resident and nonresident rates waived by the institution at which he or she is enrolled.

(3) For each academic year that a medical student participates in the program, he or she shall commit to render services for one

calendar year as a medical doctor or a doctor of osteopathy in this state in a medically under-served area or in a primary care or specialty practice or field in which there is a shortage of physicians, as determined by the Division of Health at the time the application for the program is submitted. The service commitment begins within six months after graduation from an accredited residency program.

(4) Once selected to participate in the program, a student may continue in the program for as long as he or she continues to meet the eligibility criteria in subsection (d) of this section, for a maximum of four academic years.

(d) Eligibility. -- An individual is eligible for enrollment or continuation in the program if he or she meets the following criteria:

(1) Is enrolled or accepted for enrollment at the West Virginia University School of Medicine, the Marshall University School of Medicine, or the West Virginia School of Osteopathic Medicine in a program leading to the degree of medical doctor (M.D.) or doctor of osteopathy (D.O.);

(2) Has not yet received one of the degrees provided in subdivision (1) of this subsection;

(3) Satisfies the academic standards established by the program rule;

(4) Is not in default of any previous student loan;

(5) Is a nonresident student who is charged nonresident tuition rates;

(6) Commits to render services for one calendar year as a medical doctor or a doctor of osteopathy in this state in a medically under-served area or in a primary care or specialty practice or field in which there is a shortage of physicians for each academic year for which he or she participates in the program;

(7) Submits to the commission;

(A) An application for enrollment in the program as provided by the commission; and

(B) A sworn statement of commitment to service on a form provided by the commission for that purpose; and

(8) Other criteria as established by the program rule.

(e) *Penalty for failure to satisfy service commitment.* –

(1) A program participant violates the service commitment if he or she:

(A) Fails to render services as a medical doctor or doctor of osteopathy in accordance with the sworn statement he or she submitted to the commission. This includes failure to begin serving within six months of completing an accredited residency program, or failure to complete each one-year term to which he or she committed to serve; or

(B) Fails to complete or remain enrolled in the medical education program for which he or she obtained the tuition waiver.

(2) A program participant who violates the service commitment is subject to the following:

(A) He or she shall repay the amount of nonresident tuition charges waived plus interest at a rate of five percent per annum;

(B) The granting or renewal of a license to practice medicine in West Virginia or to reciprocal licensure in another state based upon licensure in West Virginia is contingent upon commencing payment and continuing payment until full repayment of the obligation if the recipient fails to complete the required practice commitment. A license, renewal or reciprocity may not be granted to an individual whose repayments are in arrears. The West Virginia Board of Medicine shall inform all other states where a recipient has reciprocated based upon West Virginia licensure of any refusal to renew licensure in West Virginia as a result of failure to repay the tuition amount.

(f) Rule. — The commission shall promulgate a rule in accordance with §18B-1-6 of this code to implement this section. The rule shall provide for:

(1) A method for selecting annually the six new students to be enrolled in the program, with priority consideration to applicants in the earliest academic years of the medical education program;

(2) A method for selecting greater or fewer than two participants from a single medical school in any year where two suitable applicants are not available at each school;

(3) A method for the applicant to select the service area or specialty to which he or she commits to practice medicine;

(4) A method for developing a mutually agreeable modification to the terms of a participant's service commitment regarding the medically under-served area or primary care or specialty practice or field in which he or she committed to serve under circumstances where the Division of Health determines at the time the participant's service commitment is scheduled to commence that the area is no longer medically under-served or that primary care or service specialty is no longer experiencing a physician shortage;

(5) Provisions for enforcing sanctions against a participant who fails to satisfy the service commitment; and

(6) Such other provisions as the commission considers necessary to administer the program.

(g) There is created in the State Treasury a special revenue account to be designated the 'Nonresident Medical Student Tuition Regularization Fund' which is an interest-bearing account that may be invested and retain all earnings. Expenditures from the fund shall be for the purposes set forth in this section and are to be made only in accordance with appropriation by the Legislature and in accordance with §11B-2-1 *et seq.* of this code."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2674 - “A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated, §18C-3-5, all relating to establishing health professionals’ student loan programs; providing legislative findings and purpose; establishing a loan repayment program for mental health providers; providing for in-state tuition rates to out-of-state medical students who agree to practice for a specific time within West Virginia; establishing the program eligibility requirements; setting forth repayment schedules; creating application procedures; establishing violations; providing for civil penalties for the failure to complete the required service; creating a special revenue accounts; and providing for legislative 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. 711**), 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 Wilson.

Absent and Not Voting: Cooper, Foster, Harshbarger and Phillips.

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. 2674) 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. 2770, Fairness in Cost-Sharing Calculation Act.

On motion of Delegate Kessinger, 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. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4t. Fairness in Cost-Sharing Calculation.

(a) As used in this section:

‘Cost sharing’ means any copayment, coinsurance, or deductible required by or on behalf of an insured in order to receive a specific health care item or service covered by a health plan.

‘Drug’ means the same as the term is defined in §30-5-4(19).

‘Person’ means a natural person, corporation, mutual company, unincorporated association, partnership, joint venture, limited liability company, trust, estate, foundation, nonprofit corporation, unincorporated organization, or government or governmental subdivision or agency.

‘Pharmacy benefits manager’ means the same as that term is defined in §33-51-3 of this code.

(b) When calculating an insured’s contribution to any applicable cost sharing requirement, including, but not limited to, the annual limitation on cost sharing subject to 42 U.S.C. §18022(c) and 42 U.S.C. § 300gg-6(b):

(1) An insurer shall include any cost sharing amounts paid by the insured or on behalf of the insured by another person; and

(2) A pharmacy benefits manger shall include any cost sharing amounts paid by the insured or on behalf of the insured by another person.

(c) The commissioner is authorized to propose rules for legislative approval in accordance with §29A-3-1 *et seq* of this code, to implement the provisions of this section.

(d) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3ee. Fairness in Cost-Sharing Calculation.

(a) As used in this section:

‘Cost sharing’ means any copayment, coinsurance, or deductible required by or on behalf of an insured in order to receive a specific health care item or service covered by a health plan.

‘Drug’ means the same as the term is defined in §30-5-4(19).

‘Person’ means a natural person, corporation, mutual company, unincorporated association, partnership, joint venture, limited liability company, trust, estate, foundation, nonprofit corporation, unincorporated organization, or government or governmental subdivision or agency.

‘Pharmacy benefits manager’ means the same as that term is defined in §33-51-3 of this code.

(b) When calculating an insured’s contribution to any applicable cost sharing requirement, including, but not limited to, the annual limitation on cost sharing subject to 42 U.S.C. §18022(c) and 42 U.S.C. § 300gg-6(b):

(1) An insurer shall include any cost sharing amounts paid by the insured or on behalf of the insured by another person; and

(2) A pharmacy benefits manger shall include any cost sharing amounts paid by the insured or on behalf of the insured by another person.

(c) The commissioner is authorized to propose rules for legislative approval in accordance with §29A-3-1 et seq of this code, to implement the provisions of this section.

(d) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS, AND HEALTH SERVICE CORPORATIONS.

§33-24-7t. Fairness in Cost-Sharing Calculation.

(a) As used in this section:

‘Cost sharing’ means any copayment, coinsurance, or deductible required by or on behalf of an insured in order to receive a specific health care item or service covered by a health plan.

‘Drug’ means the same as the term is defined in §30-5-4(19).

‘Person’ means a natural person, corporation, mutual company, unincorporated association, partnership, joint venture, limited liability company, trust, estate, foundation, nonprofit corporation, unincorporated organization, or government or governmental subdivision or agency.

‘Pharmacy benefits manager’ means the same as that term is defined in §33-51-3 of this code.

(b) When calculating an insured’s contribution to any applicable cost sharing requirement, including, but not limited to, the annual limitation on cost sharing subject to 42 U.S.C. §18022(c) and 42 U.S.C. § 300gg-6(b):

(1) An insurer shall include any cost sharing amounts paid by the insured or on behalf of the insured by another person; and

(2) A pharmacy benefits manger shall include any cost sharing amounts paid by the insured or on behalf of the insured by another person.

(c) The commissioner is authorized to propose rules for legislative approval in accordance with §29A-3-1 et seq of this code, to implement the provisions of this section.

(d) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-8q. Fairness in Cost-Sharing Calculation.

(a) As used in this section:

‘Cost sharing’ means any copayment, coinsurance, or deductible required by or on behalf of an insured in order to receive a specific health care item or service covered by a health plan.

‘Drug’ means the same as the term is defined in §30-5-4(19).

‘Person’ means a natural person, corporation, mutual company, unincorporated association, partnership, joint venture, limited liability company, trust, estate, foundation, nonprofit corporation, unincorporated organization, or government or governmental subdivision or agency.

‘Pharmacy benefits manager’ means the same as that term is defined in §33-51-3 of this code.

(b) When calculating an insured’s contribution to any applicable cost sharing requirement, including, but not limited to, the annual limitation on cost sharing subject to 42 U.S.C. §18022(c) and 42 U.S.C. § 300gg-6(b):

(1) An insurer shall include any cost sharing amounts paid by the insured or on behalf of the insured by another person; and

(2) A pharmacy benefits manger shall include any cost sharing amounts paid by the insured or on behalf of the insured by another person.

(c) The commissioner is authorized to propose rules for legislative approval in accordance with §29A-3-1 et seq of this code, to implement the provisions of this section.

(d) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8t. Fairness in Cost-Sharing Calculation.

(a) As used in this section:

‘Cost sharing’ means any copayment, coinsurance, or deductible required by or on behalf of an insured in order to receive a specific health care item or service covered by a health plan.

‘Drug’ means the same as the term is defined in §30-5-4(19).

‘Person’ means a natural person, corporation, mutual company, unincorporated association, partnership, joint venture, limited liability company, trust, estate, foundation, nonprofit corporation, unincorporated organization, or government or governmental subdivision or agency.

‘Pharmacy benefits manager’ means the same as that term is defined in §33-51-3 of this code.

(b) When calculating an insured’s contribution to any applicable cost sharing requirement, including, but not limited to, the annual limitation on cost sharing subject to 42 U.S.C. §18022(c) and 42 U.S.C. § 300gg-6(b):

(1) An insurer shall include any cost sharing amounts paid by the insured or on behalf of the insured by another person; and

(2) A pharmacy benefits manger shall include any cost sharing amounts paid by the insured or on behalf of the insured by another person.

(c) The commissioner is authorized to propose rules for legislative approval in accordance with §29A-3-1 *et seq* of this code, to implement the provisions of this section.

(d) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2770 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4t; to amend said code by adding thereto a new section, designated §33-16-3ee; to amend said code by adding thereto a new section, designated §33-24-7t; to amend said code by adding thereto a new section, designated §33-25-8q; and to amend said code by adding thereto a new section, designated §33-25A-8t, all relating to establishing the Fairness in Cost-Sharing Calculation Act; providing for definitions; establishing health plan cost sharing calculations; establishing pharmacy benefits cost sharing calculations; providing for an effective date; and providing for 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. 712**), 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: Cooper, Foster, Harshbarger and Phillips.

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. 2770) 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. 2856, Relating to the administration of the operating fund of the securities division of the Auditor's office.

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. 2933, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury.

On motion of Delegate Kessinger, 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 8D. CHILD ABUSE.

§61-8D-3. Child abuse resulting in injury; child abuse creating risk of injury; criminal penalties.

(a) If ~~any~~ a parent, guardian or custodian ~~shall abuse~~ abuses a child and by ~~such~~ the abuse ~~cause~~ causes ~~such~~ the child bodily injury as ~~such~~ the term is defined in §61-8B-1 of this code, then ~~such~~ the parent, guardian or custodian ~~shall be~~ is guilty of a felony and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 and imprisoned in a state correctional facility for

not less than ~~one~~ two nor more than ~~five~~ 10 years, or in the discretion of the court, be confined in jail for not more than one year.

(b) If ~~any~~ a parent, guardian, or custodian ~~shall abuse~~ abuses a child and by ~~such~~ the abuse ~~cause said~~ causes the child serious bodily injury as ~~such~~ the term is defined in §61-8B-1 of this code, then ~~such~~ the parent, guardian or custodian ~~shall be~~ is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 and committed to the custody of the Division of Corrections and Rehabilitation not less than ~~two~~ five nor more than ~~ten~~ 15 years.

(c) ~~Any~~ A parent, guardian or custodian who abuses a child and by the abuse creates a substantial risk of death or serious bodily injury, as serious bodily injury is defined in §61-8B-1 of this code, to the child is guilty of a felony and, upon conviction thereof, shall be fined not more than \$3,000 or imprisoned in a state correctional facility for not less than ~~one~~ two nor more than ~~five~~ ten years, or both fined and imprisoned.

~~(d)(1) If a parent, guardian or custodian who has not previously been convicted under this section, section four of this article or a law of another state or the federal government with the same essential elements abuses a child and by the abuse creates a substantial risk of bodily injury, as bodily injury is defined in section one, article eight b of this chapter, to the child is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than six months, or both.~~

~~(2) For a second offense under this subsection or for a person with one prior conviction under this section, section four of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,500 and confined in jail not less than thirty days nor more than one year, or both.~~

~~(3) For a third or subsequent offense under this subsection or for a person with two or more prior convictions under this section, section four of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty of a felony and, upon conviction thereof, shall be fined not more than \$3,000 and imprisoned in a state correctional facility not less than one year nor more than three years, or both~~

(d) A person convicted of any offense under this section with any prior conviction under this section, §61-8D-4 of this code, or a law of another state or the federal government with the same essential elements is subject to the following increased penalties:

(1) A person with one prior conviction is guilty of a felony and, upon conviction thereof, shall be fined not more than \$3,000 or imprisoned in a state correctional facility for not less than three nor more than 15 years, or both fined and imprisoned. *Provided, however,* That a person convicted of a crime under subsection (b) of this section is subject to the higher penalty in that subsection.

(2) A person with two or more prior convictions is guilty of a felony and, upon conviction thereof, shall be fined not more than \$3,000 and imprisoned in a state correctional facility for not less than five years nor more than 15 years, or both fined and imprisoned.

(e) Any person convicted of ~~a misdemeanor~~ an offense under this section:

(1) May be required to complete parenting classes, substance abuse counseling, anger management counseling, or other appropriate services, or any combination thereof, as determined by Department of Health and Human Resources, Bureau for Children and Families through its services assessment evaluation, which shall be submitted to the court of conviction upon written request;

(2) ~~Shall not be~~ Is not required to register pursuant to §15-13-1 *et seq.* of this code; and

(3) ~~Shall~~ May not, solely by virtue of the conviction, have their custody, visitation or parental rights automatically restricted.

(f) ~~Nothing in~~ This section ~~shall~~ does not preclude a parent, guardian, or custodian from providing reasonable discipline to a child.

§61-8D-4. Child neglect resulting in injury; child neglect creating risk of injury; criminal penalties.

(a) If a parent, guardian, or custodian neglects a child and by such neglect causes the child bodily injury, as bodily injury is defined in §61-8B-1 of this code, then the parent, guardian, or custodian is guilty of a felony and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 dollars or imprisoned in a state correctional facility for not less than one nor more than three years, or in the discretion of the court, be confined in jail for not more than one year, or both fined and confined.

(b) If a parent, guardian, or custodian neglects a child and by such neglect ~~cause~~ causes the child serious bodily injury, as serious bodily injury is defined in §61-8B-1 of this code, then the parent, guardian, or custodian is guilty of a felony and, upon conviction thereof, shall be fined not less than \$300 nor more than \$3,000 ~~dollars~~ or imprisoned in a state correctional facility for not less than one nor more than 10 years, or both fined and imprisoned.

(c) If a parent, guardian, or custodian ~~grossly~~ neglects a child and by that ~~gross~~ neglect creates a substantial risk of death or serious bodily injury, as serious bodily injury is defined in §61-8B-1 of this code, of the child, then the parent, guardian, or custodian is guilty of a felony and, upon conviction thereof, ~~shall be fined not less than \$1,000 nor more than \$3,000 dollars or imprisoned in a state correctional facility for not less than one nor more than five years, or both. shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than two years, or both fined and confined.~~ shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than two years, or both fined and confined.

~~(d)(1) If a parent, guardian or custodian who has not been previously convicted under this section, section three of this article~~

~~or a law of another state or the federal government with the same essential elements neglects a child and by that neglect creates a substantial risk of bodily injury, as defined in section one, article eight b of this chapter, to the child, then the parent, guardian or custodian, is guilty of a misdemeanor and, upon conviction thereof, for a first offense, shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than six months, or both fined and confined.~~

~~(2) For a second offense under this subsection or for a person with one prior conviction under this section, section three of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 and confined in jail not less than thirty days nor more than one year, or both.~~

~~(3) For a third or subsequent offense under this subsection or for a person with two or more prior convictions under this section, section three of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty of a felony and, upon conviction thereof, shall be fined not more than \$2,000 and imprisoned in a state correctional facility not less than one year nor more than three years, or both fined and imprisoned.~~

(d) A person convicted of any offense under this section with any prior conviction is subject to the following increased penalties. A prior conviction includes any offense under this section, §61-8D-3 of this code, or a law of another state or the federal government with the same essential elements:

(1) A person with one prior conviction shall be fined not more than \$3,000 or imprisoned in a state correctional facility for not less than three nor more than 15 years, or both fined and imprisoned.

(2) A person with two or more prior convictions is guilty of a felony and, upon conviction thereof, shall be fined not more than \$3,000 and imprisoned in a state correctional facility not less than five years nor more than 15 years, or both fined and imprisoned.

(e) The provisions of this section shall not apply if the neglect by the parent, guardian, or custodian is due primarily to a lack of financial means on the part of such parent, guardian, or custodian.

(f) Any person convicted of a misdemeanor offense under this section:

(1) May be required to complete parenting classes, substance abuse counseling, anger management counseling, or other appropriate services, or any combination thereof, as determined by Department of Health and Human Resources, Bureau for Children and Families through its services assessment evaluation, which shall be submitted to the court of conviction upon written request;

(2) Shall not be required to register pursuant to the requirements of §15-13-1 *et seq.* of this code; and

(3) Shall not, solely by virtue of the conviction, have their custody, visitation, or parental rights automatically restricted.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2933 - “A Bill to amend and reenact §61-8D-3 and §61-8D-4 of the Code of West Virginia, 1931, as amended, relating to modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury and child abuse or neglect creating risk of injury.”

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. 713**), 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: Cooper, Foster, Harshbarger and Phillips.

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. 2933) 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. 2945, Relating to vendors paying a single annual fee for a permit issued by a local health department.

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. 2947, Relating generally to telemedicine prescription practice requirements and exceptions.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page on page five, section thirteen-a, line ninety-eight, after the word “do not apply”, by inserting “to a hospital, excluding the emergency department” and a comma.

And,

On page ten, section twelve-d, line ninety-five, after the words “do not apply”, by inserting “to a hospital, excluding the emergency department” and a comma.

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. 714**), 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: Cooper, Foster, Harshbarger and Phillips.

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. 2947) 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. 2968, Adding remote service unit to the definition of customer bank communications terminals.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, section twelve-b, lines thirty-nine and forty, by striking out the words “That the operator of an RSU shall maintain a physical location in this state: *Provided, however*”, and a comma.

And,

On page two, section twelve-b, line forty, after “ATM”, by inserting “or RSU”.

And,

By amending the title of the bill to read as follows:

H. B. 2968 - “A Bill to amend and reenact §31A-8-12b of the Code of West Virginia, 1931, as amended, relating to adding remote service units to the definition of customer bank communication terminal; defining remote service unit; and allowing national banks to operate remote service units in this state pursuant to federal regulation.”

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. 715**), 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: Cooper, Foster, Harshbarger and Phillips.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2968) 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. 3131, Relating to providing salary adjustments to employees of the Department of Health and Human Resources.

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:

“§5-5-4a. Psychiatrists, nurses and aides Department of Health and Human Resources facility employee classifications.

(a) The Legislature finds that ~~Mildred Mitchell Bateman Hospital and William R. Sharpe, Jr. Hospital~~ state-operated acute care, long-term care, psychiatric care, clinical, and medical facilities have extreme difficulty in recruiting and retaining physicians, physician specialists, nurses, nursing directors, health service workers, health service assistants, ~~health service associates~~ and other employees who assist in the direct or indirect provision of medical care to patients in those facilities.

(b) ~~The West Virginia Division of Personnel and the Department of Health and Human Resources jointly shall develop pay rates and employment requirements to support the recruitment and retention of~~ a special merit-based system, including an application and appointment procedure for physicians, physician specialists, nurses, nursing directors, health service workers, health service assistants, health service associates or other positions at Mildred Mitchell Bateman Hospital and William R. Sharpe, Jr. Hospital and other employees who assist in the direct provision of medical care to patients at state-operated acute care, long-term care, psychiatric care, clinical, and medical facilities. Pay rates shall reflect the regional market rates for relevant positions. The procedure shall include classification specifications, and may include compensation adjustments, retention incentives, and hiring approval by the secretary. The secretary shall have the full authority to evaluate applicants for employment or promotion or make classification determinations for positions within the special merit-based system. The special merit-based system shall be approved by the State Personnel Board. The pay rates and employment requirements shall be put into effect by July 1, 2009, no sooner than January 1, 2020, and no later than July 1, 2020.

(c) Funding for the pay rates and employment requirements shall be provided from the appropriation to the Department of Health and Human Resources. ~~Due to the limits of funding, the implementation of the pay rates and employment requirements shall not be subject to the provisions of §6C-2-1 et seq. of this code.~~ The provisions of this section are rehabilitative in nature and it is the specific intent of the Legislature that no private cause of action, either express or implied, shall arise pursuant to the provisions or implementation of this section.

(d) The provisions of §6C-2-1 et seq. of this code shall be applicable to the employees of the special merit-based system: Provided, That the Division of Personnel shall not be a mandatory party to any public employee grievance filed by any employee in the special merit-based system.

(e) The department may conduct periodic wage and compensation analysis of identified market rates for the above positions as determined necessary by the secretary.

(f) The secretary may promulgate emergency rules and shall propose legislative rules pursuant to the provisions of §29A-3-1 et seq. of this code as may be necessary to implement and comply with the provisions of this section.”

And,

By amending the title of the bill to read as follows:

Com. Sub for H. B. 3131 - “A Bill to amend and reenact §5-5-4a of the Code of West Virginia, as amended, all relating to employees of the Department of Health and Human Resources; providing that the Department of Health and Human Resources shall develop a special merit-based system for specified employees at state-operated acute care, long-term care, psychiatric care, clinical, and medical facilities; providing for an effective date; providing that provisions of the West Virginia Public Employees Grievance Act apply to employees of the special merit-based system; providing that the Department of Health and Human Resources may conduct a marketplace analysis; and providing for emergency rulemaking.”

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. 716**), and there were—yeas 79, nays 17, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Angelucci, S. Brown, Byrd, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Hansen, Longstreth, Pushkin, Pyles, Robinson, Rowe, C. Thompson, Walker and Zukoff.

Absent and Not Voting: Cooper, Foster, Hartman and Phillips.

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. 3131) 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 adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 295, Relating to crimes against public justice.

Conference Committee Report

Delegate Hollen, from the Committee of Conference on matters of disagreement between the two houses, as to

Com. Sub. for S. B. 295, Relating to crimes against public justice.

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill No. 295 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House of Delegates, by striking out everything after the enacting clause, and that the Senate and House agree to an amendment as follows:

ARTICLE 3. COURTS IN GENERAL.

§51-3-19. Courthouse security officers; arrest authority; concealed-carry authority; requirements for participation;

authorization to carry firearms concealed consistent with federal law.

(a) In furtherance of enhanced courthouse security for court personnel, litigants, and the general public, courthouse security officers charged with effecting courthouse security may arrest any person committing a violation of the criminal laws of the State of West Virginia, the United States, or a violation of Rule 42 of the West Virginia Rules of Criminal Procedure occurring within a courthouse while the courthouse security officer is engaged in his or her official duties;

(b) For purposes of subsection (a) of this section, the arrest authority of courthouse security officers is consistent with that of a county deputy sheriff;

(c) In any judicial circuit where there is an order in effect authorizing courthouse security officers to carry a firearm, the circuit court may also authorize, consistent with the provisions of this section, qualifying courthouse security officers to carry a concealed firearm for self-defense purposes pursuant to 18 U.S.C. § 926B, upon the following criteria being met:

(1) The supervising authority of the courthouse security officer shall require courthouse security officers desiring to participate to regularly qualify in the use of firearms with standards therefor which are equal to or exceed those required of sheriff's deputies in the county in which the courthouse security officers are employed;

(2) The supervising authority of the courthouse security officers shall issue photographic identification and certification cards which identify the courthouse security officers as law-enforcement employees of the supervising entity pursuant to the provisions of §30-29-12 of this code;

(3) Any policy instituted pursuant to this section shall include provisions that:

(A) Preclude or remove a person from participation in the concealed firearm program who is subject to any disciplinary or

legal action which could result in the loss of his or her authority to participate in the program;

(B) Preclude from participation persons prohibited by federal or State law from possessing or receiving a firearm; and

(C) Prohibit persons from carrying a firearm pursuant to this subsection while in an impaired State as defined in §17C-5-2 of this code; and

(4) A courthouse security officer who participates in a program authorized by this section is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition for use when not engaged in his or her official duties.

(d) It is the intent of the Legislature in enacting this section during the 2019 regular session of the Legislature that active courthouse security personnel meeting all the requirements of this section to also meet the requirements of the federal Law-Enforcement Officers Safety Act, 18 U.S.C. § 926B.

(e) The provisions of this section shall become effective July 1, 2020.

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-17. Obstructing officer; fleeing from officer; making false statements to officer; interfering with emergency communications; penalties; definitions.

(a) A person who by threats, menaces, acts or otherwise forcibly or illegally hinders or obstructs or attempts to hinder or obstruct a law-enforcement officer, probation officer, ~~or~~ parole officer, courthouse security officer, correctional officer, the State Fire Marshal, or a full-time deputy or assistant fire marshal acting in his or her official capacity is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail not more than one year, or both fined and confined.

(b) A person who intentionally disarms or attempts to disarm a law-enforcement officer, correctional officer, probation officer, ~~or~~ parole officer, courthouse security officer, the State Fire Marshal, or a full-time deputy or assistant fire marshal acting in his or her official capacity, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than five years.

(c) A person who, with intent to impede or obstruct a law-enforcement officer, the State Fire Marshal or a full-time deputy or assistant fire marshal in the conduct of an investigation of a misdemeanor or felony offense, knowingly and willfully makes a materially false statement is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$200, or confined in jail for five days, or both fined and confined. The provisions of this section do not apply to statements made by a spouse, parent, stepparent, grandparent, sibling, half sibling, child, stepchild or grandchild, whether related by blood or marriage, of the person under investigation. Statements made by the person under investigation may not be used as the basis for prosecution under this subsection. For purposes of this subsection, 'law-enforcement officer' does not include a watchman, a member of the West Virginia State Police or college security personnel who is not a certified law-enforcement officer.

(d) A person who intentionally flees or attempts to flee by any means other than the use of a vehicle from a law-enforcement officer, probation officer, ~~or~~ parole officer, courthouse security officer, correctional officer, the State Fire Marshal, or a full-time deputy or assistant fire marshal acting in his or her official capacity who is attempting to make a lawful arrest of or to lawfully detain the person, and who knows or reasonably believes that the officer is attempting to arrest or lawfully detain him or her, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail not more than one year, or both fined and confined.

(e) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has

given a clear visual or audible signal directing the person to stop is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000 and shall be confined in jail not more than one year.

(f) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who operates the vehicle in a manner showing a reckless indifference to the safety of others, is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$2,000 and shall be imprisoned in a state correctional facility not less than one nor more than five years.

(g) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes damage to the real or personal property of a person during or resulting from his or her flight, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$3,000 and shall be confined in jail for not less than six months nor more than one year.

(h) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes bodily injury to a person during or resulting from his or her flight, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than three nor more than ten years.

(i) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes death to a person during or resulting from his or her flight, is guilty of a felony and, upon conviction thereof, shall

be imprisoned in a state correctional facility for not less than five nor more than fifteen years. A person imprisoned pursuant to this subsection is not eligible for parole prior to having served a minimum of three years of his or her sentence or the minimum period required by section thirteen, article twelve, chapter sixty-two of this code, whichever is greater.

(j) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who is under the influence of alcohol, controlled substances or drugs, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than three nor more than ten years.

(k) For purposes of this section, the term 'vehicle' includes any motor vehicle, motorcycle, motorboat, all-terrain vehicle or snowmobile as those terms are defined in section one, article one, chapter seventeen-a of this code, whether or not it is being operated on a public highway at the time and whether or not it is licensed by the state.

(l) For purposes of this section, the terms 'flee', 'fleeing' and 'flight' do not include a person's reasonable attempt to travel to a safe place, allowing the pursuing law-enforcement officer to maintain appropriate surveillance, for the purpose of complying with the officer's direction to stop.

(m) The revisions to subsections (e), (f), (g) and (h) of this section enacted during the regular session of the 2010 regular legislative session shall be known as the Jerry Alan Jones Act.

(n) (1) No person, with the intent to purposefully deprive another person of emergency services, may interfere with or prevent another person from making an emergency communication, which a reasonable person would consider necessary under the circumstances, to law-enforcement, fire, or emergency medical service personnel.

(2) For the purpose of this subsection, the term ‘interfere with or prevent’ includes, but is not limited to, seizing, concealing, obstructing access to or disabling or disconnecting a telephone, telephone line or equipment or other communication device.

(3) For the purpose of this subsection, the term ‘emergency communication’ means communication to transmit warnings or other information pertaining to a crime, fire, accident, power outage, disaster or risk of injury or damage to a person or property.

(4) A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not less than one day nor more than one year or shall be fined not less than \$250 nor more than \$2,000, or both fined and confined.

(5) A person who is convicted of a second offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than three months nor more than one year or fined not less than \$500 nor more than \$3,000, or both fined and confined.

(6) A person who is convicted of a third or subsequent offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than six months nor more than one year or fined not less than \$500 nor more than \$4,000, or both fined and confined.

(7) In determining the number of prior convictions for purposes of imposing punishment under this subsection, the court shall disregard all such prior convictions occurring more than ten years prior to the offense in question.

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title as follows:

Com. Sub. for S. B. 295 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-19, and to amend and reenact §61-5-7 of said code relating to granting courthouse security officers arrest powers

under certain circumstances; authorizing certain West Virginia courthouse security officers to carry concealed firearms while off duty with court approval; setting forth firearm training and qualification requirements; requiring supervising authority to issue photo identification and certification cards; specifying policy content; stating legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act; establishing an effective date of July 1, 2020; criminalizing the obstruction of a courthouse security officer, correctional officer, and certain Fire Marshal's office personnel while they are acting in their official capacities; criminalizing fleeing from a courthouse security officer, correctional officer, and certain Fire Marshal's office personnel; criminalizing the disarming or attempted disarming of courthouse security officers and certain Fire Marshal's office personnel; including the investigation of misdemeanor offenses as subject to prohibition against making false statements; criminalizing the making of materially false statements as to misdemeanor and felony investigations to the State Fire Marshal and certain Fire Marshal's office personnel; and setting criminal penalties.

Respectfully submitted,

Charles S. Trump, IV, *Chair*
Sue Cline,
Richard D. Lindsey, II

Ray Hollen, *Chair*
David Kelly,
Rodney Miller,

*Conferees on the part of the
Senate*

*Conferees on the part of the
House of Delegates.*

On motion of Delegate Hollen, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 717**), 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: Cooper and Foster.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 295) passed.

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

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 S. B. 405, Increasing limit on additional expenses incurred in preparing notice list for redemption.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Boso, Sypolt and Palumbo.

On motion of Delegate Summers, the House of Delegates agreed to the appointment of a Committee of Conference 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 Pack, Bibby and Tomblin.

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. 2807, Creating an additional modification to the West Virginia adjusted gross income of shareholders of S corporations engaged in banking.

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-j, line eleven, by striking out the word “obligation’s” and inserting in lieu thereof the word “obligations”.

On page one, section twelve-j, line twelve, by striking out “1120S” and by inserting in lieu thereof “1120S”).

On page two, section twelve-j, line thirty-three, by striking out the words “by the adjustment authorized under §11-24-6 of this code or §11-21-37c(f) of this code”.

On page three, section twelve-j, line forty-six, after “§11-24-3a(a)(14)”, by inserting the words “of this code”.

On page three, section twelve-j, line forty-nine, after “§11-24-3a(a)(14)”, by inserting the words “of this code”.

On page two, section twelve-j, line forty, by striking out “§11-24-6” and inserting in lieu thereof “§11-21-12j(a)”.

On page three, section twelve-j, lines forty-one through forty-three, after the word “section” and the period, by striking out the remainder of the subsection.

And,

On page three, section twelve-j, line fifty-one, by striking out “§11-24-6(f)(1)(A), (B), (C) and (D)” and inserting in lieu thereof “§11-21-12j(a)”.

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2807 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; and to amend and reenact §11-21-17a of said code, all relating to creating an additional modification to the West Virginia adjusted gross income of shareholders of S corporations or members of a limited liability company engaged in business as a financial organization in this state, similar to the modification that presently exists in the code for financial organizations organized as C corporations; setting forth apportionment rules for certain financial organizations; specifying special gross receipts factor; and providing for retroactive effective date.”

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. 718**), 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: Cooper and Foster.

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. 2807) 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 424 - “A Bill supplementing and amending by adding a new item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2019, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

In the absence of objection, reference of the bill (S. B. 424) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading

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. 719**), and there were—yeas 82, nays 16, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Bibby, S. Brown, Campbell, Fast, Fluharty, Hanna, Kump, Lavender-Bowe, P. Martin, McGeehan, Paynter, Robinson, Waxman and Wilson.

Absent and Not Voting: Cooper and Foster.

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.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 720**), and there were—yeas 71, nays 27, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Bibby, S. Brown, Butler, Dean, Fast, Fluharty, Graves, Hanna, Hill, Hott, D. Jeffries, J. Jeffries, Jennings, J. Kelly, Kump, Malcolm, C. Martin, P. Martin, McGeehan, Pack, Paynter, Phillips, Waxman, Wilson and Worrell.

Absent and Not Voting: Cooper and Foster.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 424) passed.

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

On this question, the yeas and nays were taken (**Roll No. 721**), and there were—yeas 76, nays 21, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Bibby, S. Brown, Butler, Fast, Fluharty, Graves, Hott, D. Jeffries, J. Jeffries, J. Kelly, Kump, Malcolm, C. Martin, P. Martin, McGeehan, Paynter, Waxman, Wilson and Worrell.

Absent and Not Voting: Cooper, Foster, Jennings and Lovejoy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 424) takes effect from its passage.

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

Conference Committee Report Availability

At 7:22 p.m., the Clerk announced that the report of the Committee of Conference on **S. B. 596**, Adjusting voluntary contribution amounts on certain DMV forms, shall be available in the Clerk's Office.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed 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 S. B. 487, Relating to admissibility of health care staffing requirements in litigation.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Takubo, Boso and Woelfel.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

S. B. 596, Adjusting voluntary contribution amounts on certain DMV forms.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Weld, Sypolt and Jeffries.

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 Rules:

S. C. R. 65 - "Requesting the Joint Committee on Government and Finance study the proposal of allowing retailers to pay sales tax for the consumer as a method of advertisement."

Whereas, Retailers are currently prohibited from absorbing sales tax on consumer transactions; and

Whereas, Permitting retailers to absorb sales tax on consumer purchases allows small businesses to create unique discounts that would draw customers; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the proposal of allowing retailers to pay sales tax for the consumer as a method of advertisement; and, be it

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

Further Resolved, That the expenses necessary to conduct this study, prepare a report, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegate Summers moved the House recess until 9:00 p.m., which motion was withdrawn.

On motion of Delegate Summers, at 7:37 p.m., the House of Delegates recessed until 7:50 p.m.

* * * * *

Evening Session

* * * * *

-continued-

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Conference Committee Report Availability

At 7:53 p.m., the Clerk announced that the reports of the Committees of Conference on **Com. Sub. for S. B. 405**, Increasing limit on additional expenses incurred in preparing notice list for redemption and **Com. Sub. for S. B. 522**, Creating Special Road Repair Fund, was available outside of the Clerk's Office.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, to take effect July 1, 2019, of

Com. Sub. for S. B. 632, Improving student safety.

On motion of Delegate Kessinger, the House concurred in the following amendment of the bill by the Senate:

On page five, section eleven, subsection (k), by inserting a new subdivision, designated subdivision (2), to read as follows:

“(2) A parent or legal guardian of a student who is involved in an alleged incident that is documented by the video recording and has been reported to the public school or school district” and a semicolon, and renumbering the remaining subdivisions.

And,

On page eight, section eight, after subsection (e), by striking out the remainder of the bill.

And,

By amending the title of the bill to read as follows:

Com. Sub. for S. B. 632 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48; to amend said code by adding thereto a new section, designated §18-20-11; and to amend and reenact §18A-2-8 of said code, all relating to improving student safety; requiring safety and security measures of each school facility be upgraded when necessary to ensure, to the best of the county board’s ability, the safety of students; creating Safe Schools Fund and providing for distribution of funds subject to appropriation; requiring video cameras capable of audio recording in certain public special education classrooms upon appropriation of funds; designating principal as the custodian; requiring written explanation if there is an interruption in the operation of the video camera; setting forth required capabilities of the video camera; prohibited monitoring in certain areas; allowing video camera to not be in operation when students not present; providing for notice of placement; setting forth video retention and access requirements; providing that immunity from liability not waived and liability not created; providing limitations on use of video; providing for protection of confidentiality and identity of students not involved in incident; allowing appeals to state board; permitting funding from Safe School Fund and gifts, grants or donations; authorizing state board rule; adding to justifications for which a school employee may be

suspended or dismissed; providing duty and authority to provide safe and secure environment; requiring reports on suspensions and dismissals of employees and database maintained by state superintendent of individuals suspended or dismissed for certain reasons.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 722**), and there were—yeas 91, nays 2, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: C. Thompson and Toney.

Absent and Not Voting: Cadle, Cooper, Dean, Diserio, Foster, Graves and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 632) passed.

Delegate Kessinger moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 723**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: C. Thompson and Toney.

Absent and Not Voting: Capito, Cooper, Dean, Diserio 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 S. B. 632) takes effect July 1, 2019.

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. 2079, Removing certain limitations on medical cannabis grower, processor and dispensary licenses.

Conference Committee Report Availability

At 7:58 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for S. B. 487**, Relating to admissibility of health care staffing requirements in litigation, shall be available in the Clerk's Office.

Messages from the Senate

Com. Sub. for H. B. 2079 was taken up for further consideration.

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. DEFINITIONS.

§16A-2-1. Definitions.

(a) The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) ‘Act’ means the West Virginia Medical Cannabis Act and the provisions contained in §60A-1-101 *et seq.* of this code.

(2) ‘Advisory board’ means the advisory board established under §16A-11-1 *et seq.* of this chapter.

(3) ‘Bureau’ means the Bureau for Public Health within the West Virginia Department of Health and Human Resources.

(4) ‘Caregiver’ means the individual designated by a patient or, if the patient is under 18 years of age, an individual authorized under §16A-5-1 *et seq.* of this code, to deliver medical cannabis.

(5) ‘Certified medical use’ means the acquisition, possession, use, or transportation of medical cannabis by a patient, or the acquisition, possession, delivery, transportation, or administration of medical cannabis by a caregiver, for use as part of the treatment of the patient’s serious medical condition, as authorized in a certification under this act, including enabling the patient to tolerate treatment for the serious medical condition.

(6) ‘Change in control’ means the acquisition by a person or group of persons acting in concert of a controlling interest in an applicant or permittee either all at one time or over the span of a 12-consecutive-month period.

(7) ‘Commissioner’ means the Commissioner of the Bureau for Public Health.

(8) ‘Continuing care’ means treating a patient ~~for at least six months~~, in the course of which the practitioner has completed a full assessment of the patient’s medical history and current medical condition, including an in-person consultation with the patient, and is able to document and make a medical diagnosis based upon the substantive treatment of the patient.

(9) ‘Controlling interest’ means:

(A) For a publicly traded entity, voting rights that entitle a person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of five percent or more of the securities of the publicly traded entity.

(B) For a privately held entity, the ownership of any security in the entity.

(10) ‘Dispensary’ means a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit issued by the bureau to dispense medical cannabis. The term does not include a health care medical cannabis organization ~~under~~ as defined in §16A-13-1 *et seq.* of this code.

(11) ‘Family or household member’ means the same as defined in §48-27-204 of this code.

(12) ‘Financial backer’ means an investor, mortgagee, bondholder, note holder, or other source of equity, capital, or other assets, other than a financial institution.

(13) ‘Financial institution’ means a bank, a national banking association, a bank and trust company, a trust company, a savings and loan association, a building and loan association, a mutual savings bank, a credit union, or a savings bank.

(14) ‘Form of medical cannabis’ means the characteristics of the medical cannabis recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity, or percentage of medical cannabis or particular active ingredient.

(15) ‘Fund’ means the Medical Cannabis Program Fund established in §16A-9-2 of this code.

(16) ‘Grower’ means a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the bureau under this act to grow medical cannabis. The term does not include a health care medical cannabis organization as defined in article thirteen this chapter.

(17) ‘Grower/processor’ means either a grower or a processor.

(18) ‘Identification card’ means a document issued under §16A-5-1 *et seq.* of this code that authorizes access to medical cannabis under this act.

(19) ‘Individual dose’ means a single measure of medical cannabis.

(20) ‘Medical cannabis’ means cannabis for certified medical use as set forth in this act.

(21) 'Medical cannabis organization' means a dispensary, grower or processor. The term does not include a health care medical cannabis organization ~~under~~ as defined in §16A-13-1 et seq. of this code.

(22) 'Patient' means an individual who:

(A) has a serious medical condition;

(B) has met the requirements for certification under this act; and

(C) is a resident of this state.

(23) 'Permit' means an authorization issued by the bureau to a medical cannabis organization to conduct activities under this act.

(24) 'Physician' or 'practitioner' means a doctor of allopathic or osteopathic medicine who is fully licensed pursuant to the provisions of either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code to practice medicine and surgery in this state.

(25) 'Post-traumatic stress disorder' means a diagnosis made as part of continuing care of a patient by a medical doctor, licensed counselor, or psychologist.

~~(26) 'Practitioner' means a physician who is registered with the bureau under article four of this chapter.~~

~~(27)~~ (26) 'Prescription drug monitoring program' means the West Virginia Controlled Substances Monitoring program under §60A-9-101 *et seq.* of this code.

~~(28)~~ (27) 'Principal' means an officer, director, or person who directly owns a beneficial interest in or ownership of the securities of an applicant or permittee, a person who has a controlling interest in an applicant or permittee or who has the ability to elect the majority of the board of directors of an applicant or permittee or otherwise control an applicant or permittee, other than a financial institution.

~~(29)~~ (28) ‘Processor’ means a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit from the bureau under this act to process medical cannabis. The term does not include a health care medical cannabis organization ~~under~~ as defined in §16A-13-1 et seq. of this chapter.

~~(30)~~ (29) ‘Registry’ means the registry established by the bureau for practitioners.

~~(31)~~ (30) ‘Serious medical condition’ means any of the following, as has been diagnosed as part of a patient’s continuing care:

(A) Cancer.

(B) Positive status for human immunodeficiency virus or acquired immune deficiency syndrome.

(C) Amyotrophic lateral sclerosis.

(D) Parkinson’s disease.

(E) Multiple sclerosis.

(F) Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.

(G) Epilepsy.

(H) Neuropathies.

(I) Huntington’s disease.

(J) Crohn’s disease.

(K) Post-traumatic stress disorder.

(L) Intractable seizures.

(M) Sickle cell anemia.

(N) Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain.

(O) Terminally ill.

(32) ‘Terminally ill’ means a medical prognosis of life expectancy of approximately one year or less if the illness runs its normal course.

ARTICLE 4. PRACTITIONERS.

§16A-4-3. Issuance of certification.

(a) *Conditions for issuance.* — A certification to use medical cannabis may be issued by a practitioner to a patient if all of the following requirements are met:

(1) The practitioner has been approved by the bureau for inclusion in the registry and has a valid, unexpired, unrevoked, unsuspended license to practice medicine in this state at the time of the issuance of the certification.

(2) The practitioner has determined that the patient has a serious medical condition and has included the condition in the patient’s health care record.

(3) The patient is under the practitioner’s continuing care for the serious medical condition.

(4) In the practitioner’s professional opinion and review of past treatments, the practitioner determines the patient is likely to receive therapeutic or palliative benefit from the use of medical cannabis.

(5) The practitioner has determined that the patient has no past or current medical condition(s) or medication use that would constitute a contraindication for the use of cannabis.

(6) The practitioner has determined that the patient is experiencing serious pathophysiological discomfort, disability, or dysfunction that may be attributable to a serious medical condition and may possibly benefit from cannabis treatment when current

medical research exhibits a moderate or higher probability of efficacy; and

(7) The practitioner has educated the patient about cannabis and its safe use.

(b) *Contents.* — The certification shall include:

(1) The patient's name, date of birth, and address.

(2) The specific serious medical condition of the patient.

(3) A statement by the practitioner that the patient has a serious medical condition and the patient is under the practitioner's continuing care for the serious medical condition.

(4) The date of issuance.

(5) The name, address, telephone number, and signature of the practitioner.

(6) Any requirement or limitation concerning the appropriate form of medical cannabis and limitation on the duration of use, if applicable, including whether the patient is terminally ill.

(7) A statement by the practitioner attesting that he or she has performed the requirements contained in subsection (a) of this section on a form to be issued by the West Virginia Department of Health and Human Resources, Bureau for Public Health.

(c) *Consultation.* —

(1) A practitioner shall review the prescription drug monitoring program prior to:

(A) Issuing a certification to determine the controlled substance history of a patient.

(B) Recommending a change of amount or form of medical cannabis.

(2) The practitioner shall consider and give due consideration to other controlled substances the patient may be taking prior to certifying medical cannabis.

(d) *Other access by practitioner.* — A practitioner may access the prescription drug monitoring program to do any of the following:

(1) Determine whether a patient may be under treatment with a controlled substance by another physician or other person.

(2) Allow the practitioner to review the patient's controlled substance history as deemed necessary by the practitioner.

(3) Provide to the patient, or caregiver, on behalf of the patient if authorized by the patient, a copy of the patient's controlled substance history.

(e) *Duties of practitioner.* — The practitioner shall:

(1) Provide the certification to the patient.

(2) Provide a copy of the certification to the bureau, which shall place the information in the patient directory within the bureau's electronic database. The bureau shall permit electronic submission of the certification.

(3) File a copy of the certification in the patient's health care record.

(f) *Prohibition.* — A practitioner may not issue a certification for the practitioner's own use or for the use of a family or household member.

ARTICLE 6. MEDICAL CANNABIS ORGANIZATIONS.

§16A-6-3. Granting of permit.

(a) The bureau may grant or deny a permit to a grower, processor, or dispensary. In making a decision under this subsection, the bureau shall determine that:

(1) The applicant will maintain effective control of and prevent diversion of medical cannabis.

(2) The applicant will comply with all applicable laws of this state.

(3) The applicant is a resident of this state as defined in §29-22B-327 of this code or is organized under the law of this state. If the applicant is a business entity, majority ownership in the business entity must be held by a state resident or residents.

(4) The applicant is ready, willing, and able to properly carry on the activity for which a permit is sought.

(5) The applicant possesses the ability to obtain in an expeditious manner sufficient land, buildings, and equipment to properly grow, process, or dispense medical cannabis.

(6) It is in the public interest to grant the permit.

(7) The applicant, including the financial backer or principal, is of good moral character and has the financial fitness necessary to operate.

(8) The applicant is able to implement and maintain security, tracking, recordkeeping, and surveillance systems relating to the acquisition, possession, growth, manufacture, sale, delivery, transportation, distribution, or the dispensing of medical cannabis as required by the bureau.

(9) The applicant satisfies any other conditions as determined by the bureau.

(b) *Nontransferability.* — A permit issued under this chapter shall be nontransferable.

(c) *Privilege.* — The issuance or renewal of a permit shall be a revocable privilege.

~~(d) *Regions.* — The bureau shall establish a minimum of three regions within this state for the purpose of granting permits to grower/processors and dispensaries and enforcing this act. The~~

~~bureau shall approve permits for growers, processors and dispensaries in a manner which will provide an adequate amount of medical cannabis to patients and caregivers in all areas of this state. The bureau shall consider the following when issuing a permit:~~

(d) *Dispensary location.* — The bureau shall consider the following when issuing a dispensary permit:

(1) Geographic location;

~~(1)~~(2) Regional population;

~~(2)~~(3) The number of patients suffering from serious medical conditions;

~~(3)~~(4) The types of serious medical conditions;

~~(4)~~(5) Access to public transportation;

~~(5)~~(6) Approval by local health departments;

~~(6)~~(7) Whether the county has disallowed the location of a grower, processor or dispensary; and

~~(7)~~(8) Any other factor the bureau deems relevant.

(e) *Application procedure.* — The bureau shall establish a procedure for the fair and objective evaluation of all applications for all medical cannabis organization permits. Such evaluations shall score each applicant numerically according to standards set forth in this chapter.

§16A-6-13. Limitations on permits.

(a) The following limitations apply to approval of permits for growers, processors, and dispensaries, subject to the limitations in subsection (b) of this section:

(1) The bureau may not issue permits to more than 10 growers: *Provided*, That each grower may have up to two locations per permit.

(2) The bureau may not issue permits to more than 10 processors.

(3) The bureau may not issue permits to more than ~~thirty~~ 100 dispensaries. ~~with no more than five in any region~~

(4) The bureau may not issue more than ~~two~~ 10 individual dispensary permits to one person.

(5) The bureau may not issue more than one individual grower permit to one person.

(6) The bureau may not issue more than one individual processor permit to one person.

(7) A dispensary may only obtain medical cannabis from a grower or processor holding a valid permit under this act.

(8) A grower or processor may only provide medical cannabis to a dispensary holding a valid permit under this act.

(9) ~~A grower or a processor may not be a dispensary~~ A person may hold a grower permit, a processor permit, and a dispensary permit, or any combination thereof, concurrently.

(b) Before a permit may be issued, the bureau shall obtain the following:

(1) A written approval from the board of health for the county in which the permit is to be located and operate business.

(2) A written statement from the county commission for the county in which the permit is to be located and conduct business that the county has not voted, pursuant to §16A-7-6 of this code, to disapprove a medical cannabis organization to be located or operate within the county.

ARTICLE 7. MEDICAL CANNABIS CONTROLS.

§16A-7-4. Laboratory.

A grower and processor shall contract with an independent laboratory to test the medical cannabis produced by the grower or processor. The bureau shall approve the laboratory and require that the laboratory report testing results in a manner as the bureau shall determine, including requiring a test at harvest and a test at final processing. The possession by a laboratory of medical cannabis shall be a lawful use.

(a) All medical cannabis produced pursuant to this chapter shall be subject to testing as directed by the bureau.

(b) The bureau shall ensure that there is sufficient testing capacity to meet patient demand.

(c) To the extent practicable, testing required by the provisions of subsection (a) of this section shall be conducted by the Commissioner of Agriculture. The commissioner shall, in consultation with the bureau, establish a fee schedule for such testing as is required by the bureau.

(d) Fees received pursuant to subsection (b) of this section, shall be deposited in the Agriculture Fees Fund established under §19-1-4c of this code.

(e) Should the bureau determine that the Commissioner is unable to provide the testing required by this section, it shall provide notice to the Commissioner and authorize growers and processors to contract with other laboratories certified by the Office of Laboratory Services.

ARTICLE 8. DISPENSARIES.

§16A-8-1. Dispensing to patients and caregivers.

(a) *General rule.* — A dispensary that has been issued a permit under §16A-6-1 *et seq.* of this code may lawfully dispense medical cannabis to a patient or caregiver upon presentation to the dispensary of a valid identification card for that patient or caregiver. The dispensary shall provide to the patient or caregiver a receipt, as appropriate. The receipt shall include all of the following:

(1) The name, address and any identification number assigned to the dispensary by the bureau.

(2) The name and address of the patient and caregiver.

(3) The date the medical cannabis was dispensed.

(4) Any requirement or limitation by the practitioner as to the form of medical cannabis for the patient.

(5) The form and the quantity of medical cannabis dispensed.

~~(b) Requirements. — A dispensary shall have a physician or a pharmacist onsite at all times during the hours the dispensary is open to receive patients and caregivers. A physician or a pharmacist shall, prior to assuming duties under this paragraph, successfully complete the course established in subsection (a), section one, article three of this chapter. A physician may not issue a certification to authorize patients to receive medical cannabis or otherwise treat patients at the dispensary.~~

~~(e)~~ (b) *Filing with bureau.* — Prior to dispensing medical cannabis to a patient or caregiver, the dispensary shall file the receipt information with the bureau utilizing the electronic tracking system. When filing receipts under this subsection, the dispensary shall dispose of any electronically recorded certification information as provided by rule.

~~(d)~~ (c) *Limitations.* — No dispensary may dispense to a patient or caregiver:

(1) A quantity of medical cannabis greater than that which the patient or caregiver is permitted to possess under the certification; or

(2) A form of medical cannabis prohibited by this act.

~~(e)~~ (d) *Supply.* — When dispensing medical cannabis to a patient or caregiver, the dispensary may not dispense an amount greater than a 30-day supply until the patient has exhausted all but a seven-day supply provided pursuant to §16A-4-5 of this code.

~~(f)~~ (e) *Verification.* — Prior to dispensing medical cannabis to a patient or caregiver, the dispensary shall verify the information in subsections (d) and (f) of this section by consulting the electronic tracking system included in the bureau's electronic database established under §16A-3-1 of this code and the dispensary tracking system under §16A-7-1 of this code.

~~(g)~~ (f) *Form of medical cannabis.* — Medical cannabis dispensed to a patient or caregiver by a dispensary shall conform to any requirement or limitation set by the practitioner as to the form of medical cannabis for the patient.

~~(h)~~ (g) *Safety insert.* — When a dispensary dispenses medical cannabis to a patient or caregiver, the dispensary shall provide to that patient or caregiver, as appropriate, a safety insert. The insert shall be developed and approved by the bureau. The insert shall provide the following information:

(1) Lawful methods for administering medical cannabis in individual doses.

(2) Any potential dangers stemming from the use of medical cannabis.

(3) How to recognize what may be problematic usage of medical cannabis and how to obtain appropriate services or treatment for problematic usage.

(4) How to prevent or deter the misuse of medical cannabis by minors or others.

(5) Any other information as determined by the bureau.

~~(i)~~ (h) *Sealed and labeled package.* — Medical cannabis shall be dispensed by a dispensary to a patient or caregiver in a sealed, properly labeled, and child-resistant package. The labeling shall contain the following:

(1) The information required to be included in the receipt provided to the patient or caregiver, as appropriate, by the dispensary.

(2) The packaging date.

(3) Any applicable date by which the medical cannabis should be used.

(4) A warning stating:

“This product is for medicinal use only. Women should not consume during pregnancy or while breastfeeding except on the advice of the practitioner who issued the certification and, in the case of breastfeeding, the infant’s pediatrician. This product might impair the ability to drive or operate heavy machinery. Keep out of reach of children.”

(5) The amount of individual doses contained within the package and the species and percentage of tetrahydrocannabinol and cannabidiol.

(6) A warning that the medical cannabis must be kept in the original container in which it was dispensed.

(7) A warning that unauthorized use is unlawful and will subject the person to criminal penalties.

(8) Any other information required by the bureau.

ARTICLE 9. TAX ON MEDICAL CANNABIS.

§16A-9-1. Tax on medical cannabis.

(a) Tax imposed. — A tax is imposed on the gross receipts of a grower/processor received from the sale of medical cannabis by a grower/processor to a dispensary, to be paid by the grower/processor, at the rate of ten percent. The tax shall be charged against and be paid by the grower/processor and shall not be added as a separate charge or line item on any sales slip, invoice, receipt or other statement or memorandum of the price paid by a dispensary, patient or caregiver.

~~(b) Payment of tax and reports. — A grower/processor shall make quarterly payments under this section for each calendar quarter at the rate prescribed in subsection (a) on the gross receipts~~

~~for the calendar quarter. The tax shall be due and payable on the 20th day of January, April, July and October for the preceding calendar quarter on a form prescribed by the Department of Revenue.~~

(a) Tax imposed. – Upon every person exercising the privilege of engaging or continuing within this state in the business of growing medical cannabis for sale to a processor of medical cannabis, purchasing, and processing medical cannabis for sale to a dispensary, growing, processing, and selling medical cannabis to a dispensary of medical cannabis, or engaging in any combination thereof, there is hereby imposed an annual privilege tax. The tax imposed by this article shall not be added as a separate charge or line item on any sales slip, invoice, receipt, other statement, or memorandum of the price paid by a dispensary, patient, or caregiver. Persons subject to this tax shall pay the tax at the rates specified in subsection (b) of this section based upon the taxable privilege specified, and no diminishment, offset, or deduction shall be allowed for tax paid directly or as an embedded cost at any earlier point in the growth, sales, or distribution process.

(b) Rate and measure of tax. — The rate of tax imposed by this article shall be:

(1) In the case of a grower of medical cannabis who sells medical cannabis to an unrelated processor of medical cannabis, 10 percent of the gross receipts derived from the sale to the processor.

(2) In the case of a processor of medical cannabis who purchases medical cannabis from a grower of medical cannabis and after processing sells processed medical cannabis to an unrelated dispensary of medical cannabis, 10 percent of the gross receipts derived from the sale to the dispensary.

(3) In the case of an integrated grower or processor of medical cannabis who sells processed medical cannabis to an unrelated dispensary of medical cannabis, 10 percent of the gross receipts derived from the sale to the dispensary.

(4) When the same person is the grower, processor, and dispensary, or when the grower, processor, and dispensary are related parties, the tax shall be 5 percent of the gross receipts the dispensary derived from sale of medical cannabis product to the patient, or to a caregiver.

(c) Definitions. – For purposes of this article:

(1) ‘Gross receipts’ means and includes the gross receipts, however denominated, derived from the sale, distribution, or transfer of medical cannabis, without any deduction on account of the cost of property sold; the cost of materials used to grow, process, or sell the medical cannabis; labor costs, taxes, royalties paid in cash or in kind, or otherwise; interest or discount paid; or any other expense, however denominated.

(2) ‘Person’ includes any natural person, corporation, partnership, limited liability company, or other business entity as those terms are defined in §11-1-1 et seq. of this code.

(3) ‘Related person’ means two or more persons that are related persons as defined in section 267 of the Internal Revenue Code, as defined in §11-24-3 of this code.

~~(b)~~ (d) Payment of tax and reports. — A grower/processor Every person subject to the tax imposed by this article shall make quarterly payments under this section for each calendar quarter at the rate prescribed in ~~subsection (a)~~ subsection (b) of this section on the gross receipts for the calendar quarter. The tax shall be due and payable on the 20th day of January, April, July, and October for the preceding calendar quarter and shall be filed with a tax return and such schedules as may be prescribed by the Tax Division of the Department of Revenue. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements as may be necessary or convenient for the efficient administration of taxes imposed by this §16A-9-1 of this code and may prescribe such electronic filings and payments as the Tax Commissioner may deem appropriate. The Tax Commissioner may issue such procedural, interpretive, or legislative rules, including emergency rules, as the Tax Commissioner may deem

necessary or convenient for the efficient administration of taxes imposed by this §16A-9-1 of this code.

(e) *Electronic filing and payment.* — As the Tax Commissioner may direct, taxes imposed by this article may be paid to the Tax Commissioner by electronic funds transfer unless electronic payment is prohibited by state or federal law. As the Tax Commissioner may direct, tax returns required by this article may be filed electronically with the Tax Commissioner.

~~(d)~~ (f) *Deposits of proceeds.* — All money received from the tax imposed under ~~subsection (a)~~ this article, including any interest and additions to tax paid under §11-10-1 *et seq.*, shall be deposited into the ~~fund~~ Medical Cannabis Program Fund.

~~(d)~~ (g) *Exemption.* — ~~Medical~~ Sales of medical cannabis shall not be subject to a sales tax, if gross receipts from the sale thereof are taxable under this article and the tax has been paid on gross receipts thereof under this article.

(e) *Information.* — ~~A grower/processor that sells medical cannabis shall provide to the Department of Revenue information required by the bureau.~~

(1) Persons subject to the tax imposed by this article of this code shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the taxes imposed by this article.

(2) Notwithstanding any provision of §11-10-1 *et seq.* of this code or of this article to the contrary, the Tax Commissioner, the bureau, and the Secretary of Health and Human Resources may enter into written agreements pursuant to which the Tax Commissioner will disclose to designated employees of the bureau and the Secretary of Health and Human Resources, whether a particular grower, processor, or dispensary is in good standing with the Tax Commissioner, and the bureau and the Secretary will disclose to designated employees of the Tax Commissioner information a grower, processor, or dispensary provides to the bureau and the Secretary pursuant to this code. Tax information

disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 et seq. of this code. To the extent feasible, this information should be shared or exchanged electronically.

§16A-9-3. Tax on medical cannabis crimes and penalties.

Notwithstanding any provision in §11-9-1 et seq. of this code to the contrary, each and every provision of the ‘West Virginia Tax Crimes and Penalties Act’ set forth in §11-9-1 et seq. of this code shall apply to the tax imposed by §16A-9-1 et seq. of this code with like effect as if said act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code.

§16A-9-4. Procedure and administration of the tax on medical cannabis.

Notwithstanding any provision of §11-10-1 et seq. of this code or any other provision of this code to the contrary, each and every provision of the ‘West Virginia Tax Procedure and Administration Act’ set forth in §11-10-1 et seq. of this code, shall apply to the tax imposed by §16A-9-1 et seq. with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code.

ARTICLE 10. ADMINISTRATION.

§16A-10-6. Emergency rules.

(a) *Promulgation.* — In order to facilitate the prompt implementation of this act, the bureau may promulgate emergency rules that shall expire not later than two years following the publication of the emergency rule.

(b) *Expiration.* — The bureau’s authority to adopt emergency rules under subsection (a) of this section shall expire ~~two years after the effective date of this section~~ July 1, 2021. Rules adopted after this period shall be promulgated as provided by law.

(c) *Publication.* — The bureau shall begin publishing emergency rules in the State Register no later than six months after the effective date of this section.

ARTICLE 11. MEDICAL CANNABIS ADVISORY BOARD.

§16A-11-1. Advisory board.

(a) The Medical Cannabis Advisory Board is established within the bureau. The advisory board shall consist of the following members:

(1) The commissioner or a designee.

(2) The Superintendent of the West Virginia State Police or a designee.

(3) Four physicians licensed to practice in the state to be appointed by the State Medical Association with one from each of the following specialized medicine:

(A) Family Practice/Neurologist/General Practitioner.

(B) Pain Management.

(C) Oncologist/Palliative Care.

(D) Psychiatrist.

(4) Two physicians who are licensed pursuant to §30-14-1 et seq. of this code appointed by the West Virginia Osteopathic Association.

~~(4)~~ (5) One pharmacist licensed to practice in the state, to be designated by the Board of Pharmacy.

~~(5)~~ (6) One pharmacologist who has experience in the science of cannabis and a knowledge of the uses, effects, and modes of actions of drugs, to be appointed by the Governor.

~~(6)~~ (7) One member who is a horticulturalist, to be designated by the West Virginia Commissioner of Agriculture.

~~(7)~~ (8) One member designated by the West Virginia Association of Alcoholism and Drug Counselors.

~~(8)~~ (8) An attorney licensed in the state who is knowledgeable about medical cannabis laws.

~~(9)~~ (10) One member appointed by the West Virginia Prosecuting Attorneys Institute.

~~(10)~~ (11) One member appointed by the Governor, who shall be a patient, a family or household member of a patient or a patient advocate.

(b) *Terms.* — Except as provided under subsection (g) of this section, the members shall serve a term of four years or until a successor has been appointed and qualified, but no longer than six months beyond the four-year period.

(c) *Chair.* — The commissioner, or a designee, shall serve as chair of the advisory board.

(d) *Voting; quorum.* — A majority of the members shall constitute a quorum for the purpose of organizing the advisory board, conducting its business and fulfilling its duties. A vote of the majority of the members present shall be sufficient for all actions of the advisory board unless the bylaws require a greater number.

(e) *Attendance.* — A member of the advisory board who fails to attend three consecutive meetings shall be deemed vacant, unless the commissioner, upon written request from the member, finds that the member should be excused from a meeting for good cause. A member who cannot be physically present may attend meetings via electronic means, including video conference.

(f) *Governance.* — The advisory board shall have the power to prescribe, amend and repeal bylaws governing the manner in which the business of the advisory board is conducted and the manner in which the duties granted to it are fulfilled. The advisory board may delegate supervision of the administration of advisory board

activities to an administrative commissioner and other employees of the bureau as the commissioner shall appoint.

(g) *Initial terms.* — The initial terms of members appointed under subsection (a) of this section shall be for terms of one, two, three, or four years, the particular term of each member to be designated by the commissioner at the time of appointment. All other members shall serve for a term of four years.

(h) *Vacancy.* — In the event that any member appointed under subsection (a) of this section shall die or resign or otherwise become disqualified during the member's term of office, a successor shall be appointed in the same way and with the same qualifications as set forth in this section and shall hold office for the unexpired term. An appointed member of the advisory board shall be eligible for reappointment.

(i) *Expenses.* — A member shall receive the amount of reasonable travel, hotel, and other necessary expenses incurred in the performance of the duties of the member in accordance with state rules but shall receive no other compensation for the member's service on the board.

(j) *Duties.* — The advisory board shall have the following duties:

(1) To examine and analyze the statutory and regulatory law relating to medical cannabis within this state.

(2) To examine and analyze the law and events in other states and the nation with respect to medical cannabis.

(3) To accept and review written comments from individuals and organizations about medical cannabis.

(4) To issue, two years after the effective date of this section, a written report to the Governor, the Senate, and the House of Delegates.

(5) The written report under subdivision (4) shall include recommendations and findings as to the following:

(A) Whether to change the types of medical professionals who can issue certifications to patients.

(B) Whether to change, add, or reduce the types of medical conditions which qualify as serious medical conditions under this act.

(C) Whether to change the form of medical cannabis permitted under this act.

(D) Whether to change, add, or reduce the number of growers, processors or dispensaries.

(E) How to ensure affordable patient access to medical cannabis.

(F) Whether to permit medical cannabis to be dispensed in dry leaf or plant form, for administration by vaporization.

(6) The final written report under this section shall be adopted at a public meeting.

ARTICLE 15. MISCELLANEOUS PROVISIONS.

§16A-15-10. State employee actions and federal law.

(a) No cause of action exists against the state officers and employees in their personal capacities, while acting within the scope of duties contemplated by §16A-1-1 *et seq.* of this code. Any recovery for claims or actions arising from this section is limited solely to the proceeds of available insurance coverage.

(b) To the extent permitted by law, the State of West Virginia shall defend state officers and employees involved in implementing the provisions of §16A-1-1, *et seq.* of this code against any claims, charges, liabilities, or expenses and shall indemnify and hold harmless state officers and employees involved in implementing the provisions of §16A-1-1 *et seq.* of this code provided within the scope of their duties or employment in accordance with the Act, including without limitation, defense in any state, federal, or local court and payment of the amount of any

judgment obtained, damages, legal fees, expenses, and any other expenses incurred.

ARTICLE 16. EFFECTIVE DATE.

§16A-16-1. Effective date.

(a) Unless excepted in subsection (b) or (c), the provisions of this act shall be effective upon passage.

(b) The provisions of §16A-12-1 *et seq.* of this code, and any other criminal provisions or penalties contained in this act, shall not be effective until 90 days from passage of Senate Bill 386 during the 2017 regular session.

(c) Notwithstanding any provision of this chapter to the contrary, no identification cards may be issued to patients until July 1, 2019. The Bureau may take sufficient steps through rule to implement the preliminary provisions in preparation for implementation of the provisions of this act.

(d) Notwithstanding the prohibition contained in subsection (c) on the issuance of identification cards until July 1, 2019, the bureau may implement a process for the pre-registration of patients with a serious medical condition who have been issued a certification approved by the bureau and to a caregiver designated by the patient: *Provided*, That a patient who is pre-registered must nevertheless comply with the provisions of §16A-5-1 of this code and may not be issued an identification card necessary to obtain and use medical cannabis as authorized by this act until July 1, 2019.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2079 - “A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-4-3 of said code; to amend and reenact §16A-6-3 of this code; to amend and reenact §16A-6-13 of said code; to amend and reenact §16A-7-4 of said code; to amend and

reenact §16A-8-1 of said code; to amend and reenact §16A-9-1 of said code; to amend said code by adding thereto two new sections, designated §16A-9-3 and §16A-9-4; to amend and reenact §16A-10-6 of said code; to amend and reenact §16A-11-1 of said code; to amend said code by adding thereto a new section, designated §16A-15-10; and to amend and reenact §16A-16-1 of said code, all relating generally to medical cannabis; defining terms; modifying certain definitions; modifying conditions for issuance of patient certifications; expanding practitioner reporting requirements; defining resident for purposes of the act; requiring that state residents own a majority of business entities applying for medical cannabis organization permits; removing regional distribution requirements for growers, processors, and dispensaries; establishing criteria for choosing the locations of dispensary permittees; requiring the Bureau for Public Health to adopt fair and objective evaluation procedures in choosing permittees; requiring numeric scoring of applications; increasing the maximum number of dispensary permits; increasing the number of dispensary permits a person or entity may hold; authorizing persons or entities to hold grower, processor and dispensary permits; authorizing the bureau to oversee testing of medical cannabis; granting a preference to the Department of Agriculture to perform medical cannabis testing; directing that fees for testing of medical cannabis received by the Department of Agriculture be deposited in the Agriculture Feed Fund; authorizing the bureau to contract with persons or entities other than the Department of Agriculture for testing of medical cannabis; removing the requirement that dispensaries have a physician or pharmacist onsite; modifying tax rates and tax procedures related to medical cannabis organizations; authorizing the electronic filing with the Tax Commissioner; directing tax proceeds to be deposited in the Medical Cannabis Program Fund; clarifying applicability of the West Virginia Tax Procedure and Administration Act and the West Virginia Tax Crimes and Penalties Act apply to medical cannabis operations; extending the authority of the bureau to adopt emergency rules until July 1, 2021; adding two osteopathic physicians appointed by the West Virginia Osteopathic Association to the Medical Cannabis Advisory Board; immunizing state officials and employees from causes of action in their personal capacities for actions taken to implement the act;

limiting any type of recovery to proceeds of available insurance; obligating the state to defend and indemnify state officials and employees against one type of action brought against them for implementing the act; authorizing pre-certification of patients; maintaining restriction that patient certificates may not be issued until July 1, 2019; and incorporating certain tax offenses and penalties by reference.”

The bill, as amended by the Senate, was then put upon its passage.

Delegate J. Jeffries requested to be excused from voting on Com. Sub. for H. B. 2079 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 passage of the bill, the yeas and nays were taken (**Roll No. 724**), and there were—yeas 75, nays 24, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Azinger, Bibby, Butler, Cadle, Cowles, Criss, Fast, Graves, Hollen, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Malcolm, C. Martin, P. Martin, Porterfield, Rohrbach, Rowan, Summers, Toney and Waxman.

Absent and Not Voting: Cooper.

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. 2079) passed.

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

On this question, the yeas and nays were taken (**Roll No. 725**), and there were—yeas 80, nays 18, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Bibby, Butler, Cadle, Cowles, Fast, Hollen, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Malcolm, P. Martin, Porterfield, Rowan, Toney and Waxman.

Absent and Not Voting: Cooper and Sypolt.

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. 2079) takes effect from its passage.

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

On motion of Delegate Summers, at 8:13 p.m., the House of Delegates recessed until 9:00 p.m.

* * * * *

Evening Session

* * * * *

-continued-

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 concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

Com. Sub. for S. B. 40, Establishing Military Service Members Court program.

On motion of Delegate Summers, the House concurred in the following Senate amendment to the House amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 16. THE MILITARY SERVICE MEMBERS COURT ACT.

§62-16-1. Short title.

This may be cited as the Military Service Members Court Act.

§62-16-2. Legislative findings.

(a)(1) The Legislature recognizes that while most veterans are strengthened by their military service, the combat experiences of many veterans have unfortunately left a growing number of veterans who suffer from issues such as Post Traumatic Stress Disorder and traumatic brain injury. A growing body of research shows that one in five veterans will have symptoms of a mental illness, mental health disorder, or cognitive impairment. One in six veterans who served in either Operation Enduring Freedom or Operation Iraqi Freedom suffer from substance abuse and related issues. As a result, many veterans have found themselves in the criminal court system charged with crimes which may be directly attributable to these service-related issues.

(2) The Legislature further recognizes that a Military Service Members Court is necessary to link veterans with the programs, benefits, and services that are necessary to help them overcome these issues and provide them with rehabilitation services instead of incarceration.

(3) Given the context of veteran life, especially given their past training and experiences in the Armed Forces, it is reasonably anticipated and likely that military service members would respond favorably to a structured environment. The Military Service Members Court is a professional, structured, and monitored program which mandates and provides participant accountability and responsibility, including mandatory court appearances, treatment, and counseling sessions, as well as frequent and random testing for drug and alcohol use. However, the Legislature also finds that some may still struggle. Those are the veterans who need the structure and support of a Military Service Members Court program the most. Without the structure of a Military Service

Members Court program mentally ill and challenged veterans may well reoffend, remain in the criminal court system, and suffer under the emotional, physical, and mental yoke of substance abuse.

(4) The Legislature creates the Military Service Members Court to ensure that these veterans in need are able meet their obligations to themselves, their family, their loved ones, the court, and their community.

§62-16-3. Definitions.

For the purposes of this article:

‘Assessment’ means an evaluation to determine whether a criminal defendant is a military service member as defined by this section, that the offense he or she has been charged with are attributable to their military service, and if the offender would benefit from the provisions set forth in this article.

‘Court’ means a Military Service Members Court.

‘Department’ means the West Virginia Department of Veterans Assistance.

‘Military Service Members Court program’ or ‘program’ is a program that includes pre-adjudicatory and post-adjudicatory treatment for military service members.

‘Military service member’ means a person who is currently serving in the Army, Air Force, Marines, Navy, or Coast Guard on active duty, reserve status, or in the National Guard, or a person who served in the active military, or who was discharged or released under conditions other than dishonorable.

‘Offender’ means a criminal defendant who qualifies as a military service member under this article.

‘Post-adjudicatory program’ means a program in which the offender has admitted guilt or has been found guilty and agrees, with the prosecutor’s consent, to enter a court program as part of his or her sentence.

‘Pre-adjudicatory program’ means a program that allows the offender, with the consent of the prosecutor, team, and the court to expedite the offender’s criminal case before conviction or before filing of a criminal case and requires the offender to agree to and successfully complete the court program as part of the written agreement.

‘VA’ means the United States Department of Veterans Affairs.

‘VJO’ means the Veterans Justice Outreach program of the United States Department of Veterans Affairs.

‘Written agreement’ means the agreement executed to allow a military service member to participate in a court program.

§62-16-4. Court authorization; funding; immunity from liability.

(a) *Court authorization.* — The Supreme Court of Appeals is hereby authorized to establish a Military Service Members Court program, under the oversight of its administrator. Each Military Service Members Court may be a stand-alone court or operated in conjunction with an existing drug court or other specialty court program. The Supreme Court is further encouraged to give deference to circuits or regions in the operation of those programs to maximize flexibility, and to take into account regional and other differences and circumstance.

(b) Once a program is established, termination of any program may not take place until at least six months after written notice of the intent to terminate the program has been provided by the Supreme Court administrator to the Speaker of the House of Delegates and the President of the Senate.

(c) Each court judge may establish rules and may make special orders as necessary that do not conflict with rules and orders promulgated by the Supreme Court of Appeals to effectuate the purposes of this article.

(d) A court may offer pre-adjudication or post-adjudication programs for adult offenders.

(e) Nothing contained in this article confers a right or an expectation of a right to participate in a court program nor does it obligate a court to accept every military service member offender.

(f) Neither the establishment of a Military Service Members Court nor anything in this article may be construed as limiting the discretion of the prosecuting attorney to act on any criminal case which he or she determines advisable to prosecute.

(g) Funding. — Each Military Service Members Court, with the guidance of the Supreme Court of Appeals, may establish a schedule for the payment of reasonable fees and costs to be paid by participants necessary to conduct the program.

(h) Nothing in this article prohibits Military Service Members Courts from obtaining supplemental funds or exploring grants to support the courts.

(i) Immunity from liability. — Any person who, in good faith, provides services pursuant to this article is not liable in any civil action, unless his or her actions were the result of gross negligence or willful misconduct. The grant of immunity provided in this section extends to all employees and administrative personnel of a court.

§62-16-5. Eligibility; written agreement.

(a) Eligibility. — A military service member offender, who is eligible for probation based upon the nature of the offense for which he or she has been charged, and in consideration of his or her criminal background, if any, may, upon application, be admitted into a court program only upon the agreement of the prosecutor and the offender. Additionally, the court must also determine whether the offense is in any way attributable to the offender's military service.

(b) A military service member offender may not participate in the court program if he or she has been charged with any of the following offenses:

(1) A sexual offense, including, but not limited to, a violation of the felony provisions of §61-8-1 et seq., §61-8B-1 et seq., §61-8C-1 et seq., or §61-8D-1 et seq. of this code, or a criminal offense where the judge has made a written finding that the offense was sexually motivated;

(2) A felony violation of the provisions of §61-8D-2, §61-8D-2a, or §61-8D-3a of this code;

(3) A felony violation of the provisions of §61-14-3 or §61-14-4 of this code;

(4) A felony violation of §61-2-9b or §61-2-14 of this code;

(5) A felony violation of §61-2-28 of this code;

(6) A felony violation of §17C-5-2(b) of this code; or

(7) If he or she has previously been convicted in this state, another state, or in a federal court for any of the offenses enumerated above.

(c) *Written agreement.* — Participation in a Military Service Members Court program, with the consent of both the prosecutor and the court, shall be pursuant to a written agreement. This written agreement shall set forth all of the agreed upon provisions to allow the military service member offender to proceed in the court. The offender shall execute a written agreement with the court as to his or her participation in the program and shall agree to all of the terms and conditions of the program, including, but not limited to, the possibility of sanctions or incarceration for failing to comply with the terms of the program.

(d) Upon successful completion of a court program, the judge shall dispose of an offender's case in the manner prescribed by the written agreement and by the applicable policies and procedures adopted by the court. Disposition may include, but is not limited to, withholding criminal charges, dismissal of charges, probation, deferred sentencing, suspended sentencing, split sentencing, or a reduced period of incarceration.

§62-16-6. Procedure; mental health and substance abuse treatment; violation; termination.

(a) Procedure. — Upon application, the court shall order the offender to submit to an eligibility screening, a mental health and drug/alcohol screening, and an assessment by the VA VJO to provide information on the offender’s mental health or military service member status. The assessment shall include a risks assessment and be based, in part, upon the known availability of treatment resources available to the court. The assessment shall also include recommendations for treatment of the conditions which are indicating a need for treatment under the monitoring of the court and reflect a level of risk assessed for the individual seeking admission. The court is not required to order an assessment if a valid screening or assessment related to the present charge(s) pending against the offender has been completed within the previous 60 days.

(b) The court may order the offender to complete substance abuse treatment in an outpatient, inpatient, residential, or jail-based custodial treatment program, order the offender to complete mental health counseling in an inpatient or outpatient basis, comply with all physician recommendations regarding medications, and complete all follow-up treatment. The mental health issues for which treatment may be provided include, but are not limited to, post-traumatic stress disorder, traumatic brain injury, and depression.

(c) Mental health and substance abuse treatment. — The court may maintain a network of mental health treatment programs and substance abuse treatment programs representing a continuum of graduated mental health and substance abuse treatment options commensurate with the needs of offenders; these shall include programs with the VA, the department, this state, and community-based programs.

(d) Violation. — The court may impose reasonable sanctions under the offender’s written agreement, including, but not limited to, imprisonment or dismissal of the offender from the program. The court may reinstate criminal proceedings against him or her for

a violation of probation, conditional discharge, or supervision hearing, if the court finds from the evidence presented, including, but not limited to, the reports or proffers of proof from the court's professionals that:

(1) The offender is not performing satisfactorily in the assigned program;

(2) The offender is not benefitting from educational treatment or rehabilitation;

(3) The offender has engaged in criminal conduct rendering him or her unsuitable for the program; or

(4) The offender has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate.

(e) *Termination.* — Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the offender, successfully terminate the offender's sentence, permit the offender to enter into a plea agreement to a lesser offense, or otherwise discharge him or her from any further proceedings against him or her in the original prosecution.

(f) Notwithstanding any provision of this code to the contrary, upon successful completion of the terms and conditions of the program or if the presiding judge determines the lack of the ability to operate a motor vehicle is preventing program success, the court may expunge any driving offenses that prevent the veteran offender from obtaining a West Virginia driver's license.

§62-16-7. Program integrity and offender accountability.

(a) If deemed appropriate by the Supreme Court of Appeals or its administrative office, the courts shall collect and maintain information on participants which may include, but is not limited to, the following:

(1) The participants' prior criminal history;

(2) The participants' prior substance abuse and mental health treatment history;

(3) The participants' employment, education, and income histories;

(4) The participants' gender, race, ethnicity, marital and family status, and any child custody and support obligations;

(5) Instances of participants' recidivism occurring during and after participation in a court program. Recidivism may be measured at intervals of six months, one year, two years, and five years after successful graduation from Military Service Members Court;

(6) The number of offenders screened for eligibility, the number of eligible offenders who were and were not admitted, and their case dispositions; and

(7) The costs of operation and sources of funding.

(b) An offender may be required, as a condition of pretrial diversion, probation, or parole, to provide the information described in this section. The collection and maintenance of information under this section shall be collected in a standardized format according to applicable guidelines set forth by the Supreme Court of Appeals.

(c) To protect an offenders' privacy in accordance with federal and state confidentiality laws, a court shall keep treatment records in a secure environment, separated from the court records to which the public has access."

And,

By amending the title of the bill to read as follows:

Com. Sub. for S. B. 40 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, §62-16-5, §62-16-6, and §62-16-7, all relating to establishing a Military Service Members Court program within the Supreme Court of

Appeals; providing legislative findings establishing the need for creation of a Military Service Members Court program; defining terms; granting authority to the Supreme Court of Appeals to establish a Military Service Members Court program under the oversight of its administrator; providing for no termination of any program until at least six months after written notice of the intent to terminate the program has been provided by the Supreme Court of Appeals Administrator to the Speaker of the House of Delegates and the President of the Senate; providing that a Military Service Members Court judge may establish rules and make special orders as necessary that do not conflict with rules and orders promulgated by the Supreme Court of Appeals to effectuate the purposes of the program; providing for funding mechanisms which may include court fees; providing for limitation of liability; setting forth eligibility requirements for participation; providing for written agreement to participate in the court; setting forth procedure to participate in court; allowing for mental health and drug treatment services for participants; providing for sanctions for violation of provisions of the court; setting forth incentives for successful participation; setting out disposition on successful completion; providing that Military Service Members Courts shall if deemed appropriate by the Supreme Court of Appeals collect and maintain information on program participants; setting forth that offenders may be required to provide certain information to Military Service Members Courts; and requiring Military Service Members Courts to keep offender treatment records in a secure environment separated from the court records to which the public has access.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 726**), 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: Cooper.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 40) 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 concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, of

Com. Sub. for S. B. 622, Relating generally to regulation and control of financing elections.

On motion of Delegate Summers, the House concurred in the following Senate title amendment:

Com. Sub. for S. B. 622 - "A Bill to amend and reenact §3-8-1a, §3-8-2, §3-8-4, §3-8-5, §3-8-5b, §3-8-5e, §3-8-7, §3-8-8, §3-8-9, and §3-8-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto five new sections, designated §3-8-5c, 3-8-5g, §3-8-9a, §3-8-9b, and §3-8-9c, all relating generally to the regulation and control of elections; modifying and adding definitions; modifying requirements for information to be included in independent expenditure reports; providing that persons or committees required to file federal expenditure reports are not exempt from requirement to file state-level expenditure and electioneering disclosure reports; raising the threshold amounts for required disclosure of independent expenditures occurring within a certain time frame preceding elections; requiring electronic filing of certain financial disclosure statements; requiring that certain records and receipts related to expenditures for electioneering communications be maintained for five years; removing the deadline before an election for a political action committee or political party committee to file a statement of organization; clarifying that a political committee must file a statement of organization before engaging in any activity; specifying information to be included in a statement or organization; modifying record-keeping requirements for certain receipts and expenditures made for political purposes and requiring that records be maintained for a period of two years; modifying deadlines for financial disclosure reports; providing that candidates for certain offices must file financial disclosure statements

electronically and candidates for other offices may file by mail, facsimile, or electronic means; modifying limits on contributions to candidates and candidate committees; modifying limits on contributions to state party executive committees and legislative caucus campaign committees; modifying limits on contributions to political action committees; providing that precandidates may accept contributions for a general election campaign prior to nomination, but may not expend such funds until after nomination is declared; providing that persons receiving precandidacy contributions are subject to certain expenditure reporting requirements; prohibiting foreign nationals from making contributions or donations to candidates, committees, and parties, and prohibiting receipt of a contribution or donation by a foreign national; modifying daily rate of civil penalty for persons filing late, inaccurate, or incomplete financial statements and making such penalty mandatory; requiring the Secretary of State to publish an online list of persons filing late financial statements; providing that membership organizations are subject to certain limitations applying to corporate contributions and solicitation of contributions by corporations; adding certain expenses to the list of permissible expenses of political committees; providing that coordinated expenditures are treated as contributions; providing criteria for whether an expenditure is coordinated and exceptions thereto; permitting political party committees and legislative caucus campaign committees to make coordinated expenditures up to certain limits in connection with certain state-level candidates; permitting political committees to engage in joint fundraising efforts pursuant to a written agreement filed with the Secretary of State subject to certain requirements; requiring the State Election Commission to promulgate legislative rules pertaining to joint fundraising efforts; permitting unlimited transfers of money between and among state party executive committees, legislative caucus campaign committees, and national committees of the same political party for voter registration and get-out-the-vote initiatives; providing that prohibition against intimidating or coercing certain government employees into engaging in political activity also extends to intimidating or coercing employees into refraining from political activity; eliminating prohibition on a political organization organized under Section 527 of the Internal Revenue

Code from soliciting or accepting donations before registering with the Secretary of State; providing that it is unlawful for any person to establish more than one political committee with the intent to evade contribution limitations; and deleting obsolete language.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 727**), and there were—yeas 57, nays 42, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 622) 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 receded from its amendment to a bill of the House of Delegates, and again amended and passed, as amended

Com. Sub. for H. B. 2049, Relating to a prime contractor’s responsibility for wages and benefits.

On motion of Delegate Kessinger, the House 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 5. WAGE PAYMENT AND COLLECTION.**§21-5-7. Prime contractor’s responsibility for wages and benefits.**

(a) Whenever any person, firm, or corporation shall contract with another for the performance of any work which the prime contracting person has undertaken to perform for another, the prime contractor shall become civilly liable to employees engaged in the performance of work under ~~such the~~ the contract for the payment of wages and fringe benefits relating to such work only, exclusive of attorney’s fees, interest, liquidated damages, or any other damages of any kind, as provided in §21-5-4(e) of this code, or other applicable law and/or common law, to the extent that the employer of ~~such the~~ the employee fails to pay ~~such the~~ the wages and fringe benefits: for work performed under the contract with the prime contractor. The employer, and its shareholders, owners, directors, and officers shall be personally and civilly liable to the prime contractor for any sums paid under this section, including attorney’s fees.

(b) Any individual or entity seeking redress pursuant to subsection (a) of this section must:

(1) Notify the prime contractor, by certified mail, only that wages or fringe benefits have not been paid within 100 days of the date the wages or fringe benefits become payable to the employee; and

(2) Commence the action within one year of the date the employee delivered notice to the prime contractor pursuant to subdivision (1) of this subsection.

~~*Provided*, That such employees have exhausted all feasible remedies contained in this article against such employer, but if the prime contractor has failed to notify the commissioner as required by section sixteen of this article, then the employee shall not be required to exhaust any remedies against the employer: *Provided*, however, That such employer shall become civilly liable to such~~

~~prime contractor for any sum of money paid by him under this section.~~

(c) The employer of the employee to whom wages and/or fringe benefits are owed, shall whenever feasible provide, immediately upon request by the employee or the prime contractor, complete payroll records relating to work performed under the contract with the prime contractor.

(d) Whenever the employee to whom wages and/or fringe benefits are due is represented by a union or other plan administrator, the union or other plan administrator, shall whenever feasible, immediately upon notice of a claim hereunder, cooperate with the employee and the prime contractor to identify and quantify the wages and fringe benefits owed for work performed under the contract with the prime contractor. Further, if the union or agents thereof or other plan administrator, including, but not limited to, third party administrators, trustees, administrators, or employees, become aware that an employer is not timely in the payment of wages and/or fringe benefits, the union or other plan administrator shall immediately notify the affected employee and the prime contractor for whom the affected employee provided work.

(e) A prime contractor must notify the owner and the architect prior to the completion of the contract if any subcontractor has not been paid in full.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2049- “A Bill to amend and reenact §21-5-7 of the Code of West Virginia, 1931, as amended, relating to a prime contractor’s responsibility for wages and benefits of employees of a subcontractor; establishing personal and civil liability for the employer and its shareholders, owners, directors, and officers to the prime contractor for any sums paid under this section, including attorney’s fees; requiring notice to prime contractor by certified mail within 100 days of the missing wages

becoming payable to the employee; instituting a one-year statute of limitations; requiring the employer of the employee to whom wages and fringe benefits are owed to whenever feasible provide immediately upon request by the employee or the prime contractor complete payroll records relating to work performed under the contract with the prime contractor; requiring when an employee to whom wages and fringe benefits are due is represented by a union or other plan administrator that the union or other plan administrator must whenever feasible immediately upon notice of a claim cooperate with the employee and the prime contractor to identify and quantify the wages and fringe benefits owed for work performed under the contract with the prime contractor; providing that if the union or its agents or other plan administrator become aware that an employer is not timely in the payment of wages and fringe benefits the union or other plan administrator must immediately notify the affected employee and the prime contractor for whom the affected employee provided work; and providing that a prime contractor must notify the owner and the architect prior to the completion of the contract if any subcontractor has not been paid in full.”

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. 728**), and there were—yeas 54, nays 45, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, J. Jeffries, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Staggers, Storch, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper.

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. 2049) 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. 2083, Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license.

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. ISSUANCE OF LICENSE, EXPIRATION, AND RENEWAL.

§17B-2-1c. Temporary identification card for released inmates.

(a) The West Virginia Division of Corrections and Rehabilitation is authorized to issue a temporary identification card to an eligible inmate, no more than seven days prior to the inmate's release from the Division's custody. An identification card issued pursuant to this section shall be valid for 90 days after the date of issuance.

(b) A valid identification card issued pursuant to this section shall have the same force and effect as a standard identification card issued by the Division of Motor Vehicles pursuant to §17B-2-1(f) of this code.

(c)(1) Notwithstanding any other provision of this code, the Division of Motor Vehicles shall accept a valid identification card issued pursuant to this section as sufficient proof of identity, age,

and residency of a person applying for an identification card or driver's license pursuant to §17B-2-1 of this code.

(2) If the Division of Motor Vehicles is unable to verify the person's social security number by another means, the Division of Motor Vehicles shall contact the Division of Corrections and Rehabilitation to verify the social security number provided by such person. The Division of Motor Vehicles shall accept verification by the Division of Corrections and Rehabilitation as sufficient documentation of the person's social security number for the purpose of issuing such person an identification card or driver's license pursuant to §17B-2-1 of this code.

(3) The Division of Corrections and Rehabilitation, in collaboration with the Division of Motor Vehicles, shall develop a policy to permit the sharing of released inmates' social security numbers for the limited purposes of this section, and shall obtain any necessary written authorization from an inmate prior to the inmate's release from the Division of Corrections and Rehabilitation's custody.

(d) An inmate is not eligible to receive an identification card pursuant to this section if the inmate is in possession of a valid West Virginia identification card or driver's license, which expires more than seven days after the inmate's date of release from the Division of Corrections and Rehabilitation's custody, or if the inmate is not a citizen of the United States.

(e) Nothing in this section shall be construed to permit or require issuance of an identification card or driver's license for federal use, in violation of the standards promulgated pursuant to the REAL ID Act of 2005, 49 U.S.C. § 30301 *et seq.*

(f) During the six months preceding an inmate's release date from the Division of Corrections and Rehabilitation's custody, the division shall make efforts to assist the inmate to obtain a certified copy of the inmate's birth certificate, a Social Security card, and a state-issued driver's license or identification card."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2083 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-1c, relating to authorizing the Division of Corrections and Rehabilitation to issue a temporary identification card to an inmate prior to release from custody; providing when temporary identification cards must be issued and for how long such cards are valid; providing that temporary identification cards have the same force and effect as standard identification cards issued by the Division of Motor Vehicles; requiring the Division of Motor Vehicles to accept temporary identification cards as proof of identity, age, and residency; requiring the Division of Motor Vehicles to contact the Division of Corrections and Rehabilitation to verify the social security number of a person presenting a temporary identification card in certain circumstances and to accept verification as documentation of social security number; requiring the Division of Corrections and Rehabilitation to develop a policy and obtain necessary authorizations for sharing social security numbers of released inmates with the Division of Motor Vehicles for limited purposes; providing limitations on inmate eligibility for temporary identification cards; clarifying that the new section neither permits nor requires issuance of temporary identification cards for federal use, in violation of any standards promulgated pursuant to the federal Real ID Act of 2005; and requiring the Division of Corrections and Rehabilitation to make efforts, during the six months preceding an inmate’s release, to assist an inmate in obtaining certain personal identification documents.”

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. 729**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Malcolm.

Absent and Not Voting: Cooper.

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. 2083) 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 concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for H. B. 2193, Providing a specific escheat of US savings bonds.

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. 2474, Relating to a reserving methodology for health insurance and annuity contracts.

On motion of Delegate Kessinger, the House 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 7. ASSETS AND LIABILITIES.

§33-7-9. Standard Valuation Law.

(a) This section shall be known as the standard valuation law. For the purposes of this section, the following definitions apply on or after the operative date of the valuation manual:

(1) The term ‘accident and health insurance’ means contracts that incorporate morbidity risk and provide protection against economic loss resulting from accident, sickness, or medical conditions and as may be specified in the valuation manual.

(2) The term ‘appointed actuary’ means a qualified actuary who is appointed in accordance with the valuation manual to prepare the actuarial opinion required in subdivision (2), subsection (c) of this section.

(3) The term ‘company’ means an entity that has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in this state and has at least one such policy in force or on claim, or has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in any state and is required to hold a certificate of authority to write life insurance, accident and health insurance, or deposit-type contracts in this state.

(4) The term ‘deposit-type contract’ means contracts that do not incorporate mortality or morbidity risks, and as may be specified in the valuation manual.

(5) The term ‘life insurance’ means contracts that incorporate mortality risk, including annuity and pure endowment contracts, and as may be specified in the valuation manual.

(6) The term ‘NAIC’ means the National Association of Insurance Commissioners.

(7) The term ‘policyholder behavior’ means any action a policyholder, contract holder, or any other person with the right to elect options, such as a certificate holder, may take under a policy or contract subject to this section including, but not limited to, lapse, withdrawal, transfer, deposit, premium payment, loan, annuitization, or benefit elections prescribed by the policy or contract but excluding events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract.

(8) The term ‘principle-based valuation’ means a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer and is required to comply with subsection (o) of this section as specified in the valuation manual.

(9) The term ‘qualified actuary’ means an individual who is qualified to sign the applicable statement of actuarial opinion in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements and who meets the requirements specified in the valuation manual.

(10) The term ‘tail risk’ means a risk that occurs either where the frequency of low probability events is higher than expected under a normal probability distribution or where there are observed events of very significant size or magnitude.

(11) The term ‘valuation manual’ means the manual of valuation instructions adopted by the commissioner in accordance with subsection (n) of this section.

(b) *Reserve valuation.* —

(1) *Policies and Contracts Issued Prior to the Operative Date of the Valuation Manual.* —

(A) The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurance company doing business in this state issued on or after January 1, 1958 and prior to the operative date of the valuation manual. In calculating reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves herein required of any foreign or alien company, the commissioner may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when the valuation complies with the minimum standard provided in this section.

(B) Subsections (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m) of this section apply to all policies and contracts, as appropriate, subject to this section issued on or after January 1, 1958 and prior to the operative date of the valuation manual, and subsections (n) and (o) of this section do not apply to any such policies and contracts.

(C) The minimum standard for the valuation of policies and contracts issued prior to January 1, 1958 shall be that provided by the laws in effect immediately prior to that date.

(2) Policies and contracts issued on or after the operative date of the valuation manual. —

(A) The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts of every company issued on or after the operative date of the valuation manual. In lieu of the valuation of the reserves required of a foreign or alien company, the commissioner may accept a valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when the valuation complies with the minimum standard provided in this section.

(B) Subsection (n) and (o) of this section apply to all policies and contracts issued on or after the operative date of the valuation manual.

(c) Actuarial opinion of reserves. —

(1) Actuarial Opinion Prior to the Operative Date of the Valuation Manual. —

(A) *General.* — Every life insurance company doing business in this state shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the commissioner by rule are computed appropriately, are based on assumptions which satisfy contractual provisions, are consistent with prior reported amounts and comply with applicable laws of this state. The commissioner shall define the specifics of this opinion and add any other items deemed to be necessary to its scope.

(B) Actuarial analysis of reserves and assets supporting the reserves. —

(i) Every life insurance company, except as exempted by or pursuant to rule, shall also annually include in the opinion required by paragraph (A) of this subdivision an opinion of the same qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the commissioner by rule, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including, but not limited to, the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts, including, but not limited to, the benefits under and expenses associated with the policies and contracts.

(ii) The commissioner may provide, by rule, for a transition period for establishing any higher reserves that the qualified actuary may deem necessary in order to render the opinion required by this subdivision.

(C) Requirement for opinion under paragraph (B) of this subdivision. — Each opinion required by paragraph (B) of this subdivision shall be governed by the following provisions:

(i) A memorandum in form and substance acceptable to the commissioner as specified by rule shall be prepared to support each actuarial opinion.

(ii) If the insurance company fails to provide a supporting memorandum at the request of the commissioner within a period specified by rule or the commissioner determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the rules or is otherwise unacceptable to the commissioner, the commissioner may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the commissioner.

(D) Requirement for all opinions subject to this subdivision. — Every opinion ~~subject to~~ required by this subdivision is governed by the following:

(i) The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after December 31, 1995.

(ii) The opinion shall apply to all business in force, including individual and group health insurance plans, in form and substance acceptable to the commissioner as specified by rule.

(iii) The opinion shall be based on standards adopted, from time to time, by the actuarial standards board and on such additional standards as the commissioner may by rule prescribe.

(iv) In the case of an opinion required to be submitted by a foreign or alien company, the commissioner may accept the opinion filed by that company with the insurance supervisory official of another state if the commissioner determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state.

(v) For the purposes of this ~~section~~ subsection, ‘qualified actuary’ means a member in good standing of the American Academy of Actuaries who meets the requirements set forth in such regulations.

(vi) Except in cases of fraud or willful misconduct, the qualified actuary is not liable for damages to any person (other than the insurance company and the commissioner) for any act, error, omission, decision, or conduct with respect to the actuary’s opinion.

(vii) Disciplinary action by the commissioner against the company or the qualified actuary shall be defined in rules by the commissioner.

(viii) Except as provided in subparagraphs (xii), (xiii), and (xiv) of this paragraph, documents, materials or other information in the possession or control of the commissioner that are a memorandum in support of the opinion and any other material provided by the company to the commissioner in connection therewith are confidential by law and privileged, exempt from disclosure under §29A-1-1 *et seq.* of this code and are not to be

subject to subpoena and, additionally, are not subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties.

(ix) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner is permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subparagraph (viii) of this paragraph.

(x) In order to assist in the performance of the commissioner's duties, the commissioner:

(I) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subparagraph (viii) of this paragraph with other state, federal, and international regulatory agencies, with the NAIC and its affiliates and subsidiaries, and with state, federal, and international law-enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material or other information;

(II) May receive documents, materials, or information, including otherwise confidential and privileged documents, materials or information, from the NAIC and its affiliates and subsidiaries, and from regulatory and law-enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and

(III) May enter into agreements governing sharing and use of information consistent with this subparagraph and subparagraphs (viii) and (ix) and this subparagraph of this paragraph.

(xi) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information occurs as a result of disclosure to the commissioner under this ~~section~~ subsection or as a result of sharing as authorized in subparagraph ~~(ix)~~ (x) of this paragraph.

(xii) A memorandum in support of the opinion, and any other material provided by the company to the commissioner in connection with the memorandum, may be subject to subpoena for the purpose of defending an action seeking damages from the actuary submitting the memorandum by reason of an action required by this subsection or by rules.

(xiii) The memorandum or other material may otherwise be released by the commissioner with the written consent of the company or to the American Academy of Actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the commissioner for preserving the confidentiality of the memorandum or other material.

(xiv) Once any portion of the confidential memorandum is cited by the company in its marketing or is cited before a governmental agency other than a state insurance department or is released by the company to the news media, all portions of the confidential memorandum shall be no longer confidential.

(2) *Actuarial Opinion of Reserves after the Operative Date of the Valuation Manual.* —

(A) *General.* — Every company with outstanding life insurance contracts, accident and health insurance contracts, or deposit-type contracts in this state and subject to rule of the commissioner shall annually submit the opinion of the appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts and comply with applicable laws of this state. The valuation manual will prescribe the specifics

of this opinion including any items deemed to be necessary to its scope.

(B) *Actuarial Analysis of Reserves and Assets Supporting Reserves.* — Every company with outstanding life insurance contracts, accident and health insurance contracts, or deposit-type contracts in this state and subject to rule of the commissioner, except as exempted in the valuation manual, shall also annually include in the opinion required by paragraph (A) of this subdivision, an opinion of the same appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified in the valuation manual, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including, but not limited to, the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts, including, but not limited to, the benefits under and expenses associated with the policies and contracts.

~~(C) Requirements for Opinions Subject to paragraph (B), subdivision (2), subsection (e)~~ Requirement for opinion under paragraph (B) of this subdivision. — Each opinion required by ~~subdivision (2), subsection (e) of this section~~ paragraph (B) of this subdivision shall be governed by the following:

(i) A memorandum, in form and substance as specified in the valuation manual, and acceptable to the commissioner, shall be prepared to support each actuarial opinion.

(ii) If the insurance company fails to provide a supporting memorandum at the request of the commissioner within a period specified in the valuation manual or the commissioner determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the valuation manual or is otherwise unacceptable to the commissioner, the commissioner may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and

prepare the supporting memorandum required by the commissioner.

~~(D) Requirement for All Opinions Subject to subdivision (2), subsection (c) of this section~~ Requirement for all opinions subject to this subdivision. — Every opinion required by this subdivision is governed by the following:

(i) The opinion shall be in form and substance as specified in the valuation manual and acceptable to the commissioner.

(ii) The opinion shall be submitted with the annual statement reflecting the valuation of ~~such~~ the reserve liabilities for each year ending on or after the operative date of the valuation manual.

(iii) The opinion shall apply to all policies and contracts subject to paragraph (B) ~~subdivision (2), subsection (c) of this section of this subdivision,~~ plus other actuarial liabilities as may be specified in the valuation manual.

(iv) The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board or its successor, and on such additional standards as may be prescribed in the valuation manual.

(v) In the case of an opinion required to be submitted by a foreign or alien company, the commissioner may accept the opinion filed by that company with the insurance supervisory official of another state if the commissioner determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state.

(vi) Except in cases of fraud or willful misconduct, the appointed actuary is not liable for damages to any person, other than the insurance company and the commissioner, for any act, error, omission, decision, or conduct with respect to the appointed actuary's opinion.

(vii) Disciplinary action by the commissioner against the company or the appointed actuary shall be defined in rules.

(d) *Computation of minimum standards.* — Except as otherwise provided in subsections (e), (f), and (m) of this section, the minimum standard for the valuation of all policies and contracts issued prior to January 1, 1958 shall be that provided by the laws in effect immediately prior to that date. Except as otherwise provided in subsections (e), (f), and (m) of this section, the minimum standard for the valuation of all policies and contracts issued on or after January 1, 1958 of this section shall be the commissioners reserve valuation methods defined in subsections (g), (h), (k), and (m) of this section, three and one-half percent interest or in the case of life insurance policies and contracts, other than annuity and pure endowment contracts, issued on or after June 1, 1974, four percent interest for policies issued prior to April 6, 1977, five and one-half percent interest for single premium life insurance policies, and four and one-half percent interest for all other policies issued on and after April 6, 1977, and the following tables:

(1) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in the policies:

(A) The commissioner's 1941 standard ordinary mortality table for policies issued prior to the operative date of §33-13-30(e) of this code;

(B) The commissioner's 1958 standard ordinary mortality table for policies issued on or after the operative date of §33-13-30(e) of this code and prior to the operative date of §33-13-30(g) of this code: *Provided*, That for any category of policies issued on female risks, all modified net premiums and present values referred to in this section may be calculated according to an age not more than six years younger than the actual age of the insured; and

(C) For policies issued on or after the operative date of §33-13-30(g) of this code:

(i) The commissioner's 1980 standard ordinary mortality table;

(ii) At the election of the company for any one or more specified plans of life insurance, the commissioner's 1980 standard ordinary mortality table with 10 year select mortality factors; or

(iii) Any ordinary mortality table adopted after the year 1980 by the ~~national association of Insurance Commissioners~~ NAIC that is approved by rule promulgated by the commissioner for use in determining the minimum standard of valuation for the policies.

(2) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in the policies: the 1941 standard industrial mortality table for policies issued prior to the operative date of §33-13-30(f) of this code and for policies issued on or after the operative date, the commissioner's 1961 standard industrial mortality table or any industrial mortality table adopted after the year 1980 by the ~~national association of Insurance Commissioners~~ NAIC that is approved by rule promulgated by the commissioner for use in determining the minimum standard of valuation for the policies.

(3) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in policies: the 1937 standard annuity mortality table or, at the option of the company, the annuity mortality table for 1949, ultimate, or any modification of either of these tables approved by the commissioner.

(4) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in the policies: The group annuity mortality table for 1951, any modification of the table approved by the commissioner or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(5) For total and permanent disability benefits in or supplementary to ordinary policies or contracts: for policies or contracts issued on or after January 1, 1966, the tables of period two disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the society of actuaries, with due regard to the type of benefit or any tables of disablement rates and

termination rates adopted after the year 1980 by the ~~national association of Insurance Commissioners~~ NAIC that are approved by rule promulgated by the commissioner for use in determining the minimum standard of valuation for the policies; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either those tables or, at the option of the company, the Class (3) disability table (1926); and for policies issued prior to January 1, 1961, the Class (3) disability table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(6) For accidental death benefits in or supplementary to policies issued on or after January 1, 1966, the 1959 accidental death benefits table or any accidental death benefits table adopted after the year 1980 by the ~~national association of Insurance Commissioners~~ NAIC that is approved by rules promulgated by the commissioner for use in determining the minimum standard of valuation for ~~such~~ the policies, for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the company, the intercompany double indemnity mortality table; and for policies issued prior to January 1, 1961, the intercompany double indemnity mortality table. Either table shall be combined with a mortality table for calculating the reserves for life insurance policies.

(7) For group life insurance, life insurance issued on the substandard basis, and other special benefits: Tables as may be approved by the commissioner.

(e) *Computation of minimum standard for annuities.* — Except as provided in subsection (f) of this section, the minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this subsection, and for all annuities and pure endowments purchased on or after the operative date under group annuity and pure endowment contracts, shall be the commissioner's reserve valuation methods defined in subsections (g) and (h) of this section and the following tables and interest rates:

(1) For individual annuity and pure endowment contracts issued prior to April 6, 1977, excluding any disability and accidental death benefits in the contracts: The 1971 individual annuity mortality table or any modification of this table approved by the commissioner and six percent interest for single premium immediate annuity contracts and four percent interest for all other individual annuity and pure endowment contracts;

(2) For individual single premium immediate annuity contracts issued on or after April 6, 1977, excluding any disability and accidental death benefits in ~~such~~ the contracts: The 1971 individual annuity mortality table or any individual annuity mortality table adopted after the year 1980 by the ~~national association of Insurance Commissioners~~ NAIC that is approved by rule promulgated by the commissioner for use in determining the minimum standard of valuation for the contracts or any modification of these tables approved by the commissioner and seven and one-half percent interest;

(3) For individual annuity and pure endowment contracts issued on or after April 6, 1977, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in those contracts: The 1971 individual annuity mortality table or any individual annuity mortality table adopted after the year 1980 by the ~~national association of Insurance Commissioners~~ NAIC that is approved by rule promulgated by the commissioner for use in determining the minimum standard of valuation for the contracts or any modification of these tables approved by the commissioner and five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other individual annuity and pure endowment contracts;

(4) For all annuities and pure endowments purchased prior to April 6, 1977, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under those contracts: The 1971 group annuity mortality table or any modification of this table approved by the commissioner and six percent interest;

(5) For all annuities and pure endowments purchased on or after April 6, 1977, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under the contracts: The 1971 group annuity mortality table or any group annuity mortality table adopted after the year 1980 by the ~~national association of Insurance Commissioners~~ NAIC that is approved by rule promulgated by the commissioner for use in determining the minimum standard of valuation for annuities and pure endowments or any modification of these tables approved by the commissioner and seven and one-half percent interest.

After June 3, 1974, any company may file with the commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1979, which shall be the operative date of this subsection for the company provided, if a company makes no election, the operative date of this section for the company shall be January 1, 1979.

(f) *Computation of minimum standard by calendar year of issue.* —

(1) The interest rates used in determining the minimum standard for the valuation of the following shall be the calendar year statutory valuation interest rates as defined in this section:

(A) All life insurance policies issued in a particular calendar year, on or after the operative date of §33-13-30(g) of this code, as amended;

(B) All individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1982;

(C) All annuities and pure endowments purchased in a particular calendar year on or after January 1, 1982, under group annuity and pure endowment contracts; and

(D) The net increase, if any, in a particular calendar year after January 1, 1982, in amounts held under guaranteed interest contracts.

(2) *Calendar year statutory valuation interest rates.* —

(A) The calendar year statutory valuation interest rates, I, shall be determined as follows and the results rounded to the nearer one quarter of one percent:

(i) For life insurance: $I = .03 + W(R1 - .03) + W/2(R2 - .09)$;

(ii) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options: ~~$I = .03 + W(R1 - .03)$~~ $I = .03 + W(R - .03)$

Where R1 is the lesser of R and .09; R2 is the greater of R and .09; R is the reference interest rate defined in this subsection; and W is the weighting factor defined in this ~~section~~ subsection;

(iii) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue-year basis, except as stated in subparagraph (ii) of this paragraph, the formula for life insurance stated in subparagraph (i) of this paragraph shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of ten years and the formula for single premium immediate annuities stated in subparagraph (ii) of this paragraph shall apply to annuities and guaranteed interest contracts with guarantee duration of 10 years or less;

(iv) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in subparagraph (ii) of this paragraph shall apply;

(v) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single premium immediate annuities stated in subparagraph (ii) of this paragraph shall apply.

(B) However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one half of one percent, the calendar year statutory valuation interest rate for ~~such~~ the life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for the year 1980 (using the reference interest rate defined for the year 1979) and shall be determined for each subsequent calendar year regardless of when §33-13-30(g) of this code, as amended, becomes operative.

(3) *Weighting factors.* —

(A) The weighting factors referred to in the formulas stated above are given in the following tables:

(i) Weighting factors for life insurance:

~~Guarantee~~

~~Duration Weighting~~

~~(Years) Factors~~

~~10 or less .50~~

~~More than 10, but not more than 20 .45~~

~~More than 20 .35~~

Guarantee duration of 10 years or less: .50

Guarantee duration of more than 10 years but not more than 20 years: .45

Guarantee duration of more than 20 years: .35

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy;

(ii) Weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options: .80;

(iii) Weighting factors for other annuities and for guaranteed interest contracts, except as stated in subparagraph (ii) of this paragraph, shall be as specified in clauses (I), (II), and (III) of this subparagraph, according to the rules and definitions in clauses (IV), (V), and (VI) of this subparagraph:

(I) For annuities and guaranteed interest contracts valued on an issue year basis, the following weighting factors shall apply:

Guarantee Weighting Factor

Duration for Plan Type

(Years) A B C

5 or less: ~~.80~~.60.50

More than 5, but not more than 10: ~~.75~~.60.50

More than 10, but not more than 20: ~~.65~~.50.45

More than 20: ~~.45~~.35.35

Guarantee duration of five years or less: Plan Type A - .80; Plan Type B - .60; Plan Type C - .50

Guarantee duration of more than five years but not more than 10 years: Plan Type A - .75; Plan Type B - .60; Plan Type C - .50

Guarantee duration of more than 10 years but not more than 20 years: Plan Type A - .65; Plan Type B - .50; Plan Type C - .45

Guarantee duration of more than 20 years: Plan Type A - .45;
Plan Type B - .35; Plan Type C - .35

(II) For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in clause (I) of this subparagraph increased by:

~~Weighting Factor~~

~~for Plan Type~~

~~A B C†~~

~~.15 .25 .05~~

Plan Type A - .15; Plan Type B - .25; Plan Type C - .05

(III) For annuities and guaranteed interest contracts valued on an issue-year basis (other than those with no cash settlement options) which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change in fund basis which do not guarantee interest rates on considerations received more than 12 months beyond the valuation date, the factors shown in clause (I) of this subparagraph or derived in clause (II) of this subparagraph increased by:

~~Weighting Factor~~

~~for Plan Type~~

~~A B C†~~

~~.05 .05 .05~~

Plan Type A - .05; Plan Type B - .05; Plan Type C - .05

(IV) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee

duration in excess of 20 years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guaranteed duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

(V) Plan type as used in the above tables is defined as follows:

Plan Type A:

At any time policyholder may withdraw funds only: (1) With an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company; or (2) without such adjustment but in installments over five years or more; or (3) as an immediate life annuity; or (4) no withdrawal permitted;

Plan Type B:

Before expiration of the interest rate guarantee, policyholder may withdraw funds only: (1) With an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company; or (2) without such adjustment but in installments over five years or more; or (3) no withdrawal permitted. At the end of interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than five years;

Plan Type C:

Policyholder may withdraw funds before expiration of interest rate guarantee in a single sum or installments over less than five years either: (1) Without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company; or (2) subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

(VI) A company may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue-year basis or on a change in fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must

be valued on an issue-year basis. As used in this section, an issue-year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract and the change in fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

(4) *The reference interest rate.* —

(A) Reference interest rate referred to in subdivision (2) of this subsection is defined as follows:

(i) For all life insurance, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year next preceding the year of issue, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, Inc.;

(ii) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of 12 months, ending on June 30 of the calendar year of issue or year of purchase, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, Inc.;

(iii) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in subparagraph (ii) of this paragraph, with guarantee duration in excess of 10 years, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, Inc.;

(iv) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in subparagraph (ii) of this paragraph, with guarantee duration of 10 years or less, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, Inc.;

(v) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, Inc.; and

(vi) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, except as stated in subparagraph (ii) of this paragraph, the average over a period of 12 months, ending on June 30 of the calendar year of the change in the fund, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, Inc.

(5) *Alternative method for determining reference interest rates.* —

In the event that the monthly average of the composite yield on seasoned corporate bonds is no longer published by Moody's Investors Service, Inc., or in the event that the ~~national association of Insurance Commissioners~~ NAIC determines that the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, Inc., is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest rate, which is adopted by the ~~national association of Insurance Commissioners~~ NAIC and approved by rule promulgated by the commissioner, may be substituted.

(g) *Reserve valuation method: Life insurance and endowment benefits.* —

(1) Except as otherwise provided in subsections (h), (k), and (m) of this section, reserves according to the commissioner's reserve valuation method for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of the future guaranteed benefits provided by the policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be the uniform percentage of the respective contract premiums for the benefits that the present value, at the date of issue of the policy, of all the modified net premiums shall be equal to the sum of the then present value of the benefits provided by the policy and the excess of ~~subdivision (1) paragraph (A) of this subsection subdivision~~ over ~~subdivision (2) paragraph (B) of this subsection subdivision~~, as follows:

(1) (A) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due: *Provided*, That such net level annual premium shall not exceed the net level annual premium on the 19 year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(2) (B) A net one-year term premium for such benefits provided for in the first policy year.

~~*Provided*, That for (2) For~~ any life insurance policy issued on or after January 1, 1985, for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the reserve according to the ~~commissioners'~~

commissioner's reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium shall, except as otherwise provided in subsection (k) of this section, be the greater of the reserve as of such policy anniversary calculated as described in ~~the preceding paragraph~~ subdivision (1) of this subsection and the reserve as of the policy anniversary calculated as described in that ~~paragraph~~ subdivision, but with: (i) The value defined in subdivision (1) of ~~that paragraph~~ this subsection being reduced by ~~fifteen~~ 15 percent of the amount of such excess first-year premium; (ii) all present values of benefits and premiums being determined without reference to premiums or benefits provided by the policy after the assumed ending date; (iii) the policy being assumed to mature on the date as an endowment; and (iv) the cash surrender value provided on such date being considered as an endowment benefit. In making the above comparison, the mortality and interest bases stated in subsections (d) and (f) of this section shall be used.

(3) Reserves according to the ~~commissioners'~~ commissioner's reserve valuation method shall be calculated by a method consistent with the principles of ~~the preceding paragraphs~~ subdivisions (1) and (2) of this section subsection for:

(i) (A) Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums;

(ii) (B) Group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code (26 U.S.C. § 408) as now or hereafter amended;

(iii) (C) Disability and accidental death benefits in all policies and contracts; and

~~(iv)~~ (D) All other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts. ~~shall be calculated by a method consistent with the principles of the preceding paragraphs of this section~~

(h) *Reserve valuation method: Annuity and pure endowment benefits.* —

(1) This subsection shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code (26 U.S.C. § 408) as now or hereafter amended.

(2) Reserves according to the ~~commissioners'~~ commissioner's annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in ~~such~~ the contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided by ~~such~~ the contracts at the end of each respective contract year over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of ~~such~~ the contract, that become payable prior to the end of the respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in the contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of ~~such~~ the contracts to determine nonforfeiture values.

(i) *Minimum reserves.* —

(1) In no event shall a company's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after January 1, 1958 be less than the aggregate reserves calculated in accordance with the methods set forth in subsections (g), (h), (k), and (l) of this section and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for the policies.

(2) In no event shall the aggregate reserves for all policies, contracts, and benefits be less than the aggregate reserves determined by the qualified actuary to be necessary to render the opinion required by subsection (c) of this section.

(j) *Optional reserve calculation.* —

(1) Reserves for all policies and contracts issued prior to ~~the effective date of this section~~ January 1, 1958 may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

(2) Reserves for any category of policies, contracts or benefits as established by the commissioner issued on or after January 1, 1958 may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided therein.

(3) Any ~~such~~ company which at any time shall have adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided: *Provided*, That for the purposes of this section, the holding of additional reserves previously determined by the appointed actuary to be necessary to render the opinion required by

subsection (c) of this section shall not be considered to be the adoption of a higher standard of valuation.

(k) *Reserve calculation: Valuation net premium exceeding the gross premium charged.* —

(1) If in any contract year the gross premium charged by any life insurance company on any policy or contract is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for ~~such the~~ the policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for ~~such the~~ the policy or contract or the reserve calculated by the method actually used for ~~such the~~ the policy or contract but using the minimum valuation standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. The minimum valuation standards of mortality and rate of interest referred to in this section are those standards stated in subsections (d) and (f) of this section: *Provided*, That for any life insurance policy issued on or after January 1, 1985, for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than ~~such the~~ the excess premium, the foregoing provisions of this subsection shall be applied as if the method actually used in calculating the reserve for ~~such the~~ the policy were the method described in subsection (g) of this section, ignoring ~~the second paragraph subdivision (2)~~ subdivision (2) of said subsection.

(2) The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated in accordance with subsection (g) of this section, including ~~the second paragraph subdivision (2)~~ subdivision (2) of said ~~section~~ subsection, and the minimum reserve calculated in accordance with this subsection.

(l) *Reserve calculation: Indeterminate premium plans.* —

In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurance company based on then estimates of future experience, or in the case of any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by the methods described in subsections (g), (h), and (k) of this section, the reserves which are held under any such plan must:

(1) Be appropriate in relation to the benefits and the pattern of premiums for that plan; and

(2) Be computed by a method which is consistent with the principles of this standard valuation law as determined by rules promulgated by the commissioner.

~~(m) The commissioner may, by rule, establish alternative methods of calculating reserve liabilities, which methods shall be used to calculate reserve liabilities for the types of policies, annuities or other contracts identified in the rule: *Provided*, That the method specified in the rule shall be one which, in the opinion of the commissioner and in light of the methods applied to the contracts by the insurance regulators of other states, is appropriate to the contracts. This power shall be in addition to, and in no way diminish, rule making power granted to the commissioner elsewhere in this code Minimum standard for accident and health insurance contracts. —~~

For accident and health insurance contracts issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under subdivision (2), subsection (b) of this section. For accident and sickness insurance contracts issued on or after January 1, 1958 and prior to the operative date of the valuation manual, the minimum standard of valuation is the standard adopted by the commissioner by rule.

(n) *Valuation manual for policies issued on or after the operative date of the valuation manual.* —

(1) The commissioner shall promulgate emergency rules adopting a valuation manual that is substantially similar to the valuation manual approved by the ~~National Association of Insurance Commissioners~~ NAIC and any amendments to ~~such~~ the manual as may be subsequently approved by the ~~National Association of Insurance Commissioners~~ NAIC, and ~~such~~ the rules shall be effective in accordance with subdivisions (2) and (3) of this subsection.

(2) The operative date of the valuation manual is January 1 of the first calendar year following the first July 1 as of which all of the following have occurred:

(A) The valuation manual has been adopted by the ~~National Association of Insurance Commissioners~~ NAIC by an affirmative vote of at least 42 members, or three-fourths of the members voting, whichever is greater;

(B) The Standard Valuation Law, as amended by the ~~National Association of Insurance Commissioners~~ NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by states representing greater than 75 percent of the direct premiums written as reported in the following annual statements submitted for 2008: Life, accident, and health annual statements; health annual statements; and fraternal annual statements; and

(C) The Standard Valuation Law, as amended by the ~~National Association of Insurance Commissioners~~ NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by at least 42 of the following 55 jurisdictions: The 50 states of the United States, American Samoa, the American Virgin Islands, the District of Columbia, Guam, and Puerto Rico.

(3) Unless a change in the valuation manual specifies a later effective date, changes to the valuation manual shall be effective on January 1 following the date when ~~such~~ the changes have been

adopted by the ~~National Association of Insurance Commissioners~~ NAIC by an affirmative vote representing:

(A) At least three-fourths of the members of the ~~National Association of Insurance Commissioners~~ NAIC voting, but not less than a majority of the total membership; and

(B) Members of the ~~National Association of Insurance Commissioners~~ NAIC representing jurisdictions totaling greater than 75 percent of the direct premiums written, as reported in the following annual statements most recently available prior to the vote in paragraph (A) of this subdivision: Life, accident, and health annual statements, health annual statements, or fraternal annual statements.

(4) The valuation manual must specify all of the following:

(A) Minimum valuation standards for and definitions of the policies or contracts subject to subdivision (2), subsection (b) of this section. ~~Such~~ The minimum valuation standards shall be:

(i) The commissioner's reserve valuation method for life insurance contracts, other than annuity contracts, subject to subdivision (2), subsection (b) of this section;

(ii) The commissioner's annuity reserve valuation method for annuity contracts subject to subdivision (2), subsection (b) of this section; and

(iii) Minimum reserves for all other policies or contracts subject to subdivision (2), subsection (b) of this section.

(B) Which policies or contracts or types of policies or contracts that are subject to the requirements of a principle-based valuation in subdivision (1), subsection (o) of this section and the minimum valuation standards consistent with those requirements.

(C) For policies and contracts subject to a principle-based valuation under subsection (o) of this section:

(i) Requirements for the format of reports to the commissioner under paragraph (C), subdivision (2), subsection (o) of this section and which shall include information necessary to determine if the valuation is appropriate and in compliance with this section;

(ii) Assumptions shall be prescribed for risks over which the company does not have significant control or influence; and

(iii) Procedures for corporate governance and oversight of the actuarial function and a process for appropriate waiver or modification of ~~such~~ the procedures.

(D) For policies not subject to a principle-based valuation under subsection (o), the minimum valuation standard shall either:

(i) Be consistent with the minimum standard of valuation prior to the operative date of the valuation manual; or

(ii) Develop reserves that quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring.

(E) Other requirements, including, but not limited to, those relating to reserve methods, models for measuring risk, generation of economic scenarios, assumptions, margins, use of company experience, risk measurement, disclosure, certifications, reports, actuarial opinions and memoranda, transition rules and internal controls; and

(F) The data and form of the data required under subsection (p) of this section, with whom the data must be submitted, and may specify other requirements including data analyses and reporting of analyses.

(5) For policies issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under subdivision (2), subsection (b) of this section, except as provided under subdivision (6) or (8) of this subsection.

(6) In the absence of a specific valuation requirement or if a specific valuation requirement in the valuation manual is not, in the opinion of the commissioner, in compliance with this section, then the company shall, with respect to ~~such~~ the requirements, comply with minimum valuation standards prescribed by rule.

(7) The commissioner may engage a qualified actuary, at the expense of the company, to perform an actuarial examination of the company and opine on the appropriateness of any reserve assumption or method used by the company, or to review and opine on a company's compliance with any requirement set forth in this section. The commissioner may rely upon the opinion, regarding provisions contained within this section, of a qualified actuary engaged by the commissioner of another state, district, or territory of the United States. As used in this subdivision, term 'engage' includes employment and contracting.

(8) The commissioner may require a company to change any assumption or method that in the opinion of the commissioner is necessary in order to comply with the requirements of the valuation manual or this section, and the company shall adjust the reserves as required by the commissioner.

(o) Requirements of a Principle-Based Valuation. —

(1) A company must establish reserves using a principle-based valuation that meets the following conditions for policies or contracts as specified in the valuation manual:

(A) Quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring during the lifetime of the contracts. For policies or contracts with significant tail risk, reflects conditions appropriately adverse to quantify the tail risk.

(B) Incorporate assumptions, risk analysis methods and financial models, and management techniques that are consistent with, but not necessarily identical to, those utilized within the

company's overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods.

(C) Incorporate assumptions that are derived in one of the following manners:

(i) The assumption is prescribed in the valuation manual; or

(ii) For assumptions that are not prescribed, the assumptions shall either:

(I) Be established utilizing the company's available experience, to the extent it is relevant and statistically credible; or

(II) To the extent that company data is not available, relevant or statistically credible, be established utilizing other relevant, statistically credible experience.

(D) Provide margins for uncertainty including adverse deviation and estimation error, such that the greater the uncertainty, the larger the margin and resulting reserve.

(2) A company using a principle-based valuation for one or more policies or contracts subject to this section as specified in the valuation manual shall:

(A) Establish procedures for corporate governance and oversight of the actuarial valuation function consistent with those described in the valuation manual.

(B) Provide to the commissioner and the board of directors an annual certification of the effectiveness of the internal controls with respect to the principle-based valuation. ~~Such~~ The controls shall be designed to assure that all material risks inherent in the liabilities and associated assets subject to ~~such~~ the valuation are included in the valuation, and that valuations are made in accordance with the valuation manual. The certification shall be based on the controls in place as of the end of the preceding calendar year.

(C) Develop, and file with the commissioner upon request, a principle-based valuation report that complies with standards prescribed in the valuation manual.

(3) A principle-based valuation may include a prescribed formulaic reserve component.

(p) *Experience reporting for policies in force on or after the operative date of the valuation manual.* — A company shall submit mortality, morbidity, policyholder behavior, or expense experience and other data as prescribed in the valuation manual.

(q) *Confidentiality.* —

(1) For purposes of this subsection, ‘confidential information’ means:

(A) A memorandum in support of an opinion submitted under subsection (c) of this section and any other documents, materials, and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by, or disclosed to the commissioner or any other person in connection with ~~such~~ the memorandum;

(B) All documents, materials, and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by, or disclosed to the commissioner or any other person in the course of an examination made under subdivision (7), subsection (n) of this section, but only to the same extent as ~~such~~ the documents, materials, and other information would be held confidential were they created, produced or obtained in connection with an examination made under the general examination law set forth in §33-2-9 of this code;

(C) Any reports, documents, materials, and other information developed by a company in support of, or in connection with, an annual certification by the company under paragraph (B), subdivision (2), subsection (o) of this section evaluating the effectiveness of the company’s internal controls with respect to a principle-based valuation and any other documents, materials, and other information, including, but not limited to, all working papers,

and copies thereof, created, produced or obtained by, or disclosed to the commissioner or any other person in connection with ~~such~~ the reports, documents, materials, and other information;

(D) Any principle-based valuation report developed under paragraph (C), subdivision (2), subsection (o) of this section and any other documents, materials, and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by, or disclosed to the commissioner or any other person in connection with ~~such~~ the report; and

(E) Any documents, materials, data, and other information submitted by a company under subsection (p) of this section (collectively, ‘experience data’) and any other documents, materials, data, and other information, including, but not limited to, all working papers, and copies thereof, created or produced in connection with ~~such~~ the experience data, in each case that include any potentially company-identifying or personally identifiable information, that is provided to or obtained by the commissioner (together with any ‘experience data’, the ‘experience materials’) and any other documents, materials, data, and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by, or disclosed to the commissioner or any other person in connection with ~~such~~ the experience materials.

(2) *Privilege for, and Confidentiality of, Confidential Information.* —

(A) Except as otherwise provided in this subsection, a company’s confidential information is confidential by law and privileged, is exempt from disclosure under §29A-1-1 *et seq.* of this code, is not subject to subpoena, and is not subject to discovery or admissible in evidence in any private civil action: *Provided*, That the commissioner is authorized to use the confidential information in the furtherance of any regulatory or legal action brought against the company as a part of the commissioner’s official duties.

(B) Neither the commissioner nor any person who received confidential information while acting under the authority of the commissioner is permitted or required to testify in any private civil action concerning any confidential information.

(C) In order to assist in the performance of the commissioner's duties, the commissioner may share confidential information:

(i) With other state, federal, and international regulatory agencies and with the ~~National Association of Insurance Commissioners~~ NAIC and its affiliates and subsidiaries;

(ii) In the case of confidential information specified in paragraphs (A) and (D), subdivision (1) of this subsection only, with the Actuarial Board for Counseling and Discipline or its successor upon request stating that the confidential information is required for the purpose of professional disciplinary proceedings and with state, federal, and international law-enforcement officials; and

(iii) In the case of subparagraphs (i) and (ii) of this paragraph, provided that ~~such~~ the recipient agrees and has the legal authority to agree, to maintain the confidentiality and privileged status of ~~such~~ the documents, materials, data, and other information in the same manner and to the same extent as required for the commissioner.

(D) The commissioner may receive documents, materials, data, and other information, including otherwise confidential and privileged documents, materials, data, or information, from the ~~National Association of Insurance Commissioners~~ NAIC and its affiliates and subsidiaries, from regulatory or law-enforcement officials of other foreign or domestic jurisdictions, and from the Actuarial Board for Counseling and Discipline or its successor, and he or she shall maintain as confidential or privileged any document, material, data, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or other information.

(E) The commissioner may enter into agreements governing sharing and use of information consistent with this subdivision.

(F) No waiver of any applicable privilege or claim of confidentiality in the confidential information occurs as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in paragraph (C) of this subdivision.

(G) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subdivision is available and may ~~been forced~~ be enforced in any proceeding in, and in any court of, this state.

(H) In this subsection ‘regulatory agency’, ‘law-enforcement agency’, and the ‘NAIC’ include, but are not limited to, their employees, agents, consultants, and contractors.

(3) Notwithstanding subdivision (2) of this subsection, any confidential information specified in paragraphs (A) and (D), subdivision (1) of this subsection:

(A) May be subject to subpoena for the purpose of defending an action seeking damages from the appointed actuary submitting the related memorandum in support of an opinion submitted under subsection (c) of this section or principle-based valuation report developed under paragraph (C), subdivision (2), subsection (o) of this section by reason of an action required by this section or by rules promulgated hereunder;

(B) May otherwise be released by the commissioner with the written consent of the company; and

(C) Once any portion of a memorandum in support of an opinion submitted under subsection (c) of this section or a principle-based valuation report developed under paragraph (C), subdivision (2), subsection (o) of this section is cited by the company in its marketing or is publicly volunteered to or before a governmental agency other than a state insurance department or is released by the company to the news media, all portions of ~~such~~ the memorandum or report are no longer ~~be~~ confidential.”

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. 730**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: N. Brown.

Absent and Not Voting: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2474) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had receded from its amendment to a bill of the House of Delegates, and again amended and passed, as amended

Com. Sub. for H. B. 2503, Relating to court actions.

Delegate Summers moved the House concur 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. COURT ACTIONS.

PART VI.

PROCEDURES IN CASES OF CHILD NEGLECT OR ABUSE.

§49-4-601. Petition to court when child believed neglected or abused; venue; notice; right to counsel; continuing legal education; findings; proceedings; procedure.

(a) *Petitioner and venue.* — If the department or a reputable person believes that a child is neglected or abused, the department

or the person may present a petition setting forth the facts to the circuit court in the county in which the child resides, or if the petition is being brought by the department, in the county in which the custodial respondent or other named party abuser resides, or in which the abuse or neglect occurred, or to the judge of the court in vacation. Under no circumstance may a party file a petition in more than one county based on the same set of facts.

(b) *Contents of Petition.* — The petition shall be verified by the oath of some credible person having knowledge of the facts. The petition shall allege specific conduct including time and place, how the conduct comes within the statutory definition of neglect or abuse with references ~~thereto to the statute~~, any supportive services provided by the department to remedy the alleged circumstances, and the relief sought. Each petition shall name as a party each parent, guardian, custodian, other person standing in loco parentis of or to the child allegedly neglected or abused and state with specificity whether each parent, guardian, custodian, or person standing in loco parentis is alleged to have abused or neglected the child.

(c) *Court action upon filing of petition.* — Upon filing of the petition, the court shall set a time and place for a hearing and shall appoint counsel for the child. When there is an order for temporary custody pursuant to this article, the preliminary hearing shall be held within 10 days of the order continuing or transferring custody, unless a continuance for a reasonable time is granted to a date certain, for good cause shown.

(d) *Department action upon filing of the petition.* — At the time of the institution of any proceeding under this article, the department shall provide supportive services in an effort to remedy circumstances detrimental to a child.

(e) *Notice of hearing.* —

(1) The petition and notice of the hearing shall be served upon both parents and any other guardian, custodian, or person standing in loco parentis, giving to ~~the parents or custodian~~ those persons at

least five days' actual notice of a preliminary hearing and at least ten days' notice of any other hearing.

(2) Notice shall be given to the department, any foster or pre-adoptive parent, and any relative providing care for the child.

(3) In cases where personal service within West Virginia cannot be obtained after due diligence upon any parent or other custodian, a copy of the petition and notice of the hearing shall be mailed to the person by certified mail, addressee only, return receipt requested, to the last known address of the person. If the person signs the certificate, service ~~shall be~~ is complete and the certificate shall be filed as proof of the service with the clerk of the circuit court.

(4) If service cannot be obtained by personal service or by certified mail, notice shall be by publication as a Class II legal advertisement in compliance with §59-3-1 *et seq.* of this code.

(5) A notice of hearing shall specify the time and place of ~~the hearing~~ hearings, the right to counsel of the child, ~~and parents, or~~ and other guardians, custodians, at every stage of the proceedings, and other persons standing in loco parentis with the child and the fact that the proceedings can result in the permanent termination of the parental rights.

(6) Failure to object to defects in the petition and notice may not be construed as a waiver.

(f) *Right to counsel.* —

~~(1) In any proceeding under this article, the child, his or her parents, and his or her legally established custodian or other persons standing in loco parentis to him or her has the right to be represented by counsel at every stage of the proceedings and shall be informed by the court of their right to be so represented and that if they cannot pay for the services of counsel, that counsel will be appointed.~~

(1) In any proceeding under this article, the child shall have counsel to represent his or her interests at all stages of the proceedings.

~~(2) Counsel shall be appointed in the initial order. For parents, legal guardians, and other persons standing in *loco parentis*, the representation may only continue after the first appearance the parent or other persons standing in *loco parentis* cannot pay for the services of counsel.~~

(2) The court's initial order shall appoint counsel for the child and for any parent, guardian, custodian, or other person standing in *loco parentis* with the child if such person is without retained counsel.

~~(3) Counsel for other parties shall only be appointed upon request for appointment of counsel. If the requesting parties have not retained counsel and cannot pay for the services of counsel, the court shall, by order entered of record, appoint an attorney or attorneys to represent the other party or parties and so inform the parties.~~

(3) The court shall, at the initial hearing in the matter, determine whether persons other than the child for whom counsel has been appointed:

(A) Have retained counsel; and

(B) Are financially able to retain counsel.

(4) A parent, guardian, custodian, or other person standing in *loco parentis* with the child who is alleged to have neglected or abused the child and who has not retained counsel and is financially unable to retain counsel beyond the initial hearing, shall be afforded appointed counsel at every stage of the proceedings.

(5) A parent, guardian, custodian, or other person standing in *loco parentis* with the child who is not alleged to have abused or neglected the child, has not retained counsel and who is financially unable to retain counsel, may request the court to continue to have appointed counsel. The court shall, upon a finding that the interests

of justice will be served, afford that person appointed counsel at every stage of the proceedings.

(4) ~~(6)~~ Under no circumstances may the same attorney represent both the child and another party ~~the other party or parties., nor may the~~ The same attorney may not represent both parents or custodians more than one parent or custodian: However, Provided, That one attorney may represent both parents or custodians where both parents or ~~guardians~~ custodians consent to this representation after the attorney fully discloses to the client the possible conflict and where the attorney ~~assures~~ advises the court that she or he is able to represent each client without impairing her or his professional judgment.; ~~however, if~~ If more than one child from a family is involved in the proceeding, one attorney may represent all the children.

~~(5)~~ (7) A parent who is a co-petitioner is entitled to his or her own attorney.

(8) The court may allow to each attorney ~~se~~ appointed pursuant to this section a fee in the same amount which appointed counsel can receive in felony cases.

~~(6)~~ (9) The court shall, *sua sponte* or upon motion, appoint counsel to any unrepresented party if, at any stage of the proceedings, the court determines doing so is necessary to satisfy the requirements of fundamental fairness.

(g) *Continuing education for counsel.* — Any attorney representing a party under this article shall receive a minimum of eight hours of continuing legal education training per reporting period on child abuse and neglect procedure and practice. In addition to this requirement, any attorney appointed to represent a child must first complete training on representation of children that is approved by the administrative office of the Supreme Court of Appeals. The Supreme Court of Appeals shall develop procedures for approval and certification of training required under this section. Where no attorney has completed the training required by this subsection, the court shall appoint a competent attorney with demonstrated knowledge of child welfare law to represent the

parent or child. Any attorney appointed pursuant to this section shall perform all duties required of an attorney licensed to practice law in the State of West Virginia.

(h) *Right to be heard.* — In any proceeding pursuant to this article, the party or parties having custodial or other parental rights or responsibilities to the child shall be afforded a meaningful opportunity to be heard, including the opportunity to testify and to present and cross-examine witnesses. Foster parents, pre-adoptive parents, and relative caregivers shall also have a meaningful opportunity to be heard.

(i) *Findings of the court.* — Where relevant, the court shall consider the efforts of the department to remedy the alleged circumstances. At the conclusion of the adjudicatory hearing, the court shall make a determination based upon the evidence and shall make findings of fact and conclusions of law as to whether the child is abused or neglected and whether the respondent is abusing, neglecting, or, if applicable, a battered parent, all of which shall be incorporated into the order of the court. The findings must be based upon conditions existing at the time of the filing of the petition and proven by clear and convincing evidence.

(j) *Priority of proceedings.* — Any petition filed and any proceeding held under this article shall, to the extent practicable, be given priority over any other civil action before the court, except proceedings under §48-27-309 of this code and actions in which trial is in progress. Any petition filed under this article shall be docketed immediately upon filing. Any hearing to be held at the end of an improvement period and any other hearing to be held during any proceedings under this article shall be held as nearly as practicable on successive days and, with respect to the hearing to be held at the end of an improvement period, shall be held as close in time as possible after the end of the improvement period and shall be held within 30 days of the termination of the improvement period.

(k) *Procedural safeguards.* — The petition may not be taken as confessed. A transcript or recording shall be made of all proceedings unless waived by all parties to the proceeding. The

rules of evidence ~~shall apply~~. Following the court's determination, it shall ~~be inquired of~~ ask the parents or custodians whether or not appeal is desired and the response transcribed. A negative response may not be construed as a waiver. The evidence shall be transcribed and made available to the parties or their counsel as soon as practicable, if the ~~same~~ transcript is required for purposes of further proceedings. If an indigent person intends to pursue further proceedings, the court reporter shall furnish a transcript of the hearing without cost to the indigent person if an affidavit is filed stating that he or she cannot pay for the transcript ~~therefor~~.

PART VI. JUVENILE PROCEEDINGS.

§49-4-722. Conviction for offense while in custody.

(a) Notwithstanding any other provision of law to the contrary, any person who is 18 years of age or older who is convicted as an adult of an offense that he or she committed while in the custody of the ~~Division~~ Bureau of Juvenile Services and who is ~~therefor~~ sentenced for the conviction to a regional jail or state correctional facility for the offense may not be returned to the custody of the ~~division~~ bureau upon the completion of his or her adult sentence.

(b) Upon the incarceration in a regional jail or state correctional facility of any person 18 years of age or older who remains subject to the juvenile jurisdiction of the circuit court for crimes committed in a juvenile facility, the Bureau of Juvenile Services shall provide written notification to both the circuit court with juvenile jurisdiction over the person and the judicial authority in the county where the criminal charges are pending that the person is being detained, remains in the jurisdiction of a circuit court, and is pending a sentence as an adult offender. Prior to the imposition of a sentence on the criminal charges, the juvenile facility in which the adult crime occurred shall inform the judicial authority in the county with jurisdiction over the criminal offense which circuit court has juvenile jurisdiction over the person. The judicial authority in the county with jurisdiction over the criminal offense shall then notify the circuit court with juvenile jurisdiction over the person. The person may not be released from custody on the

criminal offense until the judicial authority in the county where the criminal charges are pending has been notified by the circuit court with juvenile jurisdiction over the person that it has conducted the hearing required in §49-4-722(c) of this code.

~~(b)~~(c) Prior to completion of the adult sentence specified in subsection (a) of this section, the circuit court having jurisdiction over the underlying juvenile matter shall conduct a hearing to determine whether the person who has turned 18 years of age shall remain in the regional jail during pendency of the underlying juvenile matter or if another disposition or pretrial placement is appropriate and available: *Provided*, That the court may not remand a child who reached the age of 18 years to a juvenile facility or placement during the pendency of the underlying juvenile matter: *Provided, however*, That the Commissioner of the Division of Corrections and Rehabilitation is authorized to designate a unit in one or more of the institutions under his or her management to ensure that the detention of any person 18 years of age or older who is subject to subsection (a) of this section and who remains subject to the juvenile jurisdiction of a Circuit Court, may be placed in by the Commissioner, so that the person does not have contact with or come within sight or sound of any adult incarcerated persons.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2503 - “A Bill to amend and reenact §49-4-601 and §49-4-722 of the Code of West Virginia, 193, as amended, all relating to court actions in abuse and neglect proceedings; counsel appointment procedures in child neglect or abuse cases; requiring a petition to include the names of all parents, guardians, custodians, or other persons standing *in loco parentis* with the child and an express statement as to whether each parent, guardian, custodian, or person standing *in loco parentis* is alleged to have neglected or abused the child; requiring the court to appoint counsel for the child, parents, guardians, custodians, and persons standing *in loco parentis* prior to the initial hearing; clarifying when a court may and may not appoint counsel; requiring a court to appoint counsel to an unrepresented person if necessary to

satisfy the requirements of fundamental fairness; directing notice to various courts in actions involving certain adults held in juvenile custody when charged or convicted of adult crimes; requiring the Bureau of Juvenile Services to provide written notification to court as to such defendants during various stages of the criminal process in cases of adults in the juvenile jurisdiction of the circuit court; requiring notice generally; requiring that notice to be given by courts that a hearing required by subsection (a) of this section has been held; and authorizing the Commissioner of Corrections and Rehabilitation to establish one or more facilities to house adult offenders who remain under the juvenile jurisdiction of the circuit court to comply with federal sight and sound restrictions.”

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. 731**), and there were—yeas 42, nays 57, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Atkinson, Azinger, Bibby, Butler, Cadle, Capito, Criss, Ellington, Espinosa, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham, Hill, Hollen, Hott, Householder, D. Jeffries, Jennings, D. Kelly, Kessinger, Linville, Mandt, Nelson, Phillips, Queen, Rohrbach, Rowan, Shott, Steele, Storch, Summers, Sypolt, Toney, Waxman, Westfall, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper.

So, a majority of the members present and voting not having voted in the affirmative, the motion to concur in the Senate amendment was rejected.

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. 2540, Prohibiting the waste of game animals, game birds or game fish.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate with further title amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 2. WILDLIFE RESOURCES.

§20-2-5i. Waste of game animals, game birds, or game fish; penalties.

(a) It is unlawful for any person to cause through carelessness, neglect, or otherwise to let any edible portion of any big game or game fish to go to waste needlessly.

(b) For purposes of this section, ‘edible portion’ means, with respect to:

(1) *Big game.* — One or more of the following: (A) the meat of the front quarters to the knee; (B) the meat of the hind-quarters to the hock; or (C) the meat along the backbone between the front quarters and hind quarters: *Provided*, That an edible portion of a wild turkey is the meat of the breast only.

(2) *Game fish.* — The fillet meat from the gill plate to the tail fin.

(3) Edible portion does not include bones, sinew, viscera, meat from the head or neck, meat that has been damaged or rendered inedible by method of taking, or meat that is reasonably lost as a result of boning or close trimming of bones.

(c) It is unlawful for any person to take any big game and detach or remove from the carcass the head, hide, antlers, tusks, paws, claws, gallbladder, teeth, beards, or spurs only and leave the carcass to waste.

(d) Any person who through no carelessness, neglect, or otherwise, is unable to locate the carcass of any lawfully taken big game prior to the spoilage or decay of any or all edible portions

may detach or remove from the carcass the head, hide, antlers, tusks, paws, claws, gall bladder, teeth, beards, or spurs: *Provided*, That the big game is registered and shall be counted toward the daily, seasonal, bag, and possession limit of the person in possession of, or responsible for taking the big game.

(e) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be subject to the following penalties, with respect to:

(1) *Big game violations.* —

(A) A fine of not less than \$500 nor more than \$2,500, or confinement in jail not less than 10 days nor more than 100 days, or both fined and confined;

(B) Suspension of hunting and fishing license for a period of five years; and

(C) All applicable forfeiture and replacement provisions in §20-2-5a of this code.

(2) *Game fish violations.* —

(A) A fine of not less than \$100 nor more than \$500, or confinement in jail not less than 10 days nor more than 100 days, or both fined and confined;

(B) Suspension of hunting and fishing license for a period of two years; and

(C) All applicable forfeiture and replacement provisions in §20-2-5a of this code.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2540 - “A Bill to amend the Code of West Virginia, 1931, as amended, by thereto a new section, designated §20-2-5i, relating to prohibiting the waste of any edible portion of big game or game fish; making it unlawful to take any big game

and detach or remove the head, hide, antlers, tusks, paws, claws, gallbladder, teeth, beards, or spurs only and leave the carcass to waste; setting forth exceptions; and establishing criminal penalties for violations.”

The further title amendment offered by Delegate Summers and adopted by the House being as follows:

Com. Sub. for H. B. 2540 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i, relating to prohibiting the waste of any edible portion of big game animals or game fish; defining the term edible portion; setting forth exceptions to the term edible portion; making it unlawful to take any big game and detach or remove the head, hide, antlers, tusks, paws, claws, gallbladder, teeth, beards, or spurs only and leave the carcass to waste; setting forth exceptions if the person is unable to locate the carcass of any lawfully taken big game prior to the spoilage or decay of any or all edible portions; and establishing criminal penalties for violations.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 732**), and there were—yeas 79, nays 20, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bibby, S. Brown, Butler, Doyle, Fast, Fluharty, Graves, Hansen, Hornbuckle, Howell, D. Jeffries, J. Jeffries, Jennings, Kump, Lovejoy, P. Martin, McGeehan, Miley, Walker and Wilson.

Absent and Not Voting: Cooper.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2540) 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. 2618, Including undue influence as a factor in the definition of financial exploitation of an elderly person or protected person.

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 7J. FINANCIAL EXPLOITATION OF AN ELDERLY PERSON, PROTECTED PERSON, OR INCAPACITATED ADULT.

§55-7J-1. Action for financial exploitation of an elderly person, protected person or incapacitated adult; definitions.

(a) Any elderly person, protected person, or incapacitated adult against whom an act of financial exploitation has been committed may bring an action under this article against any person who has committed an act of financial exploitation against him or her.

(b) For the purposes of this article:

(1) ‘Incapacitated adult’ has the same meaning as prescribed under §61-2-29 of this code;

(2) ‘Elderly person’ means a person who is 65 years or older;

(3) ‘Financial exploitation’ or ‘financially exploit’ means the intentional misappropriation or misuse of funds or assets or the diminishment of assets due to undue influence of an elderly person, protected person, or incapacitated adult, but ~~shall~~ may not apply to a transaction or disposition of funds or assets where the defendant made a good-faith effort to assist the elderly person, protected person, or incapacitated adult with the management of his or her money or other things of value; and

(4) ‘Protected person’ means any person who is defined as a ‘protected person’ in §44A-1-4 of this code and who is subject to the protections of §44A-1-1 *et seq.* or §44C-1-1 *et seq.* of this code.

(c) Any person who believes that an elderly person, protected person, or incapacitated adult is suffering financial exploitation due to the intentional misappropriation or misuse of funds or undue influence may bring an action for a protective order pursuant to this section in the magistrate court or circuit court in the county in which the elderly person, protected person, or incapacitated adult resides: *Provided*, That an action for relief brought in the magistrate court of the county of residence of the elderly person, protected person, or incapacitated adult believed to be the victim of financial exploitation to stay further diminution of the persons assets shall be temporary in nature.

(d) An action under this section is commenced by the filing of a verified petition. Temporary relief may be granted without notice to the person alleged to be engaging in financial exploitation and without that person being present.

(e) If a magistrate court grants the petition and issues a temporary protective order, the magistrate court shall immediately transfer the matter to the circuit court of the county in which the petition was filed. Upon receipt of the notice of transfer from the magistrate court, the circuit court shall set the matter for a review hearing within 20 days. After a hearing, the circuit court may issue a permanent protective order containing any relief the circuit court determines necessary to protect the alleged victim if the court finds by a preponderance of the evidence that:

(1) The respondent has committed an act against the victim that constitutes financial exploitation; and

(2) There is reasonable cause to believe continued financial exploitation will occur unless relief is granted; or

(3) The respondent consents to entry of the permanent protective order.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2618 - “A Bill to amend and reenact §55-7J-1 of the Code of West Virginia, 1931, as amended, relating to amending the definition of the terms ‘financial exploitation’ or ‘financially exploit’ to include the use of undue influence resulting in diminishment of assets of an elderly person, protected person or incapacitated adult; authorizing cause of action in magistrate and circuit court for financial exploitation due to intentional misappropriation or misuse of funds or undue influence against an elderly person, protected person or incapacitated adult; temporary relief may be granted without notice to the respondent; providing for issuance of protective orders; providing protective orders issued by a magistrate court are temporary; requiring magistrate court to transfer matter to circuit court upon issuance of a temporary protective order; setting time frame for hearing; and authorizing circuit court to issue a permanent protective order under stated circumstances.”

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. 733**), and there were—yeas 93, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: S. Brown, Howell, McGeehan, Sponaugle, C. Thompson and Wilson.

Absent and Not Voting: Cooper.

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. 2618) passed.

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

In accordance with House Rule 58, and having voted on the prevailing side, Delegate Pack moved that the House of Delegates reconsider its action on the vote (Roll No. 731) to concur in the Senate amendment to **Com. Sub. for H. B. 2503**.

On the motion to reconsider the vote on concurrence, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 734**), and there were—yeas 55, nays 44, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Kump, Lavender-Bowe, Longstreth, C. Martin, P. Martin, McGeehan, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

The question now before the House being the motion to concur in the Senate amendments, the same was put and prevailed.

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. 735**), and there were—yeas 74, nays 25, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, S. Brown, Byrd, Canestraro, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Lavender-Bowe, McGeehan, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, C. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper.

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. 2503) 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. 2709, Relating to hunting licenses.

On motion of Delegate Kessinger, the House of Delegates refused to concur in the following amendment of the bill by the Senate and requested the Senate to recede therefrom:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 1. THE STATE AND ITS SUBDIVISIONS.

ARTICLE 7. THE PROTECT OUR RIGHT TO UNITE ACT.

§1-7-1. Legislative purpose.

(a) The purpose of this article is to protect an individual’s right to support nonprofit organizations that represent their beliefs and the nonprofit organization’s right to keep the names and addresses of its supporters confidential by codifying the landmark United States Supreme Court decision in *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958). If a public agency actor violates this protection by making an individual’s name, address, and support for nonprofit groups public, either by publication on a public website or other type of broadcast, this article gives the citizen a right to bring suit for relief.

(b) It is the intent of this article to recognize that compelled disclosure of membership lists by a public agency actor is a trespass upon fundamental freedoms protected by the Due Process Clause of the Fourteenth Amendment, as held by the United States

Supreme Court in *NAACP v. Alabama ex rel. Patterson*. Therefore, this article should be liberally construed in favor of the individual right to association to ensure that private association is not discouraged or suppressed by any actions of the public servants of this state.

§1-7-2. Definitions.

For the purposes of this article:

‘Citizen’ means an individual who is a United States citizen and any entity domiciled in the United States, but does not include any foreign agent, foreign government, or noncitizen.

‘Donor information’ means any record which identifies the association of a citizen with an entity, including information that does not directly identify the citizen but which, in combination with other information, would allow a reasonable person to identify the citizen involved. Donor information includes, but is not limited to, a citizen’s name, address, occupation, employer, or any electronic or technical data, including social media accounts, email accounts, location data, or other identifying information.

‘Public agency’ means any department, office, commission, board, or division of state government; and any county, city, district, or other political subdivision or municipal corporation or any department, office, commission, court, or board or any other state or local government unit, however designated.

§1-7-3. Protecting privacy of association.

(a) Except as otherwise provided in chapters 3 and 6B of this code, or as specified in subsection (c) or subsection (d) of this section, no public agency may require any entity organized under Section 501(c) of the Internal Revenue Code to provide it with donor information: *Provided*, That where the state or a public agency nevertheless obtains donor information, it may not be released unless otherwise permitted in chapters 3 and 6B of this code or as otherwise permitted under this section.

(1) The state or public agency may not release, allow to be released, nor be required to release any record which identifies the association of a citizen with an entity organized under Section 501(c) of the Internal Revenue Code, or which identifies the type or level of financial or nonfinancial support of a citizen for such an entity, without the express written permission of the entity or citizen or at the request of the citizen.

(2) All donor information is exempt from production under the state's Freedom of Information Act, §29B-1-1 et seq. of this code.

(b) The state or a public agency may satisfy subsection (a) of this section by redacting from a record any donor information that would tend to show association of citizens, including nonspecific information that would allow a reasonable person to identify the citizen or citizens involved.

(c) This section does not preclude any lawful order or request for information issued by a court of competent jurisdiction.

(d) This section does not preclude any lawful request for discovery by a public agency in litigation: *Provided*, That both of the following qualifications are met:

(1) The requesting party demonstrates a compelling need for the donor information; and

(2) The donor information is subject to a protective order barring distribution of the donor information to any individual not directly involved in the litigation.

§1-7-4. Enforcement by state or private citizen action.

(a) A citizen has a cause of action to enjoin any violation of this article and to recover any actual damages incurred by him or her as a result of the violation.

(b) If the plaintiff prevails, he or she is entitled to be reimbursed by the state or public agency for costs and attorneys' fees he or she has incurred. If the defendant state or public agency prevails, each party is responsible for their own attorneys' fees and costs, except

as determined by any applicable statutes or common law rule concerning frivolous cases.

(c) If the judge or jury finds that the violation by the state or public agency was intentional, the amount of the judgment, which for this purpose includes costs and attorneys' fees, may be trebled as punitive damages.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-27. Necessity for license.

(a) Except as otherwise provided by law, no resident who has reached his or her 15th birthday and who has not reached his or her 65th birthday before January 1, 2012, and no nonresident shall at any time take, hunt, pursue, trap for, kill, or chase any wild animals, wild birds, or fish for, take, kill or catch any fish, amphibians, or aquatic life of any kind whatsoever in this state without first having secured a license or permit and then only during the respective open seasons, except that a nonresident who has not reached his or her 15th birthday may fish for, take, kill, or catch any fish, amphibians, or aquatic life of any kind whatsoever in this state without first having secured a license or permit. A person under the age of 15 years shall not hunt or chase any wild animals or wild birds upon lands of another unless accompanied by a licensed adult.

(b) A resident or nonresident member of any club, organization, or association or persons owning or leasing a game preserve or fish preserve, plant, or pond in this state shall not hunt or fish therein without first securing a license or permit as required by law: *Provided*, That resident landowners or their resident children, or bona fide resident tenants of land, may, without a permit or license, hunt and fish on their own land during open seasons in accordance with laws and rules applying to such hunting and fishing unless the lands have been designated as a wildlife refuge or preserve.

(c) Licenses and permits shall be of the kinds and classes set forth in this article and shall be conditioned upon the payment of the fees established for the licenses and permits.

(d) The list of names, addresses, and other contact information of all licensees compiled and maintained by the division as a result of the sale and issuance of any resident or nonresident licenses or stamps under this chapter is exempt from disclosure under the Freedom of Information Act, §29B-1-1 et seq. of this code: Provided, That the records specified in this section shall be available to all law-enforcement agencies and other governmental entities authorized to request or receive such records.”

And,

By amending the title of the bill to read as follows:

H. B. 2709 - “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; and to amend and reenact §20-2-27 of said code, all relating generally to protecting the right to privacy and association of the citizens of West Virginia; creating the Protect Our Right to Unite Act; declaring legislative purpose; defining terms; providing that no public agency may require nonprofit entities to disclose donor information, subject to certain exceptions; providing that where the state or a public agency obtains donor information it may not be released, subject to certain exceptions; providing exemption from Freedom of Information Act requests; providing for redaction of donor information; providing exception for court orders; providing exception for discovery requests under certain conditions; providing civil remedies; providing for the payment of attorneys’ fees and costs, and in certain circumstances, treble damages; and providing that the name, address, and other contact information of persons having obtained certain fishing and wildlife authorizations from the Division of Natural resources are exempt from the Freedom of Information Act.”

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, to take effect July 1, 2019, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2761, Modernizing the self-service storage lien 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 14. SELF-SERVICE STORAGE LIEN ACT.

§38-14-2. Definitions.

As used in this article, unless the context clearly requires otherwise:

(1) ‘Default’ means the failure by the occupant to perform on time any obligation or duty set forth in the rental agreement or this article;

~~(2) ‘Late fee’ means a fee or charge assessed for a default;~~

~~(3) ‘Leased space’ means the individual storage space at the self service facility which is leased or rented to an occupant pursuant to a rental agreement;~~

~~(4) ‘Occupant’ means a person entitled to the use of a leased space at a self service storage facility under a rental agreement, or the person’s sublessee, successor or assign;~~

~~(5) ‘Owner’ means the owner, operator, lessor or sublessor of a self service storage facility or the person’s agent or any other person authorized to manage the facility or to receive rent from any~~

~~occupant under a rental agreement. The owner of a self-service storage facility is not a warehouseman as defined in section one hundred two, article seven, chapter forty six of this code unless the owner issues a warehouse receipt, bill of lading or other document of title for the personal property stored, in which event the owner and the occupant are subject to the provisions of article seven, chapter forty six of this code dealing with warehousemen;~~

~~(6) ‘Personal property’ means movable property not affixed to land and includes, but is not limited to, goods, wares, merchandise, motor vehicles and household items and furnishings;~~

~~(7) ‘Primary address’ means that address provided by the occupant in the rental agreement or the address provided by the occupant in a subsequent notice of a change of address;~~

~~(8) ‘Rental agreement’ means any agreement or lease that establishes or modifies the terms, conditions or rules concerning the lawful and reasonable use and occupancy of a self-service storage facility;~~

~~(9) ‘Secondary address’ means any address provided on the rental agreement and is in addition to the primary address;~~

~~(10) ‘Self service storage facility’ means any real property used for renting or leasing individual storage spaces, other than storage spaces which are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants have access for storing or removing their personal property; and~~

~~(11) ‘Self service storage lien’ means a lien imposed on the personal property of an occupant by the owner of a self service storage facility~~

(2) ‘Last known address’ means that address or electronic mail address provided by the occupant in the rental agreement or the address or electronic mail address provided by the occupant in a subsequent written notice of a change of address;

(3) 'Leased space' means the individual storage space at the self-service storage facility which is rented to an occupant pursuant to a rental agreement;

(4) 'Occupant' means a person, a sublessee, successor, or assign, entitled to the use of a leased space at a self-service storage facility under a rental agreement;

(5) 'Operator' means the owner, operator, lessor, or sublessor of a self-service storage facility, an agent, or any other person authorized to manage the facility. The operator is not a warehouseman, unless the operator issues a warehouse receipt, bill of lading, or other document of title for the personal property stored;

(6) 'Personal property' means movable property, not affixed to land. Personal property includes goods, wares, merchandise, motor vehicles, trailers, watercraft, and household items and furnishings;

(7) 'Rental agreement' means any written agreement that establishes or modifies the terms, conditions, or rules concerning the use and occupancy of leased space at a self-service storage facility;

(8) 'Self-service storage facility' means any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a 'self-service' basis; and

(9) 'Verified mail' means any method of mailing that is offered by the United States Postal Service or private delivery service that provides evidence of mailing.

§38-14-3. Self-service storage lien.

(a) The ~~owner~~ operator has a ~~self-service storage~~ lien on all personal property stored within each leased space for agreed rent, labor, ~~or late fees, and~~ other charges and for expenses reasonably incurred in its sale or ~~destruction~~ disposition pursuant to this article. The ~~self-service storage~~ lien attaches as of the date the personal property is stored within each leased space and remains a

lien until the occupant has satisfied the terms of the rental agreement.

(b) In the case of any motor vehicle or watercraft which is subject to a lien previously recorded on the certificate of title, the owner operator has a self-service storage lien on the vehicle or watercraft so as long as the motor vehicle or watercraft remains stored within the leased space.

(c) The rental agreement ~~must~~ shall contain:

(1) A statement ~~in bold type~~ advising the occupant of the existence of the self-service storage lien and that the personal property stored within the leased space may be sold to satisfy the self-service storage lien or destroyed if the value of the property would not reasonably discharge the costs of the sale and self-service storage lien if the occupant is in default;

(2) ~~A space for a secondary address immediately following the space provided for the primary address; and~~

(3) ~~A statement that the occupant may not store hazardous waste or contraband in the leased space.~~

(2) A statement advising the occupant that personal property stored in the leased space may be towed or removed from the self-service storage facility if the personal property is a motor vehicle, trailer, or watercraft and the occupant is in default for more than 60 days; and

(3) A statement advising the occupant that a sale of personal property stored in the leased space to satisfy the lien if the occupant is in default may be advertised:

(A) In a newspaper of general circulation in the jurisdiction where the sale is to be held or where the self-service storage facility is located;

(B) By electronic mail or text; or

(C) On an online website.

§38-14-4. Late fees.

The ~~owner~~ operator may charge a late fee not to exceed \$10 ~~or ten~~ \$20 or 20 percent of the monthly rental fee, whichever is greater, for each month the occupant defaults for a period of ~~fifteen~~ five days or more.

§38-14-5. Enforcement of ~~self-service storage~~ lien.

~~(a) (1) If an occupant is in default under a rental agreement and the owner wishes to enforce the lien, the owner shall notify the occupant of the default in a form as prescribed by subsection (c) of this section. If the default is not cured within sixty days after the service of the notice, the owner may:~~

~~(A) Proceed to enforce the self-service storage lien by selling the contents of the occupant's unit at public auction, for cash, and apply the proceeds to satisfaction of the self-service storage lien, with the surplus, if any, to be disbursed as provided in this article; or~~

~~(B) Destroy the personal property if he or she can demonstrate by photographs or other images and affidavit of a knowledgeable and credible person that the personal property lacks a value sufficient to cover the reasonable expense of a public auction plus the amount of the self-service storage lien;~~

~~(2) In the case of personal property having a fair market value in excess of \$1,000 and against which a secured party has filed a financing statement in the name of the occupant with the Secretary of State or in the office of the clerk of the county commission in the county where the self-service storage facility is located or in the county in West Virginia shown as the last known address of the occupant or if the personal property is a motor vehicle or watercraft required by the laws of this state to be registered and the Division of Motor Vehicles shows a lien on the certificate of title, the owner shall notify the lienholder of record, by certified mail, at the address on the financing statement or certificate of title, of the time and place of the proposed public auction, at least thirty days prior to the auction. At any time prior to the public sale or destruction, a~~

~~secured party may pay the reasonable fees and costs due to the person possessing the self-service storage lien and take possession of the personal property which is subject to the lien;~~

~~(3) If a lienholder of record of the personal property cannot be ascertained, the name of 'Jane Doe' shall be substituted in the proceedings brought under this article and no written notice is required except as prescribed by subsection (c) of this section. Whenever a motor vehicle or watercraft is sold under the provisions of this article, the Division of Motor Vehicles shall issue a certificate of title and registration to the purchaser upon the purchaser's application containing the serial or motor number of the vehicle or watercraft purchased, together with an affidavit by the person conducting the public auction, evidencing compliance with the provisions of this article.~~

~~(b) The owner may, without judicial process, deny the occupant access to the personal property stored at the self-service storage facility if the occupant has been in default for fifteen days. *Provided*, That the owner clearly states in the rental agreement that he or she may deny the occupant access to the personal property stored in the rental space after a default lasting fifteen or more days and the owner maintains a conspicuous sign on the premises of the self-service storage facility stating the name, street address and telephone number of the owner or the owner's designated agent who the occupant may contact to redeem his or her personal property and upon redemption, the occupant or lienholder be permitted access to his or her personal property at a time not later than the close of business on the next following business day.~~

~~(c) Anytime after the occupant has been in default and before the owner can sell or destroy the occupant's personal property in accordance with the terms of this article, the owner shall send a notice of default, by regular mail, and registered or certified mail, postage prepaid, to the occupant at the occupant's last known primary address and secondary address, if any. The notice of default shall include:~~

~~(1) An itemized statement of the owner's claim, indicating the charges due on the date of the notice, the date when the charges~~

became due and those charges that will accrue through the date of sale or destruction of the occupant's personal property;

(2) A demand for payment of the charges due to the owner with an address where payment can be made;

(3) A statement that the contents of the occupant's leased space are subject to the owner's self-service storage lien;

(4) A conspicuous statement that unless the claim is paid prior to the enforcement of the self-storage lien:

(A) The personal property contained in the occupant's space will be sold at public auction at a specified time and place which may not be less than sixty days from the date of the service; or

(B) The personal property contained in the occupant's space will be disposed of at a commercially reasonable cost to the occupant at a specified time and place which may not be less than sixty days from the date of the service; and

(d) At any time prior to the public auction or destruction of the personal property pursuant to this section the occupant may pay the full amount necessary to satisfy the self-service storage lien. A lienholder of record may pay an amount not to exceed \$175 for incurred rental fees, late fees and safekeeping of the property in addition to an amount not to exceed \$75 for notice and redeem only the personal property subject to the lien.

(e)(1) Any owner who conducts a public auction pursuant to this section may satisfy the self-service storage lien from the proceeds of the public auction and hold the balance, if any, for delivery on demand to the occupant. If an owner complies with the provisions of this article, his or her liability to the occupant is limited to the net proceeds less the amount of the self-service storage lien and costs received at the public auction;

(2) If an owner conducts a public auction pursuant to this section, the owner's liability to a lienholder is limited to the proceeds received at the public auction, less the amount of the self-service storage lien and costs. If an owner complies with the

~~provisions of this article, the owner is not liable to a lienholder who fails to claim an interest in the net proceeds within thirty days after the public auction.~~

~~(f) Any public auction of the personal property shall be held at the self-service storage facility or at the nearest suitable place to where the personal property is held or stored. An advertisement shall be published in a newspaper of general circulation in the county or municipality in which the public auction is to be held not less than twenty days prior to the public auction. The advertisement must state the:~~

~~(1) Fact that it is a public auction;~~

~~(2) Date, time and location of the public auction;~~

~~(3) Date, time and location which the property may be inspected; and~~

~~(4) Form of payment acceptable.~~

~~(g) A purchaser in good faith of any personal property sold or otherwise disposed of pursuant to this article takes the property free and clear of any rights of persons against whom the lien was valid.~~

~~(h) Any notice made pursuant to this section is presumed delivered when it is deposited with the United States postal service and properly addressed with postage prepaid.~~

(a)(1) If the occupant is in default for a period of more than 60 days, the operator may enforce the lien by selling the personal property stored in the leased space at a public sale or dispose of the personal property if the operator can demonstrate by photographs or other images and affidavit of a knowledgeable and credible person that the personal property lacks a value sufficient to cover the reasonable expense of a public auction plus the amount of the self-service storage lien.

(2) Proceeds from the sale shall be applied to satisfy the lien, and any surplus shall be disbursed as provided in subsection (e) of this section.

(b)(1) Before conducting a sale under subsection (a) of this section, the operator shall, subject to subdivision (2) of this subsection, notify the occupant of the default by hand delivery, verified mail, electronic mail, or text at the occupant's last known address.

(2)(A) The operator may not notify the occupant of the default by electronic mail unless:

(i) The rental agreement specifies, in bold type, that notice may be given by electronic mail or text; and

(ii) The occupant provides the occupant's initials next to the statement in the rental agreement specifying that notice of default may be given by electronic mail or text.

(B) If the operator notifies the occupant of the default by electronic mail or text at the occupant's last known address and does not receive a response, return receipt, or a confirmation of delivery, the operator shall send the notice of default to the occupant by hand delivery or by verified mail to the occupant's last known postal address.

(C) Additional requirements for members of the military apply under the Soldiers and Sailors Relief Act, 50 U.S.C. §§3901-4043.

(3) The notice shall include:

(A) A statement that the contents of the occupant's leased space are subject to the operator's lien;

(B) A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges which will become due before the date of sale, and the date those additional charges will become due;

(C) A demand for payment of the charges due within a specified time, not less than 14 days after the date that the notice was mailed;

(D) A statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold at a specified time and place; and

(E) The name, street address, and telephone number of the operator, or his or her designated agent, whom the occupant may contact to respond to the notice.

(4) (A) Subject to paragraph (B) of this subdivision, at least three days before conducting a sale under this section, the operator shall advertise the time, place, and terms of the sale:

(i) In a newspaper of general circulation in the jurisdiction where the sale is to be held;

(ii) By electronic mail; or

(iii) On an online website.

(B) The operator may not advertise the sale in the manner provided under subparagraph (i) or (iii) of this paragraph unless the occupant provides the occupant's initials next to the statement in the rental agreement required under this article.

(c) The operator may dispose of the personal property if the operator has complied with subsection (b) of this section and the property has not been purchased.

(d) At any time before a sale under this section, the occupant may pay the amount necessary to satisfy the lien and redeem the occupant's personal property.

(e) A sale under this section shall be held at the self-service storage facility where the personal property is stored, on an online auction website, or at any other location reasonably determined by the operator.

(f)(1) If a sale is held under this section, the operator shall:

(A) Satisfy the lien from the proceeds of the sale; and

(B) Mail the balance, if any, by certified mail to the occupant at the occupant's last known address of the occupant.

(2) (A) If the balance is returned to the operator after the operator mailed the balance in the manner required under paragraph (B), subdivision (1) of this subsection, the operator shall hold the balance for one year after the date of sale for delivery on demand to the operator.

(B) After expiration of the one-year period, the balance is presumed abandoned.

(g) A purchaser in good faith of any personal property sold under this article takes the property free and clear of any rights of persons against whom the lien was valid.

(h) If the operator complies with the provisions of this article, the operator's liability to the occupant is limited to the net proceeds received from the sale of the personal property less the amount of the operator's lien.

(i) If an occupant is in default, the operator may deny the occupant access to the leased space.

(j)(1)(A) Notices sent to the operator shall be sent to the self-service storage facility where the occupant's personal property is stored by hand delivery or verified mail.

(B) Notices to the occupant shall be sent to the occupant at the occupant's last known address.

(2) Notices shall be considered delivered when:

(A) Deposited with the United States Postal Service or a private delivery service, properly addressed as provided in subsection (b) of this section, with postage prepaid; or

(B) Sent by electronic mail to the occupant's last known address.

(k)(1) If the occupant is in default for more than 60 days and the personal property stored in the leased space is a motor vehicle,

trailer, or watercraft, the operator may have the personal property towed or removed from the self-service storage facility in lieu of a sale authorized under subsection (a) of this section.

(2) The operator is immune from civil liability for any damage to the personal property towed or removed from the self-service storage facility under subdivision (1) of this subsection that occurs after the person that undertakes the towing or removal of the personal property takes possession of the personal property.

(1) If a rental agreement specifies a limit on the value of personal property that may be stored in the occupant's leased space, the limit is the maximum value of the stored personal property.

(m) Nothing in this article impairs or affects the rights of the parties to create additional rights, duties, and obligations in and by virtue of the rental agreement.

§38-14-7. Duties; care, custody, and control of property.

(a) The ~~owner~~ operator shall use reasonable care in maintaining the self-service storage facility for the purposes of storage of personal property. ~~and may not offer to sell insurance to the occupant to cover the owner's risk or lack of care~~

~~(b) Prior to the sale or destruction of personal property pursuant to this section, the owner shall prepare a detailed inventory of all personal property to be sold or destroyed and shall maintain the inventory listing for a period of two years from the date of the sale or destruction of the property. The occupant shall have access to the inventory listing for the period during which it is maintained by the owner~~

(e) (b) Unless the rental agreement specifically provides otherwise, the exclusive care, custody, and control of all personal property stored in the leased space remains vested in the occupant.

(d) (c) An occupant may not use a self-service storage facility for residential purposes.

(e) (d) An occupant may not store hazardous waste or contraband in the leased space. ~~An owner who discovers hazardous waste or contraband in a leased space shall promptly notify the appropriate law enforcement agency and is authorized to deliver the hazardous waste or contraband to the appropriate law enforcement agency~~

§38-14-8. Savings clause.

All rental agreements entered into prior to July 1, ~~2004~~ 2019, which have not been extended or renewed after that date remain valid and may be enforced or terminated in accordance with their terms or as permitted by any other statute or law of this state.

§38-14-9. Effective date and application of article.

The provisions of this article apply to all rental agreements entered into or extended or renewed after July 1, ~~2004~~ 2019.”

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. 736**), and there were—yeas 84, nays 15, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: S. Brown, Cadle, Diserio, Doyle, Fleischauer, Fluharty, Hansen, J. Jeffries, Paynter, Pushkin, Pyles, Robinson, Rowe, C. Thompson and Walker.

Absent and Not Voting: Cooper.

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. 2761) passed.

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 737**), and there were—yeas 91, nays 8, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: S. Brown, Cadle, Fleischauer, Hansen, P. Martin, Paynter, Robinson and Walker.

Absent and Not Voting: Cooper.

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. 2761) takes effect July 1, 2019.

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 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

H. B. 3044, Requiring the Commissioner of Highways to develop a formula for allocating road funds.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Clements, Swope and Beach.

On motion of Delegate Kessinger, the House reconsidered its action on refusing to concur in the amendment of the bill by the Senate. The House then concurred with further amendment offered by Delegate Howell, on page two, section three, by striking out section three in its entirety and inserting in lieu thereof a new section three to read as follows:

“§17-30-3. Formula for allocation of funds.

(a) Prior to the beginning of the regular legislative session in 2020, the commissioner shall develop and propose a formula for the effective and efficient allocation of state road funds among the districts and counties in this state, to be promulgated as a legislative rule.

(b) The commissioner shall include, but not be limited to, the following factors in the formula developed pursuant to this section:

(1) The population served in each county according to the most recent United States Census;

(2) The amount of population growth in each county according to the most recent United States Census projection;

(3) The number of total lane miles in a county and their condition;

(4) The approximate number of vehicle miles travelled within a county;

(5) The approximate number of heavy truck miles travelled within a county; and

(6) The number of bridges in a county and their condition.

(c) Before developing the formula required by this section, the commissioner shall review and consider all public comments submitted to the commissioner pursuant to §17-30-4 of this code.”

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 738**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3044) 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. 3057, Relating to the Adult Drug Court Participation Fund.

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. DRUG OFFENDER ACCOUNTABILITY AND TREATMENT ACT.

§62-15-9a. Adult Drug Court Participation Fund created.

(a) ~~There is created within the State Treasury a~~ The special revenue fund created within the State Treasury designated the Adult Drug Court Participation Fund to be administered by the West Virginia Supreme Court of Appeals is hereby continued. The fund shall consist of moneys received from individuals participating in an adult drug court program.

(b) ~~The fund shall consist of moneys received from individuals participating in an adult drug court program.~~ All moneys collected by the Administrator of the Supreme Court of Appeals for participation in the court’s adult drug court program shall be deposited into the Adult Drug Court Participation Fund. Any moneys remaining in the fund at the end of a fiscal year shall remain in the fund and be available for expenditure during the ensuing fiscal year.

(c) All moneys deposited into the State Treasury and credited to the Adult Drug Court Participation Fund shall be used to pay the costs associated with maintaining and administering the court’s adult drug court programs.

(d) ~~All moneys collected by the Administrator of the Supreme Court of Appeals for participation in the court’s adult drug court~~

~~program shall be deposited into the Adult Drug Court Participation Fund. Expenditures from the fund shall be for the purpose set forth in subsection (c) of this section and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with article three, chapter twelve of this code and upon fulfillment of the requirements of article two, chapter eleven b of this code: *Provided*, That for the fiscal year ending June 30, 2017, expenditures are authorized from collections rather than pursuant to appropriation by the Legislature~~

ARTICLE 15B. FAMILY DRUG TREATMENT COURT ACT

§62-15B-1. Oversight and implementation of family drug treatment courts.

(a) The Supreme Court of Appeals of West Virginia may implement a Family Drug Treatment Court pilot program in at least four circuits.

(b) Family drug treatment courts are specialized court dockets within the existing structure of West Virginia's court system offering judicial monitoring of intensive treatment and strict supervision of individuals with substance use disorder involved in a child abuse and neglect case pursuant to §49-4-601, et. seq.

(c) The Supreme Court of Appeals of West Virginia may:

(1) Provide oversight for the distribution of funds for family drug treatment courts;

(2) Provide technical assistance to family drug treatment courts;

(3) Provide training for judges who preside over family drug treatment courts;

(4) Provide training to the providers of administrative, case management, and treatment services to family drug treatment courts; and

(5) Monitor the completion of evaluations of the effectiveness and efficiency of family drug treatment courts in the state.

(d) A state family drug treatment court advisory committee shall be established to

(1) Evaluate and recommend standards for the planning and implementation of family drug treatment courts;

(2) Assist in the evaluation of their effectiveness and efficiency;

(3) Encourage and enhance cooperation among agencies that participate in their planning and implementation; and,

(4) Report by January 1, annually, to the Legislative Oversight Commission on Health and Human Resources Accountability regarding legislation to enhance family drug treatment courts.

(e) The committee shall be chaired by the Chief Justice of the Supreme Court of Appeals of West Virginia or his or her designee and shall include a circuit court judge who presides over a family drug treatment court; the Director of the Office of Drug Control Policy or the executive assistant to the director; Cabinet Secretary of the Department of Health and Human Resources or his or her designee; the commissioners or their designee of the following bureaus: the Bureau for Children and Families; the Bureau for Public Health; and the Bureau for Behavioral Health; the Executive Director of the West Virginia Prosecuting Attorneys Institute or his or her designee; the Executive Director of the West Virginia Public Defender Services or his or her designee; and the Executive Director of West Virginia CASA Association or his or her designee.

(f) Each circuit selected to establish a family drug treatment court shall establish and maintain a local family drug treatment court advisory committee. Each advisory committee shall ensure quality, efficiency, and fairness in the planning, implementation, and operation of the family drug treatment court or courts that serve the jurisdiction or combination of jurisdictions. Advisory committee membership shall include, but shall not be limited to the following people or their designees:

- (1) The family drug treatment court judge;
- (2) The prosecuting attorney of the county;
- (3) The public defender or a member of the county bar who represents individuals in child abuse and neglect cases;
- (4) The Community Service Manager of the Bureau of Children and Families of the Department of Health and Human Resources;
- (5) A court appointed special advocate, as applicable; and
- (6) Any other individuals selected by the family drug treatment court advisory committee.

§62-15B-2. Establish eligibility and policies procedures.

(a) Each local family drug treatment court advisory committee shall establish criteria for the eligibility and participation of adult respondents who have been adjudicated an abusing or neglecting parent pursuant to § 49-4-601(i) and who have been granted a post-adjudicatory improvement period pursuant to § 49-4-610(2) and who have a substance use disorder. Adult respondents who have been adjudicated for such abuse that the department is not required to make reasonable efforts to preserve the family as defined in § 49-4-604(b)(7) shall not be eligible for participation in any family drug treatment court.

(b) Participation by an adult respondent in a family drug treatment court shall be voluntary and made pursuant only to a written agreement into by and between the adult respondent and the department with concurrence of the court.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 3057 - “A Bill to amend and reenact §62-15-9a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §62-15B-1 and §62-15B-2, all relating generally to drug courts; removing certain restrictions on Drug Court Participation Fund

expenditures; providing for disposition of moneys from said fund at the end of a fiscal year; permitting the Supreme Court of Appeals of West Virginia to create a family drug treatment court pilot program; permitting the implementation of a family drug treatment court pilot program in at least four circuits; restricting family drug treatment courts to individuals with substance use disorders who are involved in a child abuse and neglect case; permitting the Supreme Court of Appeals of West Virginia provide oversight, technical assistance and training; establishing a state family drug treatment court advisory committee; establishing a local family drug treatment court advisory committee; requiring each local family drug treatment court advisory committee to establish criteria for the eligibility and participation of adult responders who have been adjudicated to be an abusive or neglectful parent and who have been granted a post-adjudicatory improvement period and who have a substance use disorder; prohibiting certain respondents from being eligible for participation in a family drug treatment court; and providing that participation by an adult respondent in a family drug treatment court shall be voluntary and made pursuant only to a written agreement by and between the adult respondent and the department with the concurrence of the court.”

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. 739**), 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: Cooper.

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. 3057) 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. 3139, Relating to funding of the Public Employees Health Insurance Program.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate, with further amendment:

**“CHAPTER 5. GENERAL POWERS AND AUTHORITY
OF THE GOVERNOR, SECRETARY OF STATE, AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES
INSURANCE ACT.**

§5-16-25. Reserve fund.

Upon the effective date of this section, the finance board shall establish and maintain a reserve fund for the purposes of offsetting unanticipated claim losses in any fiscal year. Beginning with the fiscal year 2002 plan and for each succeeding fiscal year plan, the finance board shall ~~transfer~~ maintain the actuarially recommended reserve in an amount no less than 10 percent of the projected total plan costs for that fiscal year ~~into~~ in the reserve fund, which is to be certified by the actuary and included in the final, approved financial plan submitted to the Governor and Legislature in accordance with the provisions of this article. ~~Any moneys saved in a plan year shall be transferred into the reserve fund. At the close of any fiscal year in which the balance in the reserve fund exceeds the recommended reserve amount by fifteen percent, the executive director shall transfer that amount to the West Virginia Retiree Health Benefit Trust Fund created in section two, article sixteen d of this chapter~~

CHAPTER 11B. DEPARTMENT OF REVENUE.

ARTICLE 2. STATE BUDGET OFFICE.

§11B-2-15a. PEIA Rainy Day Fund.

(a) There is hereby created in the State Treasury a special account, designated the PEIA Rainy Day Fund, which is an interest-bearing account administered by the Secretary of Revenue in accordance with the provisions of this section.

(b) The PEIA Rainy Day Fund shall consist of moneys collected from income from investment of moneys held in the special revenue account, and all other sums available for deposit to the account, public or private. Any balance remaining in the special revenue account at the end of the fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and may be used in a manner consistent with this article.

(c) The Secretary of Revenue, upon the written approval of the Governor, may transfer moneys from the PEIA Rainy Day Fund to the Public Employees Insurance Agency only to (1) reduce or prevent benefit cuts, (2) reduce premium increases, or (3) any combination thereof. The amount of moneys transferred may be included in the calculation of any plan year aggregate premium cost-sharing percentages between employers and employees.

(d) The Secretary of Revenue may contract with the West Virginia Investment Management Board, or the West Virginia Board of Treasury Investments, for any services with respect to fund investments which the secretary considers necessary.

(e) The Secretary of Revenue may promulgate legislative rules, and emergency rules as provided in §29A-3-15 of this code, as the secretary considers necessary to implement and administer the provisions of this section.”

And,

By amending the title of the bill to read as follows:

H. B. 3139 - “A Bill to amend and reenact §5-16-25 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11B-2-15a, all relating generally to funding of Public Employees Health Insurance Program; requiring the finance board to maintain a reserve fund at actuarially recommended amounts of at least 10 percent of plan

costs; removing requirement to transfer moneys resulting from plan savings into reserve fund; removing requirement that excess funds be transferred to West Virginia Retiree Health Benefit Trust Fund; establishing PEIA Rainy Day Fund as special, nonexpiring, interest-bearing revenue account in the State Treasury; providing for the administration of the fund, including investment of funds, transfer of funds, and purposes for which the fund can be used; and authorizing the promulgation of emergency and legislative rules.”

The further amendment offered by Delegate Summers and adopted by the House being on page three, section fifteen-a, line four, subsection (b), following the words “(b) The PEIA Rainy Day Fund”, by striking out the words “shall consist of moneys collected from” and inserting in lieu thereof the words “may consist of moneys appropriated by the Legislature” and a comma.

And,

The further title amendment offered by Delegate Summers and adopted by the House being as follows:

H. B. 3139 - “A Bill to amend and reenact §5-16-25 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11B-2-15a, all relating generally to funding of Public Employees Health Insurance Program; requiring the finance board to maintain a reserve fund at actuarially recommended amounts of at least 10 percent of plan costs; removing requirement to transfer moneys resulting from plan savings into reserve fund; removing requirement that excess funds be transferred to West Virginia Retiree Health Benefit Trust Fund; establishing PEIA Rainy Day Fund as special, nonexpiring, interest-bearing revenue account in the State Treasury; providing funding for the Fund from appropriations, investment income and other sources; providing for the administration of the fund, including investment of funds, transfer of funds, and purposes for which the fund can be used; and authorizing the promulgation of emergency and legislative rules.”

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 740**), 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: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3139) passed.

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

On this question, the yeas and nays were taken (**Roll No. 741**), 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: Cooper 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 (H. B. 3139) 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.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

Com. Sub. for S. B. 561, Permitting Alcohol Beverage Control Administration request assistance of local law enforcement.

On motion of Delegate Kessinger, the House concurred in the following amendment of the bill by the Senate, with further title amendment:

On page two, section three-ss, after the words “until 1:00 p.m.”, by striking out the following: If prior to July 1, 2019, a county commission had voted against 10:00 a.m. on premises sale, then

notwithstanding this section, on premises sales of nonintoxicating beer, wine, and alcoholic liquors shall not begin until 1:00 p.m.

The further title amendment offered by Delegate Shott and adopted by the House being as follows:

Com. Sub. for S. B. 561 - “A Bill to amend and reenact §7-1-3ss of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-18 of said code; to amend said code by adding thereto two new sections, designated §60-2-17a and §60-2-17b; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-2, §60-7-3, §60-7-4, §60-7-5, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto two new sections, designated §60-7-6a and §60-7-8a; to amend and reenact §60-8-34 of said code; and to amend and reenact §61-8-27 of said code, all relating to alcoholic beverages generally; creating a county option election on forbidding nonintoxicating beer, wine or alcoholic liquors to be sold, given or dispensed after 10:00 a.m. on Sundays in lieu of an county option election to permit such sales; delineating hours of unlawful sale on a Sunday generally; permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement; limiting the jurisdiction of such requested law enforcement assistance; implementing a \$100 operations fee and establishing special revenue account and fund; clarifying that consumption of alcoholic liquors in public is unlawful; clarifying that West Virginia licensees can only sell liquor by the drink with certain exceptions; clarifying prohibition on liquor bottle sales in Class A licenses; providing for a bottle service fee and establishing requirements for bottle service; clarifying certain licensing requirements for licensure; providing guidance on certain lawful conduct such as wine bottle sales and frozen drink machines; forbidding the operation of certain bring your own bottle establishments; creating a private fair and festival license; definitions; license requirements; license fee; creating the private hotel license and license fee; creating a private nine-hole golf course license and fee; removing the need for golf carts to be offered at licensed golf courses; definitions; license requirements; license fee; permitting a private resort hotel to have inner-connection with a resident brewer who has a brewpub; providing a

30-day requirement to issue or deny a completed license application; creating a reactivation fee for licensees who fail to timely file their renewal application and pay their annual license fees; permitting a license privilege for certain licensees to operate a connected but separately operated Class A on-premises license and a Class B off-premises license; clarifying that certain state-licensed gaming is permissible in a private club; clarifying permitted hours of operation for certain licensees; clarifying unlawful Sunday sales for certain wine licensees; and permitting minors to attend a private hotel, private nine-hole golf course, and a private fair or festival under certain conditions.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 742**), and there were—yeas 80, nays 19, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Butler, Fast, Graves, Hanna, Hollen, D. Jeffries, Jennings, D. Kelly, P. Martin, McGeehan, Pack, Paynter, Porterfield, Rohrbach, Toney, Waxman, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 561) passed.

Delegate C. Martin moved the bill take effect from its passage, which motion was withdrawn.

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 concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, of

Com. Sub. for S. B. 90, Transferring Safety and Treatment Program from DHHR to DMV.

On motion of Delegate Summers, the House concurred in the following Senate title amendment:

Com. Sub. for S. B. 90 - “A Bill to amend and reenact §17B-3-3c of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-5A-3 and §17C-5A-3a of said code, all relating to the Safety and Treatment Program; transferring the program from the Department of Health and Human Resources to the Division of Motor Vehicles; waiving license reinstatement fees in some circumstances; and providing for a method to reduce the license revocation period.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 743**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Canestraro, Fast, Fluharty and McGeehan.

Absent and Not Voting: Cooper and Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 90) 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 concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

S. B. 665, Allowing for expedited oil and gas well permitting.

Delegate Kessinger moved the House refuse to concur in the following amendment of the bill by the Senate and request the Senate to recede therefrom:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 6A. NATURAL GAS HORIZONTAL WELL CONTROL ACT.

§22-6A-7. Horizontal well permit required; permit fee; application; soil erosion control plan; well site safety plan; site construction plan; water management plan; permit fee; installation of permit number; suspension and transfer of a permit.

(a) It is unlawful for any person to commence any well work, including site preparation work which involves any disturbance of land, for a horizontal well without first securing from the secretary a well work permit pursuant to this article.

(b) Every permit application filed under this section shall be on a form as may be prescribed by the secretary, shall be verified, and shall contain the following information:

(1) The names and addresses of: (A) The well operator; (B) the agent required to be designated under subsection (k) of this section; and (C) every person whom the applicant shall notify under any section of this article, together with a certification and evidence that a copy of the application and all other required documentation has been delivered to all such persons;

(2) The names and addresses of every coal operator operating coal seams under the tract of land on which the well is or may be located, and the coal seam owner of record and lessee of record required to be given notice by §22-6A-5(a)(6) of this code, if any, if the owner or lessee is not yet operating the coal seams;

(3) The number of the well or other identification the secretary may require;

(4) The well work for which a permit is requested;

(5) The approximate total depth to which the well is to be drilled or deepened, or the actual depth if the well has been drilled;

the proposed angle and direction of the well; the actual depth or the approximate depth at which the well to be drilled deviates from vertical, the angle, and direction of the nonvertical well bore until the well reaches its total target depth or its actual final depth; and the length and direction of any actual or proposed horizontal lateral or well bore;

(6) Each formation in which the well will be completed if applicable;

(7) A description of any means used to stimulate the well;

(8) If the proposed well work will require casing or tubing to be set, the entire casing program for the well, including the size of each string of pipe, the starting point and depth to which each string is to be set and the extent to which each such string is to be cemented;

(9) If the proposed well work is to convert an existing well, all information required by this section, all formations from which production is anticipated, and any plans to plug any portion of the well;

(10) If the proposed well work is to plug or replug the well, all information necessary to demonstrate compliance with the legislative rules promulgated by the secretary in accordance with §22-6A-13 of this code;

(11) If the proposed well work is to stimulate a horizontal well, all information necessary to demonstrate compliance with the requirements of §22-6A-5(a)(7) of this code;

(12) The erosion and sediment control plan required under subsection (c) of this section for applications for permits to drill;

(13) A well site safety plan to address proper safety measures to be employed for the protection of persons on the site as well as the general public. The plan shall encompass all aspects of the operation, including the actual well work for which the permit was obtained, completion activities and production activities, and shall provide an emergency point of contact for the well operator. The

well operator shall provide a copy of the well site safety plan to the local emergency planning committee established pursuant to §15-5A-7 of this code for the emergency planning district in which the well work will occur at least seven days before commencement of well work or site preparation work that involves any disturbance of land;

(14) A certification from the operator that: (A) It has provided the owners of the surface described in §22-6A-10(b)(1), §22-6A-10(b)(2), and §22-6A-10(b)(4) of this code, the information required by §22-6A-16(b) and §22-6A-16(c) of this code; (B) that the requirement was deemed satisfied as a result of giving the surface owner notice of entry to survey pursuant to §22-6A-10(a) of this code; or (C) the notice requirements of §22-6A-16(b) of this code were waived in writing by the surface owner; and

(15) Any other relevant information which the secretary may reasonably require.

(c)(1) An erosion and sediment control plan shall accompany each application for a well work permit under this article. The plan shall contain methods of stabilization and drainage, including a map of the project area indicating the amount of acreage disturbed. The erosion and sediment control plan shall meet the minimum requirements of the West Virginia Erosion and Sediment Control Manual as adopted and from time to time amended by the department. The erosion and sediment control plan shall become part of the terms and conditions of any well work permit that is issued pursuant to this article and the provisions of the plan shall be carried out where applicable in the operation. The erosion and sediment control plan shall set out the proposed method of reclamation which shall comply with the requirements of §22-6A-14 of this code.

(2) For well sites that disturb three acres or more of surface, excluding pipelines, gathering lines and roads, the erosion and sediment control plan submitted in accordance with this section shall be certified by a registered professional engineer.

(d) For well sites that disturb three acres or more of surface, excluding pipelines, gathering lines and roads, the operator shall submit a site construction plan that shall be certified by a registered professional engineer and contains information that the secretary may require by rule.

(e) In addition to the other requirements of this section, if the drilling, fracturing, or stimulating of the horizontal well requires the use of water obtained by withdrawals from waters of this state in amounts that exceed 210,000 gallons during any 30-day period, the application for a well work permit shall include a water management plan, which may be submitted on an individual well basis or on a watershed basis, and which shall include the following information:

(1) The type of water source, such as surface or groundwater, the county of each source to be used by the operation for water withdrawals and the latitude and longitude of each anticipated withdrawal location;

(2) The anticipated volume of each water withdrawal;

(3) The anticipated months when water withdrawals will be made;

(4) The planned management and disposition of wastewater after completion from fracturing, refracturing, stimulation, and production activities;

(5) A listing of the anticipated additives that may be used in water utilized for fracturing or stimulating the well. Upon well completion, a listing of the additives that were actually used in the fracturing or stimulating of the well shall be submitted as part of the completion log or report required by §22-6A-5(a)(14) of this code;

(6) For all surface water withdrawals, a water management plan that includes the information requested in subdivisions (1) through (5) of this subsection and the following:

(A) Identification of the current designated and existing water uses, including any public water intakes within one mile downstream of the withdrawal location;

(B) For surface waters, a demonstration, using methods acceptable to the secretary, that sufficient in-stream flow will be available immediately downstream of the point of withdrawal. A sufficient in-stream flow is maintained when a pass-by flow that is protective of the identified use of the stream is preserved immediately downstream of the point of withdrawal; and

(C) Methods to be used for surface water withdrawal to minimize adverse impact to aquatic life; and

(7) This subsection is intended to be consistent with and does not supersede, revise, repeal, or otherwise modify §22-11-1 *et seq.*, §22-12-1 *et seq.*, or §22-26-1 *et seq.* of this code and does not revise, repeal, or otherwise modify the common law doctrine of riparian rights in West Virginia law.

(f) An application may propose and a permit may approve two or more activities defined as well work; however, a separate permit shall be obtained for each horizontal well drilled.

(g) The application for a permit under this section shall be accompanied by the applicable bond as required by §22-6A-15 of this code, the applicable plat required by §22-6A-5(a)(6) of this code, and a permit fee of \$10,000 for the initial horizontal well drilled at a location and a permit fee of \$5,000 for each additional horizontal well drilled on a single well pad at the same location.

(h)(1) An applicant may enter into an expedited permit application process with the secretary for a well permit and pay an additional expedited permit fee of \$30,000 for the initial horizontal well drilled at a location and an additional expedited permit fee of \$15,000 for each additional horizontal well drilled on a single well pad at the same location: *Provided*, That deep well permitting is excluded from this expedited permit process due to the independent board review and approval requirement which is outside the secretary's control.

(2) Upon entering into an expedited permit process and meeting all the criteria set forth in this article, the secretary shall issue or deny a permit within 45 days of the submission of a permit application under this article, unless the secretary seeks additional information or modification from the applicant, which would toll the 45 day period until the secretary receives the required responsive information from the applicant.

(3) Each day the agency exceeds: (A) The 45-day deadline for approval or denial of an expedited initial horizontal well drilled, the secretary shall refund \$2,000 per day up to and including day 60 after the submission of a permit application until the expedited fee is reduced to the normal permit fee amount; or (B) the 45-day deadline for approval or denial of an expedited permit for any additional horizontal well drilled on a single well pad at the same location, the secretary shall be required to refund \$1,000 per day up to and including day 60 after the submission of a permit application, until the expedited fee is reduced to the normal permit fee amount.

(4)(A) After all refunds are paid by the secretary, one half of the additional expedited permit fee shall be deposited in the Oil and Gas Operating Permit and Processing Fund and shall be used by the agency to cover costs to review, process, and approve or deny the applicable horizontal well permit applications and modifications pending before the agency, but not to exceed \$1,000,000 annually in combination with proceeds received through §22-6A-7(i)(4)(A) of this code and any residuary fee proceeds to be distributed as set forth in §22-6A-7(h)(4)(B) of this code.

(B) After all refunds are paid by the secretary, one half of the additional expedited permit fee, plus any residuary as set forth in §22-6A-7(h)(4)(A) of this code, shall be deposited in the Oil and Gas Reclamation Fund and used specifically for the reclamation and plugging of orphaned oil or gas wells.

(i)(1) An applicant may enter into an expedited permit modification application process with the secretary for a well permit and pay an expedited permit modification fee of \$5,000 for

the modification of the permit for any horizontal well drilled at a location. *Provided*, That deep well permit modifications are excluded from this expedited permit modification process if the modification is subject to independent board review and approval.

(2) Upon entering into an expedited permit modification process and meeting all the criteria set forth in this article, the secretary shall issue or deny a permit modification within 20 days of the submission of a permit modification application under this article, unless the secretary seeks additional information or further modification from the applicant, which would toll the 20 day period until the secretary receives the required responsive information from the applicant.

(3) Each day the agency exceeds the 20-day deadline for approval or denial of an expedited horizontal well permit modification, the secretary shall refund \$500 per day up to and including day 30 after the submission of an expedited permit modification application, until the expedited permit modification fee of \$5,000 is reduced to zero.

(4)(A) After all refunds are paid by the secretary, one half of the expedited permit modification fee shall be deposited in the Oil and Gas Operating Permit and Processing Fund and shall be used by the agency to cover costs to review, process, and approve or deny the applicable horizontal well permit applications and modifications pending before the agency, but not to exceed \$1,000,000 annually in combination with proceeds received through §22-6A-7(h)(4)(A) of this code and any residuary fee proceeds to be distributed as set forth in §22-6A-7(i)(4)(B) of this code.

(B) After all refunds are paid by the secretary, one half of the expedited permit modification fee, plus any residuary as set forth in §22-6A-7(i)(4)(A) of this code, shall be deposited in the Oil and Gas Reclamation Fund and used specifically for the reclamation and plugging of orphaned oil or gas wells.

(j) Any balance in the Oil and Gas Reclamation Fund, earmarked specifically for the reclamation and plugging of

orphaned oil or gas wells pursuant to §22-6A-7(h)(4)(B) and §22-6A-7(i)(4)(B) of this code, which remains at the end of any state fiscal year does not revert to the General Revenue Fund but shall remain in the special revenue account as indicated and may be used only as provided in §22-6-29(b) of this code. The revenues deposited in the Oil and Gas Reclamation Fund, earmarked specifically for the reclamation and plugging of orphaned oil or gas wells pursuant to §22-6A-7(h)(4)(B) and §22-6A-7(i)(4)(B) of this code may not be designated as nonaligned state special revenue funds under §11B-2-32 of this code.

~~(h)~~ (k) The well operator named in the application shall designate the name and address of an agent for the operator who is the attorney-in-fact for the operator and who is a resident of the State of West Virginia upon whom notices, orders, or other communications issued pursuant to this article or §22-11-1 *et seq.* of this code may be served, and upon whom process may be served. Every well operator required to designate an agent under this section shall, within five days after the termination of the designation, notify the secretary of the termination and designate a new agent.

~~(i)~~ (l) The well owner or operator shall install the permit number as issued by the secretary and a contact telephone number for the operator in a legible and permanent manner to the well upon completion of any permitted work. The dimensions, specifications, and manner of installation shall be in accordance with the rules of the secretary.

~~(j)~~ (m) The secretary may waive the requirements of this section and §22-6A-8, §22-6A-10, §22-6A-11, and §22-6A-24 of this code in any emergency situation if the secretary considers the action necessary. In that case the secretary may issue an emergency permit which is effective for not more than 30 days, unless reissued by the secretary.

~~(k)~~ (n) The secretary shall deny the issuance of a permit if the secretary determines that the applicant has committed a substantial violation of a previously issued permit for a horizontal well, including the applicable erosion and sediment control plan

associated with the previously issued permit, or a substantial violation of one or more of the rules promulgated under this article, and in each instance has failed to abate or seek review of the violation within the time prescribed by the secretary pursuant to the provisions of §22-6A-5(a)(1) and §22-6A-5(a)(2) of this code and the rules promulgated hereunder, which time may not be unreasonable.

(4) (o) If the secretary finds that a substantial violation has occurred and that the operator has failed to abate or seek review of the violation in the time prescribed, the secretary may suspend the permit on which the violation exists, after which suspension the operator shall forthwith cease all well work being conducted under the permit. However, the secretary may reinstate the permit without further notice, at which time the well work may be continued. The secretary shall make written findings of the suspension and may enforce the same in the circuit courts of this state. The operator may appeal a suspension pursuant to the provisions of §22-6A-5(a)(23) of this code. The secretary shall make a written finding of any such determination.

(m) (p) Any well work permit issued in accordance with this section may be transferred with the prior written approval of the secretary upon his or her finding that the proposed transferee meets all requirements for holding a well work permit, notwithstanding any other provision of this article or rule adopted pursuant to this article. Application for the transfer of any well work permit shall be upon forms prescribed by the secretary and submitted with a permit transfer fee of \$500. Within 90 days of the receipt of approval by the secretary, the transferee shall give notice of the transfer to those persons entitled to notice in §22-6A-10(b) of this code by personal service or by registered mail or by any method of delivery that requires a receipt or signature confirmation, and shall further update the emergency point of contact provided pursuant to subdivision (13), subsection (b) of this section.”

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. 744**), and there were—yeas 71, nays 28, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Boggs, S. Brown, Butler, Canestraro, Caputo, Diserio, Doyle, Evans, Fleischauer, Hansen, Hicks, Hornbuckle, Longstreth, P. Martin, Pushkin, Pyles, Rodighiero, Rowe, Skaff, Sponaule, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

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

In accordance with House Rule 58, on motion of Delegate Shott, the House of Delegates reconsidered its action on the vote to refuse to concur in the amendment of **H. B. 3143** by the Senate.

In absence of objection, the motion to refuse to concur in the amendment of the bill by the Senate was withdrawn.

On motion of Delegate Shott, the House then concurred in the Senate amendment with the following further amendment and title amendment:

On page one, following the article heading by inserting the following:

“§46A-4-101. Authority to make loans.

Unless a person has first obtained a license from the commissioner authorizing ~~him~~ the person to make regulated consumer loans, he ~~shall~~ or she may not engage in the business of:

Making regulated consumer loans; or

Taking assignments of ~~and~~ or undertaking direct collection of payments from or enforcement of rights against consumers arising from regulated consumer loans.

Provided, That the licensing provisions of this act do not pertain to any ‘collection agency’ as defined in, and licensed by, the ‘Collection Agency Act of 1973’ at W. Va. Code §47-16-1 et seq.”

And,

By amending the title of the bill to read as follows:

H. B. 3143 - “A Bill to amend and reenact §46A-4-101 and §46A-4-107 of the Code of West Virginia, 1931, as amended, all relating to requirements for making consumer loans in West Virginia; modifying the authority to make regulated consumer loans; providing that a person must first obtain a license from the Commissioner of Banking authorizing him or her to make regulated consumer loans before engaging in the business of making regulated consumer loans, taking assignments of or undertaking direct collection of payments from or enforcement of rights against consumers arising from regulated consumer loans; providing that the licensing provisions do not pertain to any collection agencies as defined and licensed by the West Virginia Collection Agency Act of 1973; and, adjusting threshold amounts of consumer loans for which certain finance charges can be imposed.”

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 745**), and there were—yeas 75, nays 24, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Kump, Lavender-Bowe, Longstreth, Lovejoy, Miley,

Pushkin, Robinson, Rowe, Staggers, C. Thompson, Walker and Williams.

Absent and Not Voting: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3143) passed.

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 241, Permitting county court clerks scan certain documents in electronic form.

Conference Committee Report

Delegate C. Martin, from the Committee of Conference on matters of disagreement between the two houses, as to

Com. Sub. for S. B. 241, Permitting county court clerks scan certain documents in electronic form.

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill 241 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate agree to the amendments of the House of Delegates to the bill and that both houses agree to a new title, to read as follows:

Com. Sub. for S. B. 241 - “A Bill to amend and reenact §39-1-11 of the Code of West Virginia, 1931, as amended, relating to writings to be recorded under the direction of the county clerk; permitting the clerk, with authorization from the county commission, to scan and make available online when financially feasible certain documents in electronic form rather than in well-bound books, not prepare indices in separate books, and replace existing books by scanning them in approved electronic format; requiring that existing books be retained; providing exception to retention of books; requiring that copies of documents in electronic format are stored on an off-site server; and updating terms.”

Respectfully submitted,

Dave Sypolt, *Chair*,
Chandler Swope,
Douglas E. Facemire,

Carl Martin, *Chair*,
Kenneth P. Hicks,
Evan Worrell,

*Conferees on the part of the
Senate.*

*Conferees on the part of the
House of Delegates.*

On motion of Delegate C. Martin, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 746**), 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: Cooper and Staggers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 241) passed.

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 317, Authorizing three or more adjacent counties form multicounty trail network authority.

Conference Committee Report

Delegate Howell, from the Committee of Conference on matters of disagreement between the two houses, as to

Com. Sub. for S. B. 317, Authorizing three or more adjacent counties form multicounty trail network authority.

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Committee Substitute for Committee Substitute for Senate Bill 317 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting clause, and agree to the same as follows:

“ARTICLE 17. MULTICOUNTY TRAIL NETWORK AUTHORITIES.

§20-17-1. Legislative findings.

The West Virginia Legislature finds that outdoor recreation is an increasingly vital part of the state’s economy and that outdoor

recreation participants spend billions of dollars annually in the state and support a significant number of local jobs.

The Legislature further finds that well-managed areas for trail-oriented recreation in the state will increase outdoor recreational tourism, increasing revenue to the state and creating more jobs for West Virginia citizens.

The Legislature further finds that, with the cooperation of private landowners, there is an opportunity to provide citizens and recreational tourists with greater access to trail-oriented recreation by incorporating private property into recreational trail systems and areas throughout West Virginia to provide significant economic and recreational benefits to communities in the state.

The Legislature further finds that, under an appropriate contractual and management scheme, well-managed trail systems may exist on private property without diminishing the landowner's interest, control, or profitability in the land and without increasing the landowner's exposure to liability.

The Legislature further finds that creating and empowering multicounty trail network authorities, that can work with the landowners, county officials, community leaders, state and federal government agencies, recreational user groups, and other interested parties to expand trail systems will greatly assist in improving and linking recreational trail systems.

The Legislature further finds that it is in the best interests of the state to encourage private landowners to make land available for public use, through multicounty trail network authorities, for recreational purposes by limiting landowner liability for injury to persons entering thereon, by limiting landowner liability for injury to the property of persons entering thereon, and by limiting landowner liability to persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon.

§20-17-2. Definitions.

Unless the context clearly requires a different meaning, the terms used in this article have the following meanings:

(1) ‘Adjacent county’ means a nonparticipating county that directly borders any participating county in a multicounty trail network authority;

(2) ‘Authority’ means a multicounty trail network authority created pursuant to this article;

(3) ‘Board’ means the board of a multicounty trail network authority;

(4) ‘Contiguous counties’ means a group of counties in which each county shares the border of at least one other county in the group;

(5) ‘Fee’ means the amount of money asked in return for an invitation to enter or go upon a recreational area of a trail network, including a one-time fee for a particular event, amusement, occurrence, adventure, incident, experience, or occasion as set by an authority, which may differ in amount for different categories of participants;

(6) ‘Land’ or ‘property’ includes, but is not limited to, roads, water, watercourses, private ways, buildings, premises, structures, and machinery or equipment, when attached to the realty;

(7) ‘Owner’ or ‘owner of land’ means a person vested with title to real estate and those with the ability to exercise control over real estate and includes, but is not limited to, a tenant, lessee, licensee, holder of a dominant estate, or other lawful occupant;

(8) ‘Participant’ means any person using a recreational area of a trail network for recreational purposes;

(9) ‘Person’ means any public or private corporation, institution, association, society, firm, organization, or company organized or existing under the laws of this or any other state or country; the State of West Virginia; any state governmental agency; any political subdivision of the state or of its counties or municipalities; a sanitary district; a public service district; a drainage district; a conservation district; a watershed improvement district; a partnership, trust, or estate; a person or individual; a

group of persons or individuals acting individually or as a group; any other legal entity; or any authorized agent, lessee, receiver, or trustee of any of the foregoing;

(10) ‘Participating county’ means one of the three or more counties forming a multicounty trail network authority;

(11) ‘Recreational area’ means the recreational trails and appurtenant facilities, including trail head centers, parking areas, camping facilities, picnic areas, recreational areas, historic or cultural interpretive sites, and other facilities or attractions that are a part of a multicounty trail network authority system; and

(12) ‘Recreational purposes’ means:

(A) Any outdoor activity undertaken, or practice or instruction in any such activity, for the purpose of exercise, relaxation, or pleasure, including, but not limited to any one or any combination of the following noncommercial recreational activities: Hunting, fishing, swimming, boating, kayaking, camping, picnicking, hiking, rock climbing, bouldering, bicycling, horseback riding, spelunking, nature study, water skiing, winter sports, and visiting, viewing, or enjoying historical, archaeological, scenic, or scientific sites, aircraft, or ultralight operations on private airstrips or farms, or otherwise using land for purposes of the user;

(B) Parking on or traversing land, outside of the state road system, for the purpose of engaging in a recreational activity described in paragraph (A) of this subdivision; or

(C) Maintaining or making improvements on land, including, but not limited to, artificial improvements for the purpose of making the land accessible or usable for a recreational activity described in paragraph (A) of this subdivision.

§20-17-3. Multicounty trail network authorities authorized; addition of counties; merger of existing authorities.

(a) For the purposes of this article, three or more contiguous counties may, upon approval of the county commission of each county desiring to participate, form a multicounty trail network

authority. An authority established pursuant to this section is a public corporation and a joint development entity existing for the purpose of facilitating the development and operation of a system of recreational trails and areas throughout the participating counties. Such trails will be designated and made available for recreational purposes with significant portions of the trails system being located on private property throughout West Virginia, made available for use through lease, license, easement, or other appropriate legal form by a willing landowner.

(b) An adjacent county may join a multicounty trail network authority as a participating county upon approval of both the board of the authority and the county commission of the adjacent county wishing to become a participating county.

(c) Two or more existing authorities may merge and become a single authority encompassing the participating counties in each merging authority upon approval of the board of each authority. Upon merger of two or more authorities, the board of the newly created authority will be composed of all board members serving on the board of each merging authority at the time the merger takes place. Thereafter, the authority will fill any vacancies and appoint board members as required by §20-17-4 of this code. The board of the newly created authority shall adopt appropriate procedures and bylaws to ensure that the newly created authority complies with all requirements of this article.

§20-17-4. Board; quorum; executive director; expenses; application of state Freedom of Information Act.

(a) The board is the governing body of an authority and the board shall exercise all the powers given the authority in this article. The county commission of each participating county shall appoint two members to the board, as follows:

(1) Each participating county shall appoint one member who represents and is associated with a corporation or individual landowner whose land is being used or is expected to be used in the future as part of the authority's recreational area. This member shall be appointed to a four-year term.

(2) Each participating county shall appoint one member who is an experienced instructor, guide, or participant in recreational activities in the county or an individual who represents and is associated with travel, tourism, economic development, land surveying, or relevant engineering efforts within the county. The initial appointment for this member shall be for a two-year term, but all subsequent appointments shall be for a four-year term.

(3) Any appointed member whose term has expired shall serve until his or her successor has been duly appointed and qualified. Any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointed member is eligible for reappointment. Members of the board are not entitled to compensation for services performed as members but are entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties.

(b) Upon joining an existing authority as a participating county pursuant to §20-17-3 of this code, the newly participating county shall appoint board members only for the length of the unexpired terms of the authority's board members serving at the time the county joins the authority. Thereafter, the county shall appoint board members according to the regular appointment procedure provided in subsection (a) of this section.

(c) The board shall meet quarterly, unless a special meeting is called by its chairman. During the first meeting of each fiscal year beginning in an odd-numbered year, or as soon as feasible thereafter, the board shall elect a chairman, secretary, and treasurer from among its own members to serve for two-year terms.

(d) A majority of the members of the board constitutes a quorum and a quorum shall be present for the board to conduct business.

(e) The board may prescribe, amend, and repeal bylaws and rules governing the use of the trail system, safety standards for participants, and the manner in which the business of the authority is conducted.

(f) The board shall review and approve an annual budget. The fiscal year for an authority begins on July 1 and ends on the 30th day of the following June.

(g) The board shall appoint an executive director to act as its chief executive officer, to serve at the will and pleasure of the board. The board, acting through its executive director, may employ any other personnel considered necessary and retain such temporary legal, engineering, financial, and other consultants or technicians as may be required for any special study or survey consistent with the provisions of this article. The executive director shall carry out plans to implement the provisions of this article and to exercise those powers enumerated in the bylaws. The executive director shall prepare an annual budget to be submitted to the board for its review and approval prior to the commencement of each fiscal year. The budget shall contain a detailed account of all planned and proposed revenue and expenditures for the authority for the upcoming fiscal year, including a detailed list of employees by title, salary, cost of projected benefits, and total compensation. Before August 15 of each year, the executive director shall provide to the board and the county commission for each participating county a detailed list of actual expenditures and revenue, by account and recipient name, for the previous fiscal year and a copy of the approved budget for the current fiscal year.

(h) All costs incidental to the administration of the authority, including office expenses, personal services expenses, and current expenses, shall be paid in accordance with guidelines issued by the board from funds accruing to the authority.

(i) All expenses incurred by an authority in carrying out the provisions of this article shall be payable solely from funds that have accrued to the authority pursuant to this article. An authority may not incur liability or an obligation above the amount of funds that have accrued to the authority pursuant to this article.

(j) A multicounty trail network authority and the board is a 'public body' for purposes of the West Virginia Freedom of Information Act, as provided in §29B-1-1 *et seq.* of this code.

§20-17-5. Financial review and oversight.

(a) An authority shall contract for and obtain an annual financial audit to be conducted by a private accounting firm in compliance with generally accepted government auditing standards. When complete, the audit shall be transmitted to the board, the president of the county commission of each participating county, and the Legislative Auditor. The cost of the audit shall be paid by the authority.

(b) If an authority receives any funds from the Legislature by appropriation or grant, the Legislative Auditor shall have the power and authority to examine the revenues, expenditures, and performance of the authority, and, for these purposes, shall have the power to inspect the properties, equipment, and facilities of the authority and to request, inspect, and obtain copies of any records of the authority. For each fiscal year in which the authority receives any funds from the Legislature by appropriation or grant, the executive director shall provide to the Legislative Auditor and Secretary of Revenue a detailed list of actual expenditures and revenue by account and recipient name for the previous fiscal year within 45 days of the close of that fiscal year.

§20-17-6. Powers of an authority.

An authority, as a public corporation and joint development entity, may exercise all powers necessary or appropriate to carry out the purposes of this article, including, but not limited to, the power:

(1) To acquire, own, hold, and dispose of property, real and personal, tangible and intangible;

(2) To lease property, whether as lessee or lessor, and to acquire or grant through easement, license, or other appropriate legal form, the right to develop and use property and open it to the public;

(3) To mortgage or otherwise grant security interests in its property;

(4) To procure insurance against any losses in connection with its property, licenses, easements, operations, assets, or contracts, including hold-harmless agreements, in such amounts and from such insurers as the authority considers desirable;

(5) To maintain such sinking funds and reserves as the board determines appropriate for the purposes of meeting future monetary obligations and needs of the authority;

(6) To sue and be sued, implead and be impleaded, and complain and defend in any court;

(7) To contract for the provision of legal services by private counsel and, notwithstanding the provisions of §5-3-1 *et seq.* of this code, the counsel may, in addition to the provisions of other legal services, represent the authority in court, negotiate contracts and other agreements on behalf of the authority, render advice to the authority on any matter relating to the authority, prepare contracts and other agreements, and provide such other legal services as may be requested by the authority;

(8) To adopt, use, and alter at will a corporate seal;

(9) To make, amend, repeal, and adopt bylaws for the management and regulation of the authority's affairs;

(10) To appoint officers, agents, and employees and to contract for and engage the services of consultants;

(11) To make contracts of every kind and nature and to execute all instruments necessary or convenient for carrying out the purposes of this article, including contracts with any other governmental agency of this state or of the federal government or with any person, individual, partnership, or corporation;

(12) Without in any way limiting any other subdivision of this section, to accept grants and loans from, and enter into contracts and other transactions with, any federal agency;

(13) To maintain an office at such place or places within the state as it may designate;

(14) To borrow money, to issue notes, to provide for the payment of notes, to provide for the rights of the holders of notes, and to purchase, hold, and dispose of any of its notes;

(15) To issue notes payable solely from the revenue or other funds available to the authority, which may be issued in such principal amounts as necessary to provide funds for any purpose under this article, including:

(A) The payment, funding, or refunding of the principal of, interest on, or redemption premiums on notes issued by it, whether the notes or interest to be funded or refunded have or have not become due; and

(B) The establishment or increase of reserves to secure or to pay notes, or the interest on the notes, and all other costs or expenses of the authority incident to and necessary or convenient to carry out its corporate purposes and powers. Notes may be additionally secured by a pledge of any revenues, funds, assets, or moneys of the authority from any source;

(16) To issue renewal notes, except that no renewal notes may be issued to mature more than 10 years from the date of issuance of the notes renewed;

(17) To apply the proceeds from the sale of renewal notes to the purchase, redemption, or payment of the notes to be refunded;

(18) To accept gifts or grants of property, funds, security interests, money, materials, labor, supplies, or services from the federal government or from any governmental unit or any person, firm, or corporation, and to take appropriate measures in procuring, accepting, or disposing of gifts or grants;

(19) To the extent permitted under its contracts with the holders of notes of the authority, to consent to any modification of the rate of interest, time of payment of any installment of principal or interest, security or any other term of any note, contract or agreement of any kind to which the authority is a party;

(20) To construct, reconstruct, improve, maintain, repair, operate, and manage the recreational areas at the locations within the participating counties as may be determined by the authority;

(21) To enter into an agreement with the West Virginia Division of Natural Resources for natural resources police officers to provide law-enforcement services within the authority's recreational area and to reimburse the Division of Natural Resources for its costs therefor;

(22) To exercise all power and authority provided in this article necessary and convenient to plan, finance, construct, renovate, maintain, and operate or oversee the operation of the authority at such locations within the participating counties as may be determined by the authority;

(23) To exercise all of the powers which a corporation may lawfully exercise under the laws of this state;

(24) To develop, maintain, and operate or contract for the development, maintenance, and operation of the authority;

(25) To enter into contracts with landowners and other persons holding an interest in the land being used for its recreational facilities to hold those landowners and other persons harmless with respect to any claim in tort growing out of the use of the land for recreational purposes or growing out of the recreational activities operated or managed by the authority from any claim except a claim for damages proximately caused by the willful or malicious conduct of the landowner or any of his or her agents or employees;

(26) To assess and collect a reasonable fee from those persons who use the trails, parking facilities, visitor centers, or other facilities which are part of the recreational area and to retain and utilize that revenue for any purposes consistent with this article: *Provided*, That such fee does not constitute a 'charge' or a 'fee' within the meaning and for the purposes of §19-25-5 of this code: *Provided, however*, That the authority may not charge a fee for any user to enter or go upon any trail that is already open for use by the public without fee as of January 1, 2019;

(27) To enter into contracts or other appropriate legal arrangements with landowners under which land is made available for use as part of the recreational area;

(28) To directly operate and manage recreation activities and facilities within the recreational area;

(29) To promulgate and publish rules governing the use of the recreational area and the safety of participants, including rules designating particular trails or segments of trails within the recreational area for certain activities and limiting use of designated trails to such activities;

(30) To coordinate and conduct athletic races, competitions, or events within the recreational area, in cooperation with the county commissions of participating counties in which such events will take place; and

(31) To exercise such other and additional powers as may be necessary or appropriate to carry out the purposes of this article.

§20-17-7. Requirements for trail users and prohibited acts; criminal penalties.

(a) A person may not enter or remain upon a recreational area without a valid, nontransferable user permit issued by the appropriate authority and properly displayed, except properly identified landowners or leaseholders or their officers, employees, or agents while on the land that the person owns or leases for purposes related to the ownership or lease of the land.

(b) An authority may require recreational users to wear protective helmets or use safety equipment that the authority determines to be appropriate for the recreational activity in which the user is engaged.

(c) Each trail user operating a bicycle or mountain bicycle shall obey all traffic laws, traffic-control devices, and signs within the recreational area, including those which restrict trails to certain types of bicycles or mountain bicycles.

(d) Each trail user shall at all times remain within and on a designated and marked trail while within the recreational area.

(e) A person may not ignite or maintain any fire within the recreational area except in a designated camp site.

(f) A person may not operate a motor vehicle within the recreational area unless the person is authorized to operate a motor vehicle in the area to perform maintenance services or emergency response.

(g) A person who violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$100. Prosecution or conviction for the misdemeanor described in this subsection shall not prevent or disqualify any other civil or criminal remedies for the conduct prohibited by this section.

§20-17-8. Limiting liability.

(a) An owner of land used by an authority owes no duty of care to keep his or her land safe for entry or use by others for recreational purposes, or to give any warning of a dangerous or hazardous condition, use, structure, activity, or wild animal on such land to persons entering or going upon the land for such purposes. The provisions of this section apply regardless of whether the person entering or going upon the leased land is permitted to enter the land or is a trespasser.

(b) Unless otherwise agreed in writing, an owner of land who grants a lease, easement, or license of land to an authority for recreational purposes does not, by giving a lease, easement or license: (1) Extend any assurance to any person using the land that the land is safe for any purpose; (2) confer upon those persons the legal status of a party to whom a duty of care is owed; or (3) assume responsibility for or incur liability for any injury to person or property or death caused by an act or omission of a person who enters upon the leased land. The provisions of this section apply whether the person entering or going upon the leased land is permitted to enter the land or is a trespasser.

(c) Nothing in this section limits in any way any liability which otherwise exists for deliberate, willful, or malicious infliction of injury to persons or property: *Provided*, That nothing herein limits in any way the obligation of a person entering upon or using the land of another for recreational purposes to exercise due care in his or her use of the land and in his or her activities thereon, so as to prevent the creation of hazards or the commission of waste by himself or herself.

§20-17-9. Purchasing and bidding procedures; criminal penalties.

(a) *Purchasing and bidding procedures; criminal penalties.* —

(1) Whenever an authority proposes to purchase or contract for commodities or services reasonably anticipated to equal or exceed \$25,000 in cost, the purchase or contract shall be based on competitive bidding. Where the purchase of particular commodities or services is reasonably anticipated to be less than \$25,000, the executive director may, on behalf of the authority, solicit bids or price quotes in any manner that the executive director deems appropriate and the authority shall obtain its commodities or services by the lowest bid. In lieu of seeking bids or quotes for commodities or services in this price range, the authority may purchase those commodities and services pursuant to state prequalification agreements as provided in §5A-3-10e of this code.

(2) Where the cost for the purchase of commodities or services is reasonably anticipated to exceed \$25,000, the executive director shall solicit sealed bids for such commodities or services: *Provided*, That the executive director may permit bids by electronic transmission to be accepted in lieu of sealed bids. Bids shall be solicited by public notice. The notice shall be published as a Class II legal advertisement in all participating counties in compliance with the provisions of §59-3-1 *et seq.* of this code and by such other means as the executive director deems appropriate. The notice shall state the general character of the work and general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place for receiving bids. After all bids are received, the authority

shall enter into a written contract with the lowest responsible bidder; however, the authority may reject any or all bids that fail to meet the specifications required by the authority or that exceed the authority's budget estimation for those commodities or services. If the executive director determines in writing that there is only one responsive and responsible bidder and that there has been sufficient public notice to attract competitive bids, he or she may negotiate the price for a noncompetitive award or the specifications for a noncompetitive award based solely on the original purpose of the solicitation.

(3) For any contract that exceeds \$25,000 in total cost, the authority shall require the vendors to post a bond, with form and surety to be approved by the authority, in an amount equal to at least 50 percent of the contract price conditioned upon faithful performance and completion of the contract.

(4) The bidding requirements specified in this section do not apply to any leases for real property upon which the authority makes improvements for public access to the recreational area, information distribution, and welcome centers. This exemption does not apply to leases for offices, vehicle and heavy equipment storage, or administrative facilities.

(5) Any person who violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, shall be confined in jail not less than 10 days nor more than one year, or fined not less than \$10 nor more than \$1,000, or both fined and confined.

(b) Conflicts of interest in contracts prohibited. —

An authority or any of its board members, officers, employees, or agents may not enter into any contracts, agreements, or arrangements for purchases of services or commodities violating the requirements of §6B-2-5 or §61-10-15 of this code.

(c) Civil remedies. —

The county commission of a participating county in an authority may challenge the validity of any contract or purchase entered, solicited, or proposed by the authority in violation of this

section by seeking declaratory or injunctive relief in the circuit court of the county of the challenging party. If the court finds by a preponderance of evidence that the provisions of those sections have been violated, the court may declare the contract or purchase to be void and may grant any injunctive relief necessary to correct the violations and protect the funds of the authority as a joint development entity.

ARTICLE 17A. MOUNTAINEER TRAIL NETWORK RECREATION AUTHORITY.

§20-17A-1. Legislative findings; purpose.

The Legislature further finds that, with the cooperation of private landowners, there is an opportunity to provide trail-oriented recreation facilities primarily on private property in the mountainous terrain of the Potomac Highlands and north central West Virginia and that the facilities will provide significant economic and recreational benefits to the state and to the communities in the Potomac Highlands and north central West Virginia through increased tourism in the same manner as whitewater rafting, snow skiing, and utility terrain motor vehicle riding benefit the state and communities surrounding those activities.

The Legislature further finds that the creation and empowering of a joint development entity to work with the landowners, county officials and community leaders, state and federal government agencies, recreational user groups, and other interested parties to enable and facilitate the implementation of the facilities will greatly assist in the realization of these potential benefits.

The purpose of this article is to provide additional opportunities and regulatory authorization for recreational trail networks and to provide for increased access to recreational areas, including, but not limited to, creating a contiguous trail system that connects to the Chesapeake and Ohio Canal Tow Path.

§20-17A-2. Creation of Mountaineer Trail Network Recreation Authority and establishment of recreation area.

(a) There is hereby created the ‘Mountaineer Trail Network Recreation Authority’ consisting of representatives from the counties of Barbour, Grant, Harrison, Marion, Mineral, Monongalia, Preston, Randolph, Taylor, and Tucker organized pursuant to the provisions of §20-17-1 et seq. of this code. This authority is authorized to establish a Mountaineer Trail Network Recreation Area within the jurisdictions of those counties and the authority shall be subject to the powers, duties, immunities, and restrictions provided in §20-17-1 et seq. of this code. Visitors and participants in recreational activities within the trail network shall, in similar respects, be subject to the user requirements and prohibitions of §20-17-7 of this code.

(b) Notwithstanding subsection (a) of this section, an adjacent county may join the Mountaineer Trail Network Recreation Authority pursuant to the procedures set forth in §20-17-3(b) of this code.

(c) Notwithstanding subsection (a) of this section, the Mountaineer Trail Network Recreation Authority may merge with another multicounty trail network authority, pursuant to the procedures set forth in §20-17-3(c) of this code.

§20-17A-3. Recreational purposes.

The permitted recreational purposes for the Mountaineer Trail Network Recreation Area include, but are not limited to, any one or any combination of the following noncommercial recreational activities: Hunting, fishing, swimming, boating, camping, picnicking, hiking, bicycling, mountain bicycling, running, cross-country running, nature study, winter sports and visiting, viewing or enjoying historical, archaeological, scenic, or scientific sites.

§20-17A-4. Governing body and expenses

(a) The governing body of the authority shall be a board constituted according to the provisions of §20-17-4 of this code.

(b) All costs incidental to the administration of the authority, including office expenses, personal services expenses and current

expenses, shall be paid in accordance with guidelines issued by the board from funds accruing to the authority.

(c) All expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the authority of this article and according to the requirements of §20-17-1 et seq. of this code. No liability or obligation may be incurred by the authority under this article beyond the extent to which moneys have been provided under the authority of this article.

§20-17A-5. Protection for private landowners.

Owners of land used by the authority shall have the full benefit of the limitations of liability provided in §20-17-8 of this code.”

And,

That both houses agree to a new title, to read as follows:

Com. Sub. for S. B. 317 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8 and §20-17-9; and to amend said code by adding thereto a new article, designated §20-17A-1, §20-17A-2, §20-17A-3, §20-17A-4, and §20-17A-5, all relating generally to forming multicounty trail network authorities; creating a framework for establishment of multicounty trail network authorities and authorizing the formation of the Mountaineer Trail Network Recreation Authority; providing legislative findings; defining terms; providing that an authority is a public corporation and joint development entity; providing procedures for counties to join a trail network authority as a participating county and providing for the merger of two established authorities; providing for appointment of individuals to the board of an authority and for the filling of vacancies in the board; establishing the terms of appointment to a board; requiring quarterly meetings of a board; describing how a quorum is established; authorizing a board to promulgate bylaws and rules; providing that an authority is subject to Freedom of Information Act laws; describing the powers and

duties of an authority and its board; requiring a board to appoint an executive director; describing powers and duties of an executive director; authorizing employment of authority staff; requiring creation of an annual budget; providing for payment of an authority's expenses; allowing reimbursement of board member expenses; establishing financial audit requirements; requiring reporting and oversight of state funds; prohibiting certain actions by users of recreational area land and providing criminal penalties; limiting the liability of owners of land used by an authority; setting forth purchasing and bidding procedures for authority contracts and purchases; providing criminal penalties for violation of purchasing and bidding requirements; clarifying that certain provisions of the code prohibiting certain officers from having a pecuniary interest in contracts applies to board members, officers, personnel, and agents of an authority; providing civil remedies for participating counties challenging purchasing contracts violating certain requirements; establishing the Mountaineer Trail Network Recreation Authority and authorizing the creation of the Mountaineer Trail Network Recreation Area; identifying participating counties; authorizing counties to join the Mountaineer Trail Network Recreation Authority through certain procedures; authorizing the Mountaineer Trail Network Recreation Authority to merge with other multicounty trail network authorities through certain procedures; providing legislative findings and purposes for this authority; listing the recreational purposes for the recreation area; specifying manner of governance and payment of expenses; and ensuring liability protections for cooperating land owners."

Respectfully submitted,

Mark R. Maynard, *Chair*,
Randy Smith,
Robert D. Beach,

Gary G. Howell, *Chair*,
John Paul Hott,
Evan Hansen,

*Conferees on the part of the
Senate.*

*Conferees on the part of the
House of Delegates.*

On motion of Delegate Howell, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 747**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Maynard.

Absent and Not Voting: Cooper and Stagers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 317) passed.

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 481, Relating to Judicial Vacancy Advisory Commission.

Conference Committee Report

Delegate Kump, from the Committee of Conference on matters of disagreement between the two houses, as to

Com. Sub. for S. B. 481, Relating to Judicial Vacancy Advisory Commission.

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Committee Substitute for Senate Bill 481 having met, after full and

free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House, and the Senate and House agree to an amendment as follows:

On page two, section three-a, lines thirty through thirty-seven, by striking out all of subdivision (1) and subdivision (2) and inserting in lieu thereof a new subdivision (1) and subdivision (2), to read as follows:

(1) No more than two appointed members of the commission may be residents of the same state senatorial district, as provided in §1-2-1 of this code, at the time of appointment: *Provided*, That the members appointed to, and serving on, the commission prior to the enactment of this subdivision are not disqualified from service for the remainder of the member's term based on the residency requirements of this subdivision.

(2) No more than three appointed members of the commission may be residents of the same congressional district: *Provided*, That, if the number of congressional districts in the state is reduced to two, then no more than four appointed members of the commission may be residents of the same congressional district: *Provided, however*, That the members appointed to, and serving on, the commission prior to the date on which the number of congressional districts in the state is reduced to two are not disqualified from service for the remainder of the member's term based on the residency requirements of this subdivision.

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Com. Sub. for S. B. 481 - "A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended, relating to the Judicial Vacancy Advisory Commission; altering the residency requirements for members of the commission; providing that no more than two of the commission's appointed members

may be residents of the same state senatorial district; providing that if the number of congressional districts in the state is reduced to two, no more than four of the commission's appointed members may be residents of the same congressional district; providing that members appointed to, and serving on, the commission prior to the effective date of the new residency requirements will not be disqualified from serving for the remainder of their terms; and deleting obsolete language."

Respectfully submitted,

Ryan Weld, *Chair*,
Patricia Rucker,
Mike Romano,

Larry D. Kump, *Chair*,
Brandon Steele,
Nathan Brown,

*Conferees on the part of the
Senate.*

*Conferees on the part of the
House of Delegates.*

On motion of Delegate Kump, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 748**), 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: Cooper 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. 481) passed.

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended

by said report, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 487, Relating to admissibility of health care staffing requirements in litigation.

Conference Committee Report

Delegate Capito, from the Committee of Conference on matters of disagreement between the two houses, as to

Com. Sub. for S. B. 487, Relating to admissibility of health care staffing requirements in litigation.

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Senate Bill 487 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting clause, and agree to the same as follows:

ARTICLE 7B. MEDICAL PROFESSIONAL LIABILITY.

§55-7B-7a. Admissibility and use of certain information.

(a) In an action brought, there is a rebuttable presumption that the following information may not be introduced unless it applies specifically to the injured person or it involves substantially similar conduct that occurred within one year of the particular incident involved:

(1) A state or federal survey, audit, review, or other report of a health care provider or health care facility;

(2) Disciplinary actions against a health care provider's license, registration, or certification;

(3) An accreditation report of a health care provider or health care facility; and

(4) An assessment of a civil or criminal penalty.

(b) In any action brought alleging inappropriate staffing or inadequate supervision, if the health care facility or health care provider demonstrates compliance with the minimum staffing requirements under state law, the health care facility or health care provider is entitled to a ~~rebuttable~~ conclusive presumption that appropriate staffing was provided, and a rebuttable presumption that adequate supervision of patients to prevent accidents was provided, and the jury shall be instructed accordingly.

(c) If staffing is less than the requirements dictated by the applicable regulations, then there is a rebuttable presumption that there was inadequate supervision of patients and that inadequate staffing or inadequate supervision was a contributing cause of the patient's fall and injuries or death arising therefrom, and the jury shall be instructed accordingly.

(d) Information under this section may only be introduced in a proceeding if it is otherwise admissible under the West Virginia Rules of Evidence.

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Com. Sub. for S. B. 487 - "A Bill to amend and reenact §55-7B-7a of the Code of West Virginia, 1931, as amended, relating to the admissibility of health care staffing requirements in medical professional liability litigation; providing that compliance with minimum staffing requirements under state law creates a conclusive presumption that appropriate staffing was provided and a rebuttable presumption that adequate supervision of patients to prevent accidents was provided; requiring that if staffing is less than requirements dictated by state law then there is a rebuttable presumption that there was inadequate supervision of patients and that inadequate staffing or inadequate supervision was a

contributing cause of the patient's fall and resulting injuries or death; and requiring the jury be instructed accordingly.

Respectfully submitted,

Tom Takubo, *Chair*,
Greg Boso,
Mike Woelfel,

Moore Capito, *Chair*,
Geoff Foster,
Chad Lovejoy,
(*Did not sign.*)

*Conferees on the part of the
Senate.*

*Conferees on the part of the
House of Delegates.*

Delegate Capito moved that the report of the Committee of Conference be adopted.

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. 749**), and there were—yeas 50, nays 49, 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, Dean, Diserio, Doyle, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Shott, Skaff, Sponaugle, Staggers, Steele, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper.

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

Delegate Byrd moved that the bill be tabled.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 750**), and there were—yeas 45, nays 54, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Skaff, Sponaule, Staggers, Steele, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper.

So, a majority of the members present and voting not having voted in the affirmative, the motion to table the bill was rejected.

The bill, as amended by the Conference Committee report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 751**), and there were—yeas 54, nays 45, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Steele, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper.

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.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 522, Creating Special Road Repair Fund.

Conference Committee Report

Delegate Criss, from the Committee of Conference on matters of disagreement between the two houses, as to

Com. Sub. for S. B. 522, Creating Special Road Repair Fund,

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendments of the House to Second Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 522 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House of Delegates on page one, section seven, beginning on line one and agree to the same as follows:

By striking out subsections (a) and (b) in their entirety and inserting in lieu thereof the following:

“There is created a special sub-account in the State Road Fund, designated the Special Road Repair Fund, to be expended solely for the purposes specified in §17-30-1 *et seq.* of this code for the maintenance and repair of the state’s roads and highways. The Commissioner is hereby authorized to transfer no more than \$80 million to this sub-account from the State Road Fund in any fiscal year for the sole purpose of repairs of non-federal aid eligible roads.”

And, to amend the title to read as follows:

Com. Sub. for S. B. 522 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b; to amend said code by adding thereto a new section, designated §17-3-11; and to amend said code 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 enhancing maintenance and repair of the state’s roads and highways generally; establishing 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; requiring an annual update to the Joint Committee on Government and Finance; creating the Special Road Repair Fund as a sub-account of the State Road Fund; authorizing the Commissioner to transfer certain funds into the sub-account for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative finding and purpose of program; requiring Division of Highways county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; defining terms; providing requirements for Commissioner of Highways and districts; requiring for rulemaking; and requiring reporting by Division of Highways and Legislative Auditor.”

And,

That the Senate agree to the remaining amendments of the House of Delegates to the bill.

Respectfully submitted,

Vernon Criss, *Chair*,
Daniel Linville,
Jason Barrett,

Craig P. Blair, *Chair*,
Randy Smith,
Robert H. Plymale,

*Conferees on the part of the
Senate.*

*Conferees on the part of the
House of Delegates.*

On motion of Delegate Criss, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 752**), 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: Cooper and Jennings.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 522) passed.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

S. B. 596, Adjusting voluntary contribution amounts on certain DMV forms.

Conference Committee Report

Delegate Harshbarger, from the Committee of Conference on matters of disagreement between the two houses, as to

S. B. 596, Adjusting voluntary contribution amounts on certain DMV forms,

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the House to Senate Bill No.

596 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House of Delegates recede from its amendments to the bill;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

S. B. 596 - “A Bill to amend and reenact §17A-2-12a of the Code of West Virginia, 1931, as amended, relating to the ability of applicants to make voluntary contributions of specified dollar amounts to the West Virginia Department of Veterans Assistance on forms created by the Division of Motor Vehicles and adding thereto a category for unspecified amounts.”

Respectfully submitted,

Ryan W. Weld, *Chair*,
Dave Sypolt,
Glenn Jeffries,

Jason Harshbarger, *Chair*,
Chris Phillips,
William G. Hartman,

*Conferees on the part of the
Senate.*

*Conferees on the part of the
House of Delegates.*

On motion of Delegate Harshbarger, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 753**), 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: Cooper.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 596) passed.

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 405, Increasing limit on additional expenses incurred in preparing notice list for redemption.

Conference Committee Report

Delegate Pack, from the Committee of Conference on matters of disagreement between the two houses, as to

Com. Sub. for S. B. 405, Increasing limit on additional expenses incurred in preparing notice list for redemption,

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Com. Sub. for Senate Bill 405 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting clause, and agree to the same as follows:

ARTICLE 3. SALE OF TAX LIENS AND NONENTERED, ESCHEATED AND WASTE AND UNAPPROPRIATED LANDS

§11A-3-23. Redemption from purchase; receipt; list of redemptions; lien; lien of person redeeming interest of another; record.

(a) After the sale of any tax lien on any real estate pursuant to §11A-3-5 of this code, the owner of, or any other person who was entitled to pay the taxes on, any real estate for which a tax lien on the real estate was purchased by an individual may redeem at any time before a tax deed is issued for the real estate. In order to redeem, he or she shall pay to the State Auditor the following amounts:

(1) An amount equal to the taxes, interest and charges due on the date of the sale, with interest at the rate of one percent per month from the date of sale;

(2) All other taxes which have since been paid by the purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment;

(3) Any additional expenses incurred from January 1 of the year following the sheriff's sale to the date of redemption for the preparation of the list of those to be served with notice to redeem and any written documentation used for the preparation of the list, with interest at the rate of one percent per month from the date of payment for reasonable legal expenses incurred for the services of an attorney who has performed an examination of the title to the real estate and rendered written documentation used for the preparation of the list: ~~Provided, That the~~ The maximum amount the owner or other authorized person shall pay, excluding the interest, for the expenses incurred for the preparation of the list of those to be served required by §11A-3-19 of this code is ~~\$300~~ \$500: ~~Provided however, That the~~ An attorney may only charge a fee for legal services actually performed and must certify that he or she conducted an examination to determine the list of those to be served required by §11A-3-19 of this code; and

(4) All additional statutory costs paid by the purchaser.

(b) Where the State Auditor has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, and any written documentation used for the preparation of the list of those to be served with notice to redeem, including the certification required in subdivision (3), subsection

(a) of this section, incident thereto, in the form of receipts or other evidence of legal expenses, incurred as provided in section nineteen of this article, the person redeeming shall pay the State Auditor the sum of ~~\$300~~ \$500 plus interest at the rate of one percent per month from January 1 of the year following the sheriff's sale for disposition by the sheriff pursuant to the provisions of §11A-3-10, §11A-3-24, §11A-3-25, and §11A-3-32 of this code.

(c) The person redeeming shall be given a receipt for the payment and the written opinion or report used for the preparation of the list of those to be served with notice to redeem required by section nineteen of this article.

(d) Any person who, by reason of the fact that no provision is made for partial redemption of the tax lien on real estate purchased by an individual, is compelled in order to protect himself or herself to redeem the tax lien on all of the real estate when it belongs, in whole or in part, to some other person, shall have a lien on the interest of that other person for the amount paid to redeem the interest. He or she shall lose his or her right to the lien, however, unless within thirty days after payment he or she files with the clerk of the county commission his or her claim in writing against the owner of the interest, together with the receipt provided in this section. The clerk shall docket the claim on the judgment lien docket in his or her office and properly index the claim. The lien may be enforced as other judgment liens are enforced.

(e) Before a tax deed is issued, the county clerk may accept, on behalf of the State Auditor, the payment necessary to redeem any real estate encumbered with a tax lien and write a receipt. The amount of the payment necessary to redeem any real estate encumbered with a tax lien shall be provided by the State Auditor and the State Auditor shall update the required payments plus interest at least monthly.

(f) On or before the tenth day of each month, the county clerk shall deliver to the State Auditor the redemption money paid and the name and address of the person who redeemed the property on a form prescribed by the State Auditor.

§11A-3-25. Distribution of surplus to purchaser.

(a) Where the land has been redeemed in the manner set forth in §11A-3-23 of this code, and the State Auditor has delivered the redemption money to the sheriff pursuant to §11A-3-24 of this code, the sheriff shall, upon receipt of the sum necessary to redeem, promptly notify the purchaser or his or her heirs or assigns, by mail, of the fact of the redemption and pay to the purchaser or his or her heirs or assigns the following amounts:

(1) From the sale of tax lien surplus fund provided by §11A-3-10 of this code:

(A) The surplus of money paid in excess of the amount of the taxes, interest and charges paid by the purchaser to the sheriff at the sale; and

(B) The amount of taxes, interest and charges paid by the purchaser on the date of the sale, plus the interest at the rate of one percent per month from the date of sale to the date of redemption;

(2) All other taxes on the land which have since been paid by the purchaser or his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment to the date of redemption;

(3) Any additional reasonable expenses that the purchaser may have incurred from January 1 of the year following the sheriff's sale to the date of redemption for the preparation of the list of those to be served with notice to redeem and any written documentation used for the preparation of the list, in accordance with §11A-3-19 of this code, with interest at the rate of one percent per month from the date of payment, but the amount which shall be paid, excluding the interest, for the expenses incurred for the preparation of the list of those to be served with notice to redeem required by §11A-3-19 of this code shall not exceed the amount actually incurred by the purchaser or ~~\$300~~ \$500, whichever is less: *Provided*, That the attorney may only charge a fee for legal services actually performed and must certify that he or she conducted an

examination to determine the list of those to be served required by §11A-3-19 of this code; and

(4) All additional statutory costs paid by the purchaser.

(b) (1) The notice shall include:

(A) A copy of the redemption certificate issued by the State Auditor;

(B) An itemized statement of the redemption money to which the purchaser is entitled pursuant to the provisions of this section; and

(C) Where, at the time of the redemption, the State Auditor has not received from the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served with notice to redeem and any written documentation used for the preparation of the list in accordance with §11A-3-19 of this code, the State Auditor shall also include instructions to the purchaser as to how these expenses may be claimed.

(2) Subject to the limitations of this section, the purchaser is entitled to recover any expenses incurred in preparing the list of those to be served with notice to redeem and any written documentation used for the preparation of the list from January 1 of the year following the sheriff's sale to the date of the sale to the date of the redemption.

(c) Where, pursuant to §11A-3-23 of this code, the State Auditor has not received from the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served with notice to redeem, including written documentation used for preparation of the list, in the form of receipts or other evidence within thirty days from the date of notification by the State Auditor, the sheriff shall refund the amount to the person redeeming and the purchaser is barred from any claim. Where, pursuant to that section, the State Auditor has received from the person redeeming and therefore delivered to the sheriff the sum of ~~\$300~~ \$500 plus interest at the rate of one percent per month from January 1 of the year following the sheriff's sale to the date of the sale to the date

of redemption, and the purchaser provides the sheriff within thirty days from the date of notification satisfactory proof of the expenses, and the amount of the expenses is less than the amount paid by the person redeeming, the sheriff shall refund the difference to the person redeeming.

§11A-3-36. Operating fund for land department in Auditor's office.

(a) The Auditor shall establish a special operating fund for the land department in his or her office. He or she shall pay into such fund all redemption fees, all publication or other charges collected by him or her, if such charges were paid by or were payable to him or her, the unclaimed surplus proceeds received by him or her from the sale of delinquent and other lands pursuant to this article, and all payments made to him or her under the provisions of §11A-3-64 and §11A-3-65 of this code, except such part thereof as represents state taxes and interest. All payments so excepted shall be credited by the Auditor to the general school fund or other proper state fund.

(b) The operating fund shall be used by the Auditor in cases of deficits in land sales to pay any balances due to deputy commissioners for services rendered, and any unpaid costs including those for publication which have accrued or will accrue under the provisions of this article, to pay fees due surveyors under the provisions of §11A-3-43, and to pay for the operation and maintenance of the land department in his or her office. ~~The surplus over and above the amount of \$100,000, remaining in the fund at the end of any fiscal year, shall be paid by the Auditor into the general school fund.~~ The surplus over and above the amount of 20 percent of gross revenue from operation of the fund from the prior year, remaining at the end of any fiscal year, shall be paid by the Auditor into the General School Fund.

§11A-3-56. Redemption from purchase; receipt; list of redemptions; lien; lien of person redeeming interest of another; record.

(a) After the sale of any tax lien on any real estate pursuant to 11A-3-45 or §11A-3-48 of this code, the owner of, or any other person who was entitled to pay the taxes on, any real estate for which a tax lien thereon was purchased by an individual, may redeem at any time before a tax deed is issued therefor. In order to redeem, he or she must pay to the deputy commissioner the following amounts:

(1) An amount equal to the taxes, interest and charges due on the date of the sale, with interest thereon at the rate of one percent per month from the date of sale;

(2) ~~all~~ All other taxes thereon, which have since been paid by the purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment;

(3) ~~such~~ Such additional expenses as may have been incurred in preparing the list of those to be served with notice to redeem, and for any licensed attorney's title examination incident thereto, with interest at the rate of one percent per month from the date of payment, but the amount he or she shall be required to pay, excluding said interest, for such expenses incurred for the preparation of the list of those to be served with notice to redeem required by §11A-3-52 of this code, and for any licensed attorney's title examination incident thereto, shall not exceed ~~\$200~~ \$500. An attorney may only charge a fee for legal services actually performed and must certify that he or she conducted an examination to determine the list of those to be served required by §11A-3-52 of this code;

(4) ~~all~~ All additional statutory costs paid by the purchaser; and

(5) ~~the~~ The deputy commissioner's fee and commission as provided by §11A-3-66 of this code. Where the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, ~~and any examination of title~~ or of any licensed attorney's title examination incident thereto, in the form of receipts or other evidence thereof, the person redeeming shall pay the deputy commissioner the sum of ~~\$200~~ \$500 plus interest thereon at the rate

of one percent per month from the date of the sale for disposition pursuant to the provisions of §11A-3-57, §11A-3-58, and §11A-3-64 of this code. Upon payment to the deputy commissioner of those and any other unpaid statutory charges required by this article, and of any unpaid expenses incurred by the sheriff, the Auditor and the deputy commissioner in the exercise of their duties pursuant to this article, the deputy commissioner shall prepare an original and five copies of the receipt for the payment and shall note on said receipts that the property has been redeemed. The original of such receipt shall be given to the person redeeming. The deputy commissioner shall retain a copy of the receipt and forward one copy each to the sheriff, assessor, the Auditor and the clerk of the county commission. The clerk shall endorse on the receipt the fact and time of such filing and note the fact of redemption on his or her record of delinquent lands.

(b) Any person who, by reason of the fact that no provision is made for partial redemption of the tax lien on real estate purchased by an individual, is compelled in order to protect himself or herself to redeem the tax lien on all of such real estate when it belongs, in whole or in part, to some other person, shall have a lien on the interest of such other person for the amount paid to redeem such interest. He or she shall lose his or her right to the lien, however, unless within thirty days after payment he or she shall file with the clerk of the county commission his or her claim in writing against the owner of such interest, together with the receipt provided for in this section. The clerk shall docket the claim on the judgment lien docket in his or her office and properly index the same. Such lien may be enforced as other judgment liens are enforced.

§11A-3-57. Notice of redemption to purchaser; moneys received by sheriff.

(a) Upon payment of the sum necessary to redeem, the deputy commissioner shall promptly deliver to the sheriff the redemption money paid and the name and address of the purchaser, his or her heirs or assigns.

(b) Of the redemption money received by the sheriff pursuant to this section, the sheriff shall hold as surplus to be disposed of

pursuant to §11A-3-64 of this code an amount thereof equal to the amount of taxes, interest and charges due on the date of the sale, plus the interest at the rate of one percent per month thereon from the date of sale to the date of redemption.

§11A-3-58. Distribution to purchaser.

(a) Where the land has been redeemed in the manner set forth in §11A-3-56 of this code, and the deputy commissioner has delivered the redemption money to the sheriff pursuant to §11A-3-57 of this code, the sheriff shall, upon delivery of the sum necessary to redeem, promptly notify the purchaser, his or her heirs or assigns, by mail, of the redemption and pay to the purchaser, his or her heirs or assigns, the following amounts:

(1) The amount paid to the deputy commissioner at the sale;

(2) all other taxes thereon, which have since been paid by the purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment;

(3) such additional expenses as may have been incurred in preparing the list of those to be served with notice to redeem, and for any licensed attorney's title examination incident thereto, with interest at the rate of one percent per month from the date of payment, but the amount which shall be paid, excluding said interest, for such expenses incurred for the preparation of the list of those to be served with notice to redeem required by §11A-3-52 of this code, and for any licensed attorney's title examination incident thereto, shall not exceed ~~\$200~~ \$500; and

(4) all additional statutory costs paid by the purchaser.

(b) (1) The notice shall include:

(A) A copy of the redemption certificate issued by the deputy commissioner;

(B) An itemized statement of the redemption money to which the purchaser is entitled pursuant to the provisions of this section; and

(C) Where, at the time of the redemption, the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served with notice to redeem ~~and any~~ or for any licensed attorney's title examination incident thereto, the deputy commissioner shall also include instructions to the purchaser as to how these expenses may be claimed.

(2) Subject to the limitations of this section, the purchaser is entitled to recover any expenses incurred in preparing the list of those to be served with notice to redeem and for any licensed attorney's title examination incident thereto from the date of the sale to the date of the redemption.

(c) Where, pursuant §11A-3-56 of this code, the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, in the form of receipts or other evidence of legal expenses, and any or for any licensed attorney's title examination and rendered written documentation used for the preparation of the list incident thereto, in the form of receipts or other evidence thereof, and therefore received from the purchaser as required by said section and delivered to the sheriff the sum of ~~\$200~~ \$500 plus interest thereon at the rate of one percent per month from the date of the sale to the date of redemption, and the sheriff has not received from the purchaser such satisfactory proof of such expenses within thirty days from the date of notification, the sheriff shall refund such amount to the person redeeming and the purchaser is barred from any claim thereto. Where, pursuant to §11A-3-56 of this code, the deputy commissioner has received from the purchaser and therefore delivered to the sheriff said sum of ~~\$200~~ \$500 plus interest thereon at the rate of one percent per month from the date of the sale to the date of redemption, and the purchaser provides the sheriff within thirty days from the date of notification such satisfactory proof of such expenses, and the amount of such expenses is less than the amount paid by the person redeeming, the sheriff shall refund the difference to the person redeeming.

§11A-3-59. Deed to purchaser; record.

If the real estate described in the notice is not redeemed within the time specified therein, but in no event prior to 30 days after notices to redeem have been personally served, or an attempt of personal service has been made, or such notices have been mailed or, if necessary, published in accordance with the provisions of §11A-3-55 of this code, following the deputy commissioner's sale, the deputy commissioner shall, upon the request of the purchaser, make and deliver to the person entitled thereto a quitclaim deed for such real estate in form or effect as follows:

This deed, made this _____ day of _____, 20____, by and between _____, deputy commissioner of delinquent and nonentered lands of _____ County, West Virginia, grantor, and _____, purchaser (or _____ heir, devisee, assignee of _____, purchaser) grantee, witnesseth, that

Whereas, in pursuance of the statutes in such case made and provided, _____, deputy commissioner of delinquent and nonentered lands of _____ County, did, on the _____ day of _____, 20____, sell the real estate hereinafter mentioned and described for the taxes delinquent thereon for the year(s) 20____, (or as nonentered land for failure of the owner thereof to have the land entered on the land books for the years _____, or as property escheated to the State of West Virginia, or as waste or unappropriated property) for the sum of \$_____, that being the amount of purchase money paid to the deputy commissioner, and _____ (here insert name of purchaser) did become the purchaser of such real estate, which was returned delinquent in the name of _____ (or nonentered in the name of, or escheated from the estate of, or which was discovered as waste or unappropriated property); and

Whereas, the deputy commissioner has caused the notice to redeem to be served on all persons required by law to be served therewith; and

Whereas, the real estate so purchased has not been redeemed in the manner provided by law and the time for redemption set forth in such notice has expired.

Now, therefore, the grantor for and in consideration of the premises recited herein, and pursuant to the provisions of Article 3, Chapter 11A of the West Virginia Code, doth grant unto _____, grantee, his or her heirs and assigns forever, the real estate so purchased, situate in the County of _____, bounded and described as follows: _____ (here insert description of property)

Witness the following signature:

Deputy Commissioner of Delinquent and Nonentered Lands
of _____ County

Except when ordered as provided in §11A-3-60 of this code, the deputy commissioner shall execute and deliver a deed within 120 days after the purchaser's right to the deed accrued.

For the preparation and execution of the deed and for all the recording required by this section, a fee of \$50 and the recording expenses shall be charged, to be paid by the grantee upon delivery of the deed. The deed, when duly acknowledged or proven, shall be recorded by the clerk of the county commission in the deed book in his or her office, together with the assignment from the purchaser, if one was made, the notice to redeem, the return of service of such notice, the affidavit of publication, if the notice was served by publication, and any return receipts for notices sent by certified mail.

Upon payment of the final costs and fees required by this article, the purchaser shall have the right to inspect and perform necessary and reasonable repairs for the preservation of the real property: *Provided*, That the current occupant has a duty to preserve the property to the best of his or her ability and control.

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Com. Sub. for S. B. 405 - “A Bill to amend and reenact §11A-3-23, §11A-3-25, §11A-3-56, §11A-3-57, §11A-3-58, and §11A-3-59 of the Code of West Virginia, 1931, as amended, all relating to increasing the limit to \$500 on additional expenses a purchaser may recover in preparing notice list for redemption of purchase and for licensed attorney’s title examination.”

Respectfully submitted,

Gregory L. Boso, *Chair*,
Dave Sypolt,
Corey Palumbo,

Jeffrey Pack, *Chair*,
Tom Bibby,
Tim Tomblin,

*Conferees on the part of the
Senate.*

*Conferees on the part of the
House of Delegates.*

On motion of Delegate Pack, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 754**), and there were—yeas 78, nays 21, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Hansen, Longstreth, Lovejoy, Miley, Miller, Pushkin, Robinson, Rowe, Steele, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 405) passed.

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

Delegate Summers asked and obtained unanimous consent to return to further consideration of **Com. Sub. for S. B. 522**, Creating Special Road Repair Fund.

Delegate Summers then moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 755**), 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: Cooper.

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. 522) takes effect July 1, 2019.

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

On motion of Delegate Summers, at 11:16 p.m., the House of Delegates recessed for fifteen minutes.

* * * * *

Evening Session

* * * * *

-continued-

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, to take effect from passage, of

S. B. 435 - “A Bill supplementing and amending by increasing an existing item of appropriation and adding new item of

appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the State Board of Education, State Department of Education, fund 0313, fiscal year 2019, organization 0402, and to the State Board of Education, Vocational Division, fund 0390, fiscal year 2019, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

At the respective requests of Delegate Summers, and by unanimous consent, the bill (S. B. 435) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 756**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, S. Brown, Fast, Kump, Malcolm, P. Martin, Paynter and Staggers.

Absent and Not Voting: Cooper.

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.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 757**), and there were—yeas 77, nays 22, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Bibby, S. Brown, Butler, Canestraro, Fast, Foster, Graves, Hill, D. Jeffries, J. Jeffries, Jennings, Malcolm, P. Martin, McGeehan, Pack, Paynter, Phillips, Waxman, Worrell and Zukoff.

Absent and Not Voting: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 435) passed.

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

On this question, the yeas and nays were taken (**Roll No. 758**), and there were—yeas 84, nays 15, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bibby, S. Brown, Butler, Fast, Graves, D. Jeffries, J. Jeffries, Jennings, C. Martin, P. Martin, McGeehan, Paynter, Waxman and Worrell.

Absent and Not Voting: Cooper.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 435) takes effect from its passage.

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

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 completed the business of this First Regular Session of the 84th Legislature and was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates Foster, Sypolt and Boggs.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform

His Excellency, the Governor, that the Legislature was ready to adjourn *sine die*.

The Speaker appointed as members of such committee the following:

Delegates J. Kelly, Phillips and Byrd.

Miscellaneous Business

Delegate Porterfield announced a vote explanation regarding Roll No. 679, indicating that he inadvertently voted "Yea".

Delegate Jennings noted to the Clerk that he was absent on today when the vote was taken on Roll No. 752 and had he been present he would have voted "Yea" thereon.

Delegate Rohrbach noted to the Clerk that he was absent on today when the vote was taken on Roll Nos. 667 through 692 and had he been present he would have voted "Yea" thereon, with the exception of Roll No. 674 on which he would have voted "Nay".

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

- Delegate Sypolt regarding Preston County teen's death attributed to road conditions
- Delegate Kump regarding H. C. R. 33

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the title amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

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

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. 3044, Requiring the Commissioner of Highways to develop a formula for allocating road funds.

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. 3141, Requiring capitol building commission authorization for certain renovations.

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the further title amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

Com. Sub. for H. B. 2540, Prohibiting the waste of game animals, game birds or game fish.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had receded from its amendments, and passed, a bill of the House of Delegates as follows:

H. B. 2709, Relating to hunting licenses.

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. 108, Study of the peer-to-peer car sharing program.

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. 1, Increasing access to career education and workforce training.

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. 30, Eliminating tax on annuity considerations collected by life insurer.

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, to take effect July 1, 2019, of

S. B. 36, Allowing adjustment of gross income for calculating personal income liability for certain retirees.

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, to take effect July 1, 2019, of

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

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. 147, Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities.

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. 152, Relating generally to criminal offense expungement.

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, to take effect July 1, 2019, of

Com. Sub. for S. B. 291, Relating generally to survivor benefits for emergency response providers.

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. 345, Relating to fire service equipment and training funds for VFDs.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the further title amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 402, Authorizing Division of Forestry investigate and enforce timber theft violations.

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, to take effect from passage, of

S. B. 499, Amending WV tax laws to conform to changes in partnerships for federal income tax purposes.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the title amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 538, Relating to WV Highway Design-Build Pilot Program.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the title amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 539, Relating to accrued benefit of retirees in WV State Police Retirement System Plan B.

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. 550, Declaring certain claims to be moral obligations of state.

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. 554, Removing salary caps for director of State Rail Authority.

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, to take effect from passage, of

Com. Sub. for S. B. 600, Relating to preservation of biological evidence obtained through criminal investigations and trials.

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. 603, Exempting certain activities from licensing requirements for engaging in business of currency exchange.

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, to take effect from passage, of

Com. Sub. for S. B. 613, Requiring DNR include election of organ donation on hunting licenses.

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. 633, Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the further title amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

S. B. 635, Relating generally to coal mining activities.

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, to take effect July 1, 2019, of

S. B. 656, Relating to electronic filing of tax returns.

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. 669, Allowing appointment of commissioners to acknowledge signatures.

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, to take effect from passage, of

S. B. 677, Supplemental appropriation to Division of Health and Division of Human Services.

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, to take effect from passage, of

S. B. 679, Supplemental appropriation to Division of Finance.

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, to take effect from passage, of

S. B. 680, Supplemental appropriations to various divisions in DMAPS.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the adoption, as amended, of

Com. Sub. for S. C. R. 4, US Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the adoption, as amended, of

Com. Sub. for S. C. R. 40, US Army CPL Roy E. Clark Memorial Bridge.

Committee Reports

In accordance with House Rule 68, Delegate Capito, Chair of the Joint Committee on Enrolled Bills, filed the following reports with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the dates listed, 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:

March 9, 2019

Com. Sub. for H. B. 2183, Clarifying where a charge of DUI may be brought against an individual,

Com. Sub. for H. B. 2359, Relating to exemptions to the commercial driver's license requirements,

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

Com. Sub. for H. B. 2531, Permitting trained nurses to provide mental health services in a medication-assisted treatment program,

Com. Sub. for H. B. 2538, Providing banking services for medical cannabis,

Com. Sub. for H. B. 2609, Relating to presumptions of abandonment and indication of ownership in property,

And,

Com. Sub. for H. B. 2734, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities.

March 11, 2019

Com. Sub. for H. B. 3007, Authorizing the Commissioner of Agriculture to require background checks,

Com. Sub. for H. B. 3021, Relating to the disposition of permit fees, registration fees and civil penalties imposed against thoroughbred horse racing licensees,

H. B. 3045, Exempting certain complimentary hotel rooms from hotel occupancy tax,

H. B. 3083, Adding temporary work during the legislative session as exclusion to the term employment for purposes of unemployment compensation,

H. B. 3095, Establishing a minimum monthly retirement annuity for certain retirants,

And,

H. B. 3148, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

March 11, 2019

Com. Sub. for S. B. 72, Creating Sexual Assault Victims' Bill of Right,

Com. Sub. for S. B. 310, Establishing certain requirements for dental insurance,

Com. Sub. for S. B. 393, Protecting right to farm,

Com. Sub. for S. B. 408, Determining indigency for public defender services,

Com. Sub. for S. B. 441, Relating to higher education campus police officers,

Com. Sub. for S. B. 520, Requiring entities report drug overdoses,

S. B. 636, Authorizing legislative rules for Higher Education Policy Commission,

And,

Com. Sub. for S. B. 641, Relating to Primary Care Support Program.

March 13, 2019

Com. Sub. for H. B. 2020, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

March 13, 2019

H. B. 2665, Supplemental appropriation for PEIA Rainy Day Fee.

March 13, 2019

H. B. 2667, Supplemental appropriation to the Department of Military Affairs and Public Safety, Division of Corrections,

And,

H. B. 3135, Expiring funds to the balance of the Department of Commerce, Development Office.

March 13, 2019

S. B. 424, Supplemental appropriation to Civil Contingent Fund,

S. B. 435, Supplemental appropriation to State Department of Education and Vocational Division,

S. B. 677, Supplemental appropriation to Division of Health and Division of Human Services,

S. B. 678, Supplemental appropriation from State Excess Lottery Revenue Fund to Office of Technology,

S. B. 679, Supplemental appropriation to Division of Finance,

S. B. 680, Supplemental appropriations to various divisions in DMAPS,

And,

S. B. 681, Supplemental appropriation from Lottery Net Profits to Educational Broadcasting Authority.

March 18, 2019

Com. Sub. for H. B. 2363, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program,

Com. Sub. for H. B. 2452, Creating the West Virginia Cybersecurity Office,

H. B. 2515, Exempting the sale and installation of mobility enhancing equipment from the sales and use tax,

And,

H. B. 2525, Tobacco Cessation Therapy Access Act.

March 19, 2019

Com. Sub. for H. B. 2550, Creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program.

March 19, 2019

H. B. 2311, Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired,

Com. Sub. for H. B. 2362, Ardala Miller Memorial Act,

Com. Sub. for H. B. 2405, Imposing a healthcare related provider tax on certain health care organizations,

And,

H. B. 2509, Clarifying that theft of a controlled substance is a felony.

March 19, 2019

H. B. 2530, Creating a voluntary certification for recovery residences,

H. B. 2547, Relating to the election prohibition zone,

H. B. 2872, Authorizing law-enforcement officers to assist the State Fire Marshal,

And,

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

March 19, 2019

Com. Sub. for S. B. 101, Equalizing penalties for intimidating and retaliating against certain public officers and other persons,

Com. Sub. for S. B. 237, Improving ability of law enforcement to locate and return missing persons,

Com. Sub. for S. B. 330, Requiring contact information be listed on agency's online directory and website,

Com. Sub. for S. B. 344, Relating to operation of state-owned farms,

And,

Com. Sub. for S. B. 491, Extending effective date for voter registration in conjunction with driver licensing.

March 19, 2019

S. B. 493, Correcting terminology referring to racing vehicles illegally on street,

Com. Sub. for S. B. 511, Creating alternating wine proprietorships,

Com. Sub. for S. B. 537, Creating workgroup to review hospice need standards,

Com. Sub. for S. B. 597, Conforming state law to federal law for registration of appraisal management companies,

S. B. 625, Clarifying and defining authority of State Athletic Commission,

S. B. 633, Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses,

S. B. 655, Relating to conservation districts generally,

And,

Com. Sub. for S. B. 657, Providing consumer protection regarding self-propelled farm equipment.

March 19, 2019

Com. Sub. for S. B. 60, Licensing practice of athletic training,

Com. Sub. for S. B. 187, Authorizing Department of Revenue to promulgate legislative rules,

Com. Sub. for S. B. 285, Relating to sale of homemade food items,

S. B. 617, Relating to method of payment to Municipal Pensions Security Fund,

Com. Sub. for S. B. 653, Relating generally to practice of medical corporations,

And,

S. B. 676, Relating to off-road vehicle recreation.

March 20, 2019

H. B. 2954, Defining certain terms used in insurance,

And,

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

March 20, 2019

Com. Sub. for S. B. 3, Establishing WV Small Wireless Facilities Deployment Act,

Com. Sub. for S. B. 100, Increasing court fees to fund law-enforcement standards training and expenses,

Com. Sub. for S. B. 163, Authorizing DEP promulgate legislative rules,

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules,

S. B. 190, DOH promulgate legislative rule relating to employment procedures,

Com. Sub. for S. B. 223, Authorizing Department of Commerce promulgate legislative rules,

Com. Sub. for S. B. 316, Preserving previously approved state Municipal Policemen's or Firemen's pensions,

Com. Sub. for S. B. 373, Relating to financial responsibility of inmates,

S. B. 519, Requiring county emergency dispatchers complete course for telephonic cardiopulmonary resuscitation,

S. B. 531, Relating generally to workers' compensation claims,

S. B. 664, Authorizing certain members of federal judiciary perform marriages,

And,

S. B. 667, Creating WV Motorsport Committee.

March 20, 2019

S. B. 28, Removing hotel occupancy tax limit collects for medical care and emergency services,

Com. Sub. for S. B. 30, Eliminating tax on annuity considerations collected by life insurer,

Com. Sub. for S. B. 40, Establishing Military Service Members Court program,

Com. Sub. for S. B. 90, Transferring Safety and Treatment Program from DHHR to DMV.

Com. Sub. for S. B. 147, Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities,

And,

Com. Sub. for S. B. 352, Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities.

March 20, 2019

Com. Sub. for S. B. 152, Relating generally to criminal offense expungement,

Com. Sub. for S. B. 241, Permitting county court clerks scan certain documents in electronic form,

Com. Sub. for S. B. 295, Relating to crimes against public justice,

Com. Sub. for S. B. 345, Relating to fire service equipment and training funds for VFDs,

Com. Sub. for S. B. 398, Relating to compensation for senior judges,

Com. Sub. for S. B. 502, Exempting sales of investment metal bullion and coins,

And,

S. B. 635, Relating generally to coal mining activities.

March 20, 2019

Com. Sub. for S. B. 1, Increasing access to career education and workforce training,

Com. Sub. for S. B. 61, Adding certain crimes for which prosecutor may apply for court order authorizing interception of communications,

Com. Sub. for S. B. 546, Creating tax on certain acute care hospitals,

S. B. 587, Relating to PEIA reimbursement of air ambulance providers,

S. B. 668, Relating to physician assistants collaborating with physicians in hospitals,

And,

S. B. 675, Requiring DEP create and implement Adopt-A-Stream Program.

March 21, 2019

H. B. 2209, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician,

Com. Sub. for H. B. 2378, Relating generally to grounds for revocation of a teaching certificate,

Com. Sub. for H. B. 2396, West Virginia Fresh Food Act.

And,

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

March 21, 2019

H. B. 3044, Requiring the Commissioner of Highways to develop a formula for allocating road funds,

And,

Com. Sub. for H. B. 3057, Relating to the Adult Drug Court Participation Fund.

March 21, 2019

Com. Sub. for H. B. 2001, Relating to exempting social security benefits from personal income tax,

Com. Sub. for H. B. 2049, Relating to a prime contractor's responsibility for wages and benefits,

Com. Sub. for H. B. 2490, Preventing proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades,

And,

Com. Sub. for H. B. 2540, Prohibiting the waste of game animals, game birds or game fish.

March 21, 2019

Com. Sub. for H. B. 2010, Relating to foster care.

March 21, 2019

Com. Sub. for H. B. 2422, Relating to the time for the observation of "Celebrate Freedom Week",

Com. Sub. for H. B. 2541, Requiring certain safety measures be taken at public schools,

Com. Sub. for H. B. 2601, Relating to the review and approval of state property leases,

And,

Com. Sub. for H. B. 2661, Relating to natural gas utilities.

March 21, 2019

Com. Sub. for H. B. 2662, Relating to certificates or employment of school personnel,

Com. Sub. for H. B. 2715, Relating to Class Q special hunting permit for disabled persons,

H. B. 2716, Relating to vessel lighting and equipment requirements,

H. B. 2739, Relating to contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board,

And,

H. B. 2992, Relating to governmental websites.

March 21, 2019

Com. Sub. for H. B. 2579, Relating to the collection of tax and the priority of distribution of an estate or property in receivership,

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

H. B. 2647, Self Storage Limited License Act,

And,

Com. Sub. for H. B. 2907, Requiring a form of a certified commitment order to the Division of Corrections and Rehabilitation.

March 22, 2019

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

March 22, 2019

Com. Sub. for S. B. 4, Relating generally to Municipal Home Rule Program,

Com. Sub. for S. B. 538, Relating to WV Highway Design-Build Pilot Program,

S. B. 550, Declaring certain claims to be moral obligations of state,

Com. Sub. for S. B. 613, Requiring DNR include election of organ donation on hunting licenses,

Com. Sub. for S. B. 624, Allowing county boards of education use alternative assessment provided in Every Student Succeeds Act.

And,

S. B. 627, Relating generally to Rural Rehabilitation Loan Program.

March 22, 2019

S. B. 16, Authorizing expenditure of surplus funds by Wyoming County Commission,

Com. Sub. for S. B. 199, Authorizing certain miscellaneous agencies and boards promulgate legislative rules,

Com. Sub. for S. B. 264, Requiring courts to order restitution to crime victims where economically practicable,

Com. Sub. for S. B. 329, Relating to agricultural education in high schools,

Com. Sub. for S. B. 340, Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company,

Com. Sub. for S. B. 369, Relating to generic drug products,

Com. Sub. for S. B. 396, Waiving occupational licensing fees for low-income individuals and military families,

Com. Sub. for S. B. 529, Clarifying provisions of Nonintoxicating Beer Act,

Com. Sub. for S. B. 564, Expanding comprehensive coverage for pregnant women through Medicaid,

And,

S. B. 605, Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries.

March 22, 2019

S. B. 36, Allowing adjustment of gross income for calculating personal income liability for certain retirees,

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

Com. Sub. for S. B. 291, Relating generally to survivor benefits for emergency response providers,

Com. Sub. for S. B. 405, Increasing limit on additional expenses incurred in preparing notice list for redemption,

Com. Sub. for S. B. 481, Relating to Judicial Vacancy Advisory Commission,

Com. Sub. for S. B. 487, Relating to admissibility of health care staffing requirements in litigation,

And,

Com. Sub. for S. B. 522, Creating Special Road Repair Fund.

March 22, 2019

S. B. 153, Providing greater flexibility for making infrastructure project grants,

Com. Sub. for S. B. 154, Using school facilities for funeral and memorial services for certain community members,

Com. Sub. for S. B. 238, Increasing certain penalties for illegally passing stopped school bus,

Com. Sub. for S. B. 318, Transferring Medicaid Fraud Control Unit to Attorney General's office,

Com. Sub. for S. B. 357, Relating generally to Division of Administrative Services,

Com. Sub. for S. B. 360, Relating to third-party litigation financing,

Com. Sub. for S. B. 400, Allowing Board of Dentistry create specialty licenses,

Com. Sub. for S. B. 404, Relating generally to sediment control during commercial timber harvesting operations,

S. B. 421, Relating to annual legislative review of economic development tax credit,

And,

Com. Sub. for S. B. 485, Clarifying notification requirements for property insurance purposes.

March 22, 2019

Com. Sub. for S. B. 317, Authorizing three or more adjacent counties form multicounty trail network authority,

Com. Sub. for S. B. 539, Relating to accrued benefit of retirees in WV State Police Retirement System Plan B,

Com. Sub. for S. B. 543, Relating generally to automobile warranties and inspections,

S. B. 544, Increasing salaries for members of WV State Police over three-year period,

Com. Sub. for S. B. 632, Improving student safety,

S. B. 656, Relating to electronic filing of tax returns,

And,

S. B. 673, Relating to public higher education accountability and planning.

March 22, 2019

Com. Sub. for S. B. 402, Authorizing Division of Forestry investigate and enforce timber theft violations,

S. B. 554, Removing salary caps for director of State Rail Authority,

S. B. 566, Relating to compensation for State Athletic Commission members,

S. B. 596, Adjusting voluntary contribution amounts on certain DMV forms,

Com. Sub. for S. B. 603, Exempting certain activities from licensing requirements for engaging in business of currency exchange,

Com. Sub. for S. B. 640, Regulating sudden cardiac arrest prevention,

S. B. 669, Allowing appointment of commissioners to acknowledge signatures,

And,

S. B. 670, Relating to WV College Prepaid Tuition and Savings Program.

March 22, 2019

S. B. 461, Relating generally to lottery prizes,

Com. Sub. for S. B. 496, Transferring authority to regulate milk from DHHR to Department of Agriculture,

Com. Sub. for S. B. 600, Relating to preservation of biological evidence obtained through criminal investigations and trials,

Com. Sub. for S. B. 601, Relating to mandatory supervision of adult inmates,

S. B. 658, Relating to motor vehicle salesperson licenses,

And,

S. B. 672, Authorizing School Building Authority to promulgate legislative rules.

March 22, 2019

S. B. 499, Amending WV tax laws to conform to changes in partnerships for federal income tax purposes,

Com. Sub. for S. B. 561, Permitting Alcohol Beverage Control Administration request assistance of local law enforcement,

And,

Com. Sub. for S. B. 622, Relating generally to regulation and control of financing elections.

March 25, 2019

Com. Sub. for H. B. 2004, Providing for a program of instruction in workforce preparedness,

H. B. 2009, Creating a new category of Innovation in Education grant program,

H. B. 2846, Relating to special vehicle registration plates,

And,

H. B. 2850, Relating to qualifications for commercial driver's license.

March 25, 2019

Com. Sub. for H. B. 2079, Removing certain limitations on medical cannabis grower, processor and dispensary licenses,

Com. Sub. for H. B. 2083, Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license,

Com. Sub. for H. B. 2193, Providing a specific escheat of US savings bonds,

And,

H. B. 2480, Relating to the regulation of an internationally active insurance group.

March 25, 2019

H. B. 2474, Relating to a reserving methodology for health insurance and annuity contracts,

Com. Sub. for H. B. 2503, Relating to court actions,

H. B. 2934, West Virginia Lottery Interactive Wagering Act,*

And,

H. B. 3132, Relating to exempting providers that serve no more than 30 patients with office-based medication-assisted treatment.

(*NOTE: H. B. 2934 became law without the signature of the Governor.)

March 25, 2019

Com. Sub. for H. B. 2524, Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances.

March 25, 2019

Com. Sub. for H. B. 2583, Family Planning Access Act,

Com. Sub. for H. B. 2618, Including undue influence as a factor in the definition of financial exploitation of an elderly person or protected person,

Com. Sub. for H. B. 2673, Creating the Oil and Gas Abandoned Well Plugging Fund,

And,

H. B. 2709, Relating to hunting licenses.

March 25, 2019

Com. Sub. for H. B. 2600, Relating to publication of sample ballots,

Com. Sub. for H. B. 2479, Corporate Governance Annual Disclosure Act,

Com. Sub. for H. B. 2761, Modernizing the self-service storage lien law,

Com. Sub. for H. B. 2768, Reducing the use of certain prescription drugs,

And,

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

March 25, 2019

Com. Sub. for H. B. 2674, Creating a student loan repayment program for a mental health provider,

H. B. 2828, Relating to Qualified Opportunity Zones,

Com. Sub. for H. B. 2933, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury,

Com. Sub. for H. B. 2982, Amending and updating the laws relating to auctioneers,

And,

Com. Sub. for H. B. 3016, Relating to the State Aeronautics Commission.

March 25, 2019

Com. Sub. for H. B. 2809, Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area,

Com. Sub. for H. B. 2813, Relating generally to collection of use tax,

H. B. 2816, Removing the terms “hearing impaired,” “hearing impairment,” and “deaf mute” from the West Virginia Code and substituting terms,

And,

H. B. 3020, Relating to sole source contracts for goods and services with nonprofit corporations affiliated with the respective education institutions.

March 25, 2019

Com. Sub. for H. B. 2831, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state.

March 25, 2019

Com. Sub. for H. B. 2849, Establishing different classes of pharmacy technicians,

H. B. 2856, Relating to the administration of the operating fund of the securities division of the Auditor’s office,

Com. Sub. for H. B. 2945, Relating to vendors paying a single annual fee for a permit issued by a local health department,

And,

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

March 25, 2019

H. B. 2853, Establishing the West Virginia Program for Open Education Resources,

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

H. B. 3139, Relating to funding of the Public Employees Health Insurance Program,

And,

H. B. 3141, Requiring capitol building commission authorization for certain renovations.

March 25, 2019

H. B. 2968, Adding remote service unit to the definition of customer bank communications terminals,

Com. Sub. for H. B. 3024, West Virginia Business Ready Sites Program,

Com. Sub. for H. B. 3131, Relating to providing salary adjustments to employees of the Department of Health and Human Resources,

H. B. 3144, North Central Appalachian Coal Severance Tax Rebate Act.

H. B. 3142, Relating to reducing the severance tax on thermal or steam coal,

And,

H. B. 3143, Relating to requirements for consumer loans in West Virginia.

March 27, 2019

Com. Sub. for H. B. 2807, Creating an additional modification to the West Virginia adjusted gross income of shareholders of S corporations engaged in banking.

Messages from the Executive

Actions of His Excellency, the Governor, on other bills following adjournment of the session as indicated in communications addressed to the Secretary of State, as follows:

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 14, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2020

Dear Secretary of State Warner:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for House Bill No. 2020, passed March 8, 2019, approved with the following objections:

My first objection to the Bill is contained in Item 45, page 34, line 2, which states:

“Teachers’ Retirement
Savings Realized09500 42,954,000”

The above appropriation includes funding above what is necessary as certified by the Consolidated Public Retirement Board. Therefore, I am reducing the appropriation by the amount of \$5,372,000 to \$37,582,000.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 14, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled House Bill 3148

Dear Secretary of State Warner:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill 3148. This supplemental takes fifty-three million dollars out of General Revenue and appropriates it to the Department of Health and Human Resources, Division of Human Services. WV DHHR already projects a Medicaid surplus balance for the Department of Health and Human Resources reaching approximately one hundred ninety million dollars for Fiscal Year 2020. I believe that there are other matters in our state that can benefit from the fifty-three million dollars in Fiscal Year 2019.

For these reasons, I hereby disapprove and return Enrolled House Bill 3148.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2079

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2079, relating to medical cannabis.

The bill imposes excise taxes on growers, processors, and dispensaries of medical cannabis that favors wholly vertically integrated businesses. While the Legislature has authority to classify different businesses and to tax them differently, the classifications must be (1) reasonable, (2) based on pertinent and real differences, and (3) have as their object a purpose that is germane to the enabling legislation. *See United Fuel Gas Co. v. Battle*, 167 S.E.2d 890 (1969), *cert. denied*, *United Fuel Gas Co. v. Haden*, 396 U.S. 116 (1969). Applying this test, it is impossible to justify the classifications in the bill.

For this reason, I must disapprove and return Enrolled Committee Substitute for House Bill 2079. However, because I support the medical cannabis program for those West Virginias that need it, therefore I encourage the Legislature to address the constitutional issues above and present a bill for signature that

treats all taxpayers that will be engaged in this industry in West Virginia fairly.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2363

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2363, which is intended to extend the Upper Kanawha Valley Resiliency and Revitalization Program until 2024 and which further requires an assessment by members of a revitalization council to “assess the option of utilizing the authority granted in W.Va. Code §18-5-11 of the Code to allow Kanawha County and Fayette County to jointly create or maintain schools that serve the Upper Kanawha Valley” and to “determine whether students in the Upper Kanawha Valley can receive their Constitutionally protected education in the Upper Kanawha Valley.”

Certain provisions of Enrolled Committee Substitute for House Bill 2363 attempt to encroach upon the authority of the West Virginia Board of Education, and the State Superintendent as its chief executive officer, to provide for the general supervision of public schools in West Virginia, which authority must be equitably exercised across the state without disparate treatment between districts.

For these reasons I must disapprove and return Enrolled Committee Substitute for House Bill 2363.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled House Bill No. 2412

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2412.

Enrolled House Bill No. 2412 amends §61-5B-1 to move statutes regarding prohibited acts in government procurement from

Chapter 5A, Article 3 to Chapter 61, the chapter containing statutes outlining criminal acts. While the statute, when contained in Chapter 5A, applied to procurement officers contained in the WV Department of Administration's Purchasing Division, its application is not so clear when moved to Chapter 61, the criminal code. For example, the statute reads "no person purchasing or contracting for the purchase of commodities..." (§61-5B-2) could be broadly applied to anyone in a chain of people who are part of the buying and ordering process required in the purchasing of government goods.

Furthermore, the statute makes it a crime for a person to accept "*anything of value*" from a "business entity offering to sell, providing or contracting to sell...commodities." 'Anything of value' is too vague a term to give notice to a person that they are about to commit a crime. Without some monetary framework for this term, it would be unenforceable for prosecutors and would result in confusion and wasted resources in the attempt to prosecute these crimes.

Creating this prohibition within the criminal chapter of the West Virginia Code requires the statute to give clear notice of who and what is in jeopardy of violation of this criminal offense. This statute does not rise to that level and cannot stand. I request that the Legislature address these issues and resubmit the bill in the future.

For these reasons, I must disapprove and return Enrolled House Bill No. 2412.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled House Bill 2486

Dear Secretary Warner:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill 2486.

The intended purpose of Enrolled House Bill 2486 is to preclude certain prior criminal history from being the basis for a denial of a professional license. However, the bill is in conflict to some extent with W.Va. Code §30-1D-1, “Lynette’s Law”, which mandates certain boards conduct a criminal background check for applicants. Of the boards subject to the requirements in “Lynette’s Law”, only Board of Medicine and Board of Osteopathy are exempted from the language of Enrolled House Bill 2486. So, the Board of Dentistry, Board of Pharmacy, Board of Examiners for Registered Professional Nurses, Board of Examiners for Licensed Practical Nurses, Board of Optometry, Board of Veterinary Medicine, and Board of Psychology are left in the untenable position of requiring applicants to submit to a background check, yet precluding the Boards from acting on any prior criminal history unrelated to the practice being regulated by the Board. The Boards that would be subject to the conflicting statutes have promulgated rules governing evaluation of the criminal history in relation to the practice, which would be null and void by the passage of this bill.

Additionally, determination for whether the past criminal conduct of an applicant is related to the profession is vague and

subjective, and could result in litigation for boards that issue an unfavorable decision on an applicant.

For these reasons, I disapprove and return Enrolled House Bill 2486.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2503

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2674. This bill would require a petition alleging abuse or neglect of a child to name each parent, guardian, or custodian and to specifically state which are alleged to have abused or neglected the child, and would make provision for counsel to be provided in such hearings, among other things.

While I certainly appreciate the intent of this bill, the bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring

bill titles to provide notice of a bill's contents). Specifically, the title provides that the bill requires "that notice be given by courts that a hearing required by subsection (a) of this section has been held." It is unclear to what subsection that title provision is meant to relate as the bill amends two different sections, neither of which specifically provides for a hearing under their respective subsections (a).

As a result of this flaw, I must disapprove and return Enrolled Committee Substitute for House Bill 2503, and would welcome a similar bill to be submitted in a subsequent legislative session to correct the error noted above.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled House Bill No. 2530

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2530.

Enrolled House Bill No. 2530 creates a voluntary certification process for drug and alcohol-free recovery residences. It provided for inspection standards, regulations, fees, criminal penalties, fines and rulemaking. In §16-56-2, the “certifying agency” is granted rulemaking authority, after consultation with WV Department of Health and Human Resources. ‘Certifying agency’ is undefined but is required to be under contract with DHHR.

Legislative rules under §29A-1-1 et seq. act with the force of law. An undefined “certifying agency” who acts as a contractor with DHHR could be a governmental agency but that is not a requirement of the bill. If the contract was awarded to a for profit business or even nonprofit corporation, how could they effectuate laws through the promulgation of rules. Constitutionally, the force of law cannot be promulgated by a private entity.

Although this bill had unanimous support and was with a well-intended purpose, this rulemaking issue would cause legal and constitutional conflicts that are untenable. I request that this bill be corrected of these issues and be submitted again for legislative approval.

For these reasons, I must disapprove and return Enrolled House Bill No. 2530.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for House Bill No. 2531

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill No. 2531.

Enrolled Committee Substitute for House Bill No. 2531 allows additional health care professionals to provide counseling in medication -assisted treatment settings for substance use disorders. This bill serves an important purpose and is needed; however, it contains a severe technical flaw that renders it void.

The enrolled version of this bill omits subsection (f) through (s) of WV Code §16-5Y-5, with no evidence of strike-throughs. The bill's enrolled version eliminates 14 sections of current West Virginia Code. If approved, this bill would effectively delete current sections of West Virginia Code with no notice to the members of the legislature who voted for this bill.

For these reasons, I must disapprove and return Enrolled Committee Substitute for House Bill No. 2531.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2579

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2579, which undoes historic tax policy in this State at the expense of the State of West Virginia.

Enrolled Committee Substitute for House Bill 2579 destroys the trust fund nature of collected consumers sales and service taxes, withheld employer withholding taxes and collected motor fuel excise taxes held in trust for the State by a business that is in bankruptcy, foreclosure or receivership; and eliminates the personal liability of a fiduciary for failing to remit collected trust fund taxes. The bill allows these public monies to be used for purely private purposes in violation of Article X, § 6 of the Constitution of West Virginia.

For these reasons I must disapprove and return Enrolled Committee Substitute for House Bill 2579.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2661

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2661. The bill would permit a gas utility to petition the Public Service Commission for approval of requests for proposals containing proposed incentives for the drilling of new natural gas wells and/or increasing production from existing natural gas well to procure dependable supplies of natural gas to serve gas utility customers where such dependable, lower-priced supplies of natural gas are not readily available to serve those customers. The bill would also allow utilities to defer their actual expenditures attributable to the cost reasonably necessary to convert customers to a different source of energy in the event the Public Service Commission determines that abandoning gas services is in the public interest, subject only to Public Service Commission review of whether those costs are reasonably necessary to convert each customer and are not reflected in current base rates or have not been otherwise pursuant to filings.

The bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, the title notes that a utility may make a request for incentivized drilling, but fails to note that the bill also requires the Public Service Commission to approve such request upon the sole finding that dependable, lower-priced supplies of natural gas are not available and that the winning proposal will be deemed to be the utility's reasonable cost to dependably serve at the lowest available price. The title also fails to note that the bill allows utilities to defer their expenditures for abandonment of service and conversion to another source until a future rate case or an adjustment filing, subject only to Public Service Commission review of whether those costs were reasonably necessary. Further, the bill unnecessarily constrains the Public Service Commission in its ratemaking authority and obstructs existing statutory provisions that protect natural gas customers from paying unreasonable rates.

For these reasons I must disapprove and return Enrolled Committee Substitute for House Bill 2661.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2673

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2673. This bill would reduce to 2.5% the severance tax rate on natural gas or oil for any natural gas produced from a well which produced an average between 5,000 and 60,000 cubic feet of gas and for any oil produced from any well which produced an average between one-half barrel and ten barrels per day, each calculated from the calendar year immediately preceding the beginning date of a given tax year. The bill also would direct the proceeds of this reduced 2.5% severance tax rate to an Oil and Gas Abandoned Well Plugging Fund, for use by the Department of Environmental Protection to plug abandoned oil and gas wells and reclaim property disturbed by the plugging.

The goal of providing additional needed funding to the Department of Environmental Protection to plug abandoned oil and gas wells and reclaim property disturbed by the plugging is a goal that needs to be pursued and achieved. However, this needed funding should come from general revenues generated by the current severance tax rate, among other sources, rather than from significantly diminished revenues generated by a 50% tax rate cut, which, under the bill, effectively becomes a 100% tax rate cut when \$4 million is in the Fund. I believe it would be to the detriment of the State and to the many causes to which general revenues are put to allow for such an increase in the amount of natural gas and oil produced with an effective tax rate of 0% once \$4 million has been deposited to the Fund, in order to direct funding to a purpose more efficiently funded from general revenues.

Further, there is potential conflict regarding the dedication of the severance tax proceeds from the privilege of producing oil and natural gas. Currently, 10% of the severance tax attributable to the severance tax on oil and natural gas is dedicated for the use and benefit of the counties and municipalities of the State, and of that amount 75% is to go to the oil and natural gas producing counties. As enacted, this bill would affect the amount available for these distributions needed to provide funds to counties and municipalities throughout the State.

For the reasons provided above, I disapprove and return Enrolled Committee Substitute for House Bill 2673.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2674

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2674. This bill purports to establish a student loan repayment program for mental health providers residing in West Virginia and practicing in underserved areas of the state, and to allow two nonresident students per year, in each cohort, to attend each of the state's medical schools at the in-state tuition rate.

The aim of this bill is laudable: to get mental health providers into practice in underserved areas throughout the state. The bill, however, is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, the title notes that the bill authorizes legislative rules to be promulgated, but the bill authorizes the Commissioner of the Higher Education Policy Commission to promulgate rules.

As a result of this flaw, I disapprove and return Enrolled Committee Substitute for House Bill 2674, but welcome a similar bill in a subsequent legislative session to achieve its purposes.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2703

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2703. This bill would provide an increase in the allowable refund of up to 1% for tax collected for fuels lost to evaporation.

Although I appreciate the intent of this bill, it is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, the bill amends W.Va. Code §11-14C-30, but the title states that the bill amends W.Va. Code §11-14-10.

As a result of this flaw, I disapprove and return Enrolled Committee Substitute for House Bill 2703, but would welcome a similar bill correcting the error noted above in a subsequent legislative session.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2734

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2734, which is intended to provide business and occupation tax credit and corporation net income tax credit to certain public service businesses for reducing sewer utility rates for low-income residential customers.

Enrolled Committee Substitute for House Bill 2734 is technically flawed because its title is defective. See *State ex rel. Davis v. Oakley*, 156 W. Va. 154, 1919 S.E.2d 610 (requiring bill titles to provide notice of a bill's content). Specifically, the title does not mention that credits are allowable for taxable years beginning on and after January 1, 2019 or that the bill defines certain terms. Additionally, there are other technical flaws in the bill. The bill includes erroneous code references. The language in §11-13F-3(a) and (b) in the bill erroneously refers to §24-13-1 et seq. when the correct reference is to §11-13-1 et seq. Additionally, within the bill, §11-13F-2(a)(2) and §11-13F-3(a) refer to §24-2A-3 when they should refer to §24-2A2.

For these reasons I must disapprove and return Enrolled Committee Substitute for House Bill 2734. However, I support the underlying policy in the bill, and encourage the Legislature to present a bill for signature that addresses the technical deficiencies mentioned above.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2807

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2807 the purposes of which is to allow electing small business corporations (S corporations) and limited liability companies that are financial organizations to claim certain decreasing modifications when determining their West Virginia adjusted federal taxable income that they could have claimed had they been subject to the West Virginia corporation net income tax.

Enrolled Committee Substitute for House Bill 2807 includes numerous technical flaws. For example, while attempting to update W. Va. Code §11-21-17a to incorporate the current way of citing to the West Virginia Code, a technical error was made in the bill — the bill changed references to subsections (b), (c) and (d) of W. Va. Code §11-21-12, to reference §11-21-12b, §11-21-12c, and §11-21-12d, thereby changing the meaning of Bill §11-21-17a. The

reference to the definition of “financial organizations” is also incorrect, as are other Code sections referenced in the bill.

For these reasons I must disapprove and return Enrolled Committee Substitute for House Bill 2807, but welcome a similar bill to be introduced in a subsequent legislative session to correct the issues noted above.

Sincerely yours,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled House Bill 2828

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill 2828, which is intended to promote, through tax incentives, investment and business growth in the state’s low-income communities.

While Enrolled House Bill 2828 certainly has laudable purposes, it contains numerous technical flaws. For example, the title of the Bill is materially defective because it (1) does not state that the Bill creates an insurance premiums tax credit for qualified community development entities making qualified equity

investments; (2) does not refer to the 60-million-dollar limit on certification for qualified equity investments; and (3) does not say that under certain circumstances the credit can be recaptured by the Insurance Commissioner. Within new article 31-15D in the Bill there are several references to 26 U.S.C. § 45D, as amended. This is an unconstitutional delegation of the Legislature's authority to the United States Congress. *See* Syl. Pt. 1, *State v. Grinstead*, 157 W. Va. 1001, 206 S.E.2d 912 (1974). Additionally, while the Bill allows credit for qualified community development entities making qualified investments, only insurance companies pay the insurance premiums tax to the Insurance Commissioner, which makes the credit impossible to administer as written.

For these reasons I must disapprove and return Enrolled House Bill 2828, but welcome a similar bill in a subsequent legislative session, correcting the technical errors noted above.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2933

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2933. This bill purports to modify 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.

Although I support the intent of the bill, Enrolled Committee Substitute for House Bill 2933 is technically flawed because either its title is defective, *see State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents), or the bill inadvertently makes ambiguous or ineffective certain limitations on penalties for conviction under W.Va. Code §61-8D-4. Specifically, the bill repeals language creating a "misdemeanor" for certain offenses, but fails to repeal or amend subsection (f) which provides certain limitations on the penalties to be assessed against those "convicted of a misdemeanor." The title does not provide notice of the repeal of these limitations (i.e., that one may now be required to register pursuant to the requirements of W.Va. Code §15-13-1 et seq. or, solely by virtue of conviction under the section, have their custody, visitation, or parental rights automatically restricted), or the bill makes ambiguous or ineffective these certain limitations, and, therefore, is technically flawed.

As a result of the flaws noted above, I disapprove and return Enrolled Committee Substitute 2933, but welcome a similar bill in a subsequent legislative session, correcting or clarifying this issue.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled House Bill 2992

Dear Secretary Warner:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill 2992.

Two years ago, I vetoed HB 2446, a bill with the same language. This bill is overly broad in its application, requiring “contact information of each staff member, including office location.” There is no exception for employees who are engaged in undercover law enforcement operations, for employees whose office location is their personal residence, or for employees whose safety would be at risk by publishing their office location.

I understand the importance of providing the public with readily accessible information about state and local government, as intended by this bill. However, the bill should provide some flexibility for those employees to protect their safety, the safety of their coworkers or the integrity of law enforcement operations. I encourage the Legislature to revisit this bill and present it for signature with the exemptions necessary to protect certain employees.

For these reasons, I disapprove and return Enrolled House Bill 2992.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 3024

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 3024. This bill purports to create a pilot program to encourage utility infrastructure development to industrial sites throughout West Virginia.

Although the bill's purpose is certainly important and encouraged, the bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, the bill requires the West Virginia Development Office to certify sites as having the potential for industrial development without adequate public utility services from one or more public utilities regulated by the Public Service Commission; requires the Public Service Commission to receive and review for approval applications for multi-year comprehensive plans for infrastructure development to construct public utility infrastructure, which applications are in lieu of a proceeding under W.Va. Code §24-2-11; and requires an applicant for approval of a site as an industrial development site to publish the anticipated rates and any rate increase under the proposal as a Class I legal advertisement in compliance with the provisions of W.Va. Code

§59-3-1 et seq., none of which is adequately noticed in the title, which only provides an overly general and vague description of the pilot program authorized under the bill.

As a result of these flaws, I disapprove and return Enrolled Committee Substitute for House Bill 3024, but welcome a similar bill in a subsequent legislative session to correct the issues described above.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled House Bill 3044

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill 3044, which is intended to require the Commissioner of Highways to develop a formula for the effective and efficient allocation of state and federal road funds among the districts and counties of the state, which formula must include factors including county population, county population growth projections, total lane miles, heavy truck use, and bridge numbers and bridge conditions in a given county.

The West Virginia Division of Highways is a maintenance organization first and foremost, dedicated to keeping the roads and highways of this state in good working order and repair. While a formula may prove useful in predicting where federal and state road money should be spent over a long period, I believe being required to follow a formula for the actual dollar allocation would limit the Division's ability to dedicate funds to maintenance projects where and when needed around the state.

For these reasons I must disapprove and return Enrolled House Bill 3044.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for Senate Bill No. 147

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 147.

Enrolled Committee Substitute for Senate Bill No. 147 shifts \$1.00 of the solid waste assessment fee imposed by §22-16-4, currently \$3.50, to county and regional solid waste authorities. The \$1.00 per ton reduction in the assessment would affect the Landfill Closure Assistance Fund administered by Department of Environmental Protection, which is used to close landfills in an environmentally protective and sound manner and to pay ongoing maintenance costs on the closed landfills as they age. The annual reduction in this Fund is approximately \$2.1 million dollars.

Enrolled Community Substitute for Senate Bill 147 is concerning because the fee reduction to the Closure Fund will severely impair the DEP's ability to continue maintenance on the already closed landfills and to the ability to close the upcoming ones in a safe manner; posing a threat to the health and safety of our citizens. Putting public health at risk for West Virginians is a bad policy choice, and one that I cannot endorse.

For these reasons, I must disapprove and return Enrolled Committee Substitute for Senate Bill No. 147.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Senate Bill 190

Dear Secretary Warner:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 190. The rule at issue in the bill makes only one substantive change, which is to allow both salaried and hourly classified services employees to be paid overtime when they have taken leave earlier in the work week.

The intent of the rule appears to be to avoid having employees lose annual leave that cannot be carried forward into the next calendar year. This issue is not unique to Division of Highways employees and has been addressed by this administration through an executive order that allowed Division of Corrections employees, many of whom worked mandatory overtime due to staffing shortages, to carry forward more than the limit of annual leave hours. If the inability of employees to use annual leave by the end of the calendar year is a systemic problem due to snow removal duties, a similar executive order could address the issue on a year-to-year basis.

The other problem with the rule is that it fails to recognize the difference between employees entitled to overtime under the federal Fair Labor Standards Act (FLSA), and those employees that are exempt from the overtime requirements of the act. Employees that are exempt from FLSA are not entitled to earn overtime, although an employer can elect to pay those employees overtime. Employees who are exempt from FLSA are those who are employed in a "bona fide executive, administrative or professional capacity." *29 CFR 541.0(a)*. These types of positions are not typically involved with emergency response or public safety functions, therefore overtime for these employees would generally be unnecessary. By excluding these FLSA-exempt employees from eligibility to receive overtime, unnecessary costs to the State Road Fund are saved, allowing for those funds to instead be available for more roads projects.

For these reasons, I disapprove and return Enrolled Senate Bill 190.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled Senate Bill 440

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill No. 440.

I applaud the Legislature for tackling the issue of hazing at our universities, however the language included in this bill is overly broad and encompasses numerous organizations outside of the higher education community. For example, the following broad language appearing in the definitions of the bill: “any organization whose members include students of an institution of higher education,” could include organizations such as the West Virginia Legislature or the American Civil Liberties Union, if any of their members were enrolled in classes at an institution of higher education in the state.

I believe Enrolled Senate Bill 440 contains overly-general language that encompasses a greater number of organizations than intended. For this reason, I must disapprove and return Enrolled Senate Bill No. 440. However, I encourage the Legislature to revisit the issue in the next Regular Session.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for Senate Bill No. 487

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 487.

Enrolled Committee Substitute for Senate Bill No. 487 amends §55-7B-7a the Medical Professional Liability Act, which involves liability cases from injuries or deaths resulting from falls in a healthcare facility. SB 487 provides a *conclusive presumption* that “appropriate staffing was provided” in any legal action alleging inappropriate staffing if a health care facility or provider demonstrates compliance with minimum staffing requirements under West Virginia law. Furthermore, Enrolled Committee

Substitute for Senate Bill 487 also provides a rebuttable presumption that adequate supervision of patients to prevent falls was provided if minimum staffing levels are met.

The presumptions created in Enrolled Committee Substitute for Senate Bill 487 are poor public policy because compliance with minimum staffing state regulations do not ensure adequate and competent care to meet the needs of West Virginia's nursing home population. Quality of care, based on the needs of the patient and their care plan, must be considered, in addition to nurse staffing levels.

Furthermore, West Virginia state nurse staffing levels are often lower than federal staffing regulations or Centers for Medicare & Medicaid Services (CMS) recommendations. Granting an irrefutable presumption for all nurse staffing litigation based solely on state nursing regulations could result in dismissing litigation based on the staffing levels recommended by federal regulations or CMS recommendations when the state staffing levels are lower than the federal standards.

Establishing a conclusive presumption that cannot be refuted for nurse staffing levels is not justified by merely meeting the minimum staffing levels as defined by state law without taking quality of care provided the residents into consideration. Caring for West Virginia's vulnerable elderly population is of the utmost importance and requires better.

For these reasons, I must disapprove and return Enrolled Committee Substitute for Senate Bill No. 487.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Senate Bill 522

Dear Secretary Warner:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 522.

The purpose of the bill, while well-intentioned, is problematic because it represents a legislative encroachment into executive functions. The bill would have the county supervisor, with consultation of the county commission and the legislators representing that county to compile a list of secondary roads projects in the county and prioritize those projects.

Maintaining our state and secondary roads system, including assigning priority to particular projects, is without question an executive function. “The separation of powers provision of the State Constitution, which prohibits any one department of the State government from exercising the powers of the others, is not merely a suggestion; it is part of the fundamental law of the State, and as such, it must be strictly construed and closely followed.” *State ex rel West Virginia Citizens Action Group v. West Virginia Economic Development Grant Committee*, 213 W.Va. 255 (2003). Much like the authority of presiding officers of both houses to appoint members to the Economic Development Grant Committee, which the court found to be a legislative assertion of post-enactment control over executive branch decisions, allowing sitting legislators to assume an executive role and assist in making decisions about which roads deserve attention and in what order certainly violates the separation of powers.

For these reasons, I disapprove and return Enrolled Senate Bill 522.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for Senate Bill No. 624

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 624.

Enrolled Committee Substitute for Senate Bill No. 624 provides an assessment option for county boards of education to use as an alternative to the currently contracted assessment in statewide contract with a vendor selected by a competitive bid process.

Enrolled Community Substitute for Senate Bill 624 is concerning because it directly conflicts with West Virginia Code §18-2E-5(d)(7) and would put the WV Board of Education in the untenable position of having to decide which statute to follow. WV Code §18-2E-5(d)(7) requires that “the comprehensive statewide

student assessment adopted prior to the testing window of the 2017-2018 school year shall continue to be used for at least a total of four consecutive years.” By allowing county boards of education to utilize an alternative assessment option during the period of time implicated in the statute for at least a four-year period of assessment consistency, the WV Board of Education would be violating their statutory mandate already in effect.

Having a statutory conflict in place in the provision of statewide student assessment, would not only cause confusion between county boards of education but could encourage litigation between counties and the state in an attempt to address the conflict. Further, the statutory conflict could give rise to contractual litigation between the state and the current vendor of the statewide contract, who was chosen by a competitive bid process, and any other vendor able to provide an alternative assessment option.

Additionally, the West Virginia Department of Education recently received a letter from the United States Department of Education (USDE) advising that the ACT assessment was conditionally approved to be used as a locally selected assessment in lieu of the statewide assessment. The letter was accompanied by a specific list of items the WV Department of Education is required to submit to receive full USDE approval. Not only does the USDE’s letter render SB624 unnecessary but given the clear set of instructions provided to the WV Department of Education, there is no need to add unnecessary statutory language that may work to impede on the WV Department of Education’s ability to adhere to those instructions.

For these reasons, I must disapprove and return Enrolled Committee Substitute for Senate Bill No. 624.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled Senate Bill 633

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 633.

Enrolled Senate Bill No. 633 allows for the WV Board of Physical Therapy to conduct criminal background checks on applicants for a license. Further, the bill allows for disqualification for licensure and prohibition from disqualification based on certain crimes if found as a result of the background check. It is these crimes and how they affect the issuance of a license, that is missing from the bill's title.

The bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). Specifically, there are nine subsections that are not reflected in the title of the bill and therefore does not provide the notice required of the bill's contents. The passage of this bill is very important to the operation of the WV Physical Therapy Board as it implements the multi-state compact that was approved by the legislature in 2018. Therefore, I ask that this bill be corrected and resubmitted to the legislature for approval.

For these reasons, I must disapprove and return Enrolled Senate Bill No. 633.

Sincerely,

Jim Justice,
Governor.

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

March 27, 2019

Veto Message

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled Senate Bill 676

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 676.

Enrolled Senate Bill No. 676 revises existing road classification categories currently contained on the Division of Highways digital road map. Division of Highways already creates and publishes a digital road map with road classifications very similar to these categories and therefore, this bill is unnecessary, and duplicative.

For these reasons, I must disapprove and return Enrolled Senate Bill No. 676.

Sincerely,

Jim Justice,
Governor.

Messages from the Executive

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on **March 9, 2019**, he approved H. B. 2036 and Com. Sub. for H. B. 2821; on **March 14, 2019**, he approved H. B. 2665, H. B. 2667, H. B. 3135, S. B. 424, S. B. 435, S. B. 677, S. B. 678, S. B. 679, S. B. 680 and S. B. 681; on **March 19, 2019**, he approved Com. Sub. for H. B. 2204, Com. Sub. for H. B. 2359, H. B. 2547, H. B. 2608, Com. Sub. for H. B. 2737, H. B. 2827, Com. Sub. for H. B. 2854, Com. Sub. for H. B. 3007, H. B. 3045, H. B. 3083 and H. B. 3095; on **March 22, 2019**, he approved Com. Sub. for H. B. 2396, Com. Sub. for H. B. 2422, Com. Sub. for H. B. 2476, Com. Sub. for H. B. 2601, Com. Sub. for H. B. 2715, H. B. 2716, H. B. 2743, Com. Sub. for H. B. 2907, S. B. 16, S. B. 36, Com. Sub. for S. B. 199, S. B. 223, Com. Sub. for S. B. 241, Com. Sub. for S. B. 264, Com. Sub. for S. B. 291, Com. Sub. for S. B. 329, Com. Sub. for S. B. 340, Com. Sub. for S. B. 357, Com. Sub. S. B. 400, Com. Sub. for S. B. 408, S. B. 421, Com. Sub. for S. B. 441, Com. Sub. for S. B. 518, S. B. 544, S. B. 617 and S. B. 627; on **March 25, 2019**, he approved H. B. 2209, H. B. 2311, Com. Sub. for H. B. 2362, Com. Sub. for H. B. 2452, Com. Sub. for H. B. 2490, H. B. 2515, Com. Sub. for H. B. 2540, Com. Sub. for H. B. 2541, Com. Sub. for H. B. 2609, Com. Sub. for H. B. 2617, Com. Sub. for H. B. 2690, H. B. 2691, Com. Sub. for H. B. 2740, H. B. 2746, H. B. 2846, H. B. 2872 H. B. 2954, H. B. 2958, Com. Sub. for H. B. 2975, Com. Sub. for H. B. 3021, H. B. 3093, Com. Sub. for S. B. 40, Com. Sub. for S. B. 101, S. B. 153, Com. Sub. for S. B. 154, Com. Sub. for S. B. 238, Com. Sub. for S. B. 285, Com. Sub. for S. B. 295, Com. Sub. for S. B. 317, Com. Sub. for S. B. 369, Com. Sub. for S. B. 396, Com. Sub. for S. B. 398, Com. Sub. for S. B. 405, S. B. 461, Com. Sub. for S. B. 491, S. B. 531, S. B. 566, S. B. 593, S. B. 596, Com. Sub. for S. B. 601, S. B. 625, Com. Sub. for S. B. 653, S. B. 658, S. B. 667, S. B. 668, and S. B. 670; on **March 26, 2019**, he approved H. B. 2474, H. B. 2480, H. B. 2509, H. B. 2525, Com. Sub. for H. B. 2538, Com. Sub. for H. B. 2600, H. B. 2709, Com. Sub. for H. B. 2831, H. B. 2850, H. B. 2926, Com. Sub. for S. B. 60, Com. Sub. for S. B. 72, Com. Sub. for S. B. 157, Com. Sub. for S. B. 163, Com. Sub.

for S. B. 175, Com. Sub. for S. B. 187, Com. Sub. for S. B. 344, S. B. 493, S. B. 519, S. B. 545, S. B. 550, Com. Sub. for S. B. 613, S. B. 636, S. B. 664 and S. B. 672; on **March 27, 2019**, he approved Com. Sub. for H. B. 2001, Com. Sub. for H. B. 2010, Com. Sub. for H. B. 2049, Com. Sub. for H. B. 2183, Com. Sub. for H. B. 2193, Com. Sub. for H. B. 2378, Com. Sub. for H. B. 2405, Com. Sub. for H. B. 2439, Com. Sub. for H. B. 2479, H. B. 2510, Com. Sub. for H. B. 2524, Com. Sub. for H. B. 2550, Com. Sub. for H. B. 2583, Com. Sub. for H. B. 2618, H. B. 2647, Com. Sub. for H. B. 2662, Com. Sub. for H. B. 2694, H. B. 2739, H. B. 2759, Com. Sub. for H. B. 2761, Com. Sub. for H. B. 2768, Com. Sub. for H. B. 2770, Com. Sub. for H. B. 2813, H. B. 2816, H. B. 2829, Com. Sub. for H. B. 2849, H. B. 2853, H. B. 2856, Com. Sub. for H. B. 2945, Com. Sub. for H. B. 2947, H. B. 2968, Com. Sub. for H. B. 2982, Com. Sub. for H. B. 3016, H. B. 3020, Com. Sub. for H. B. 3057, Com. Sub. for H. B. 3131, H. B. 3132, H. B. 3140, H. B. 3141, H. B. 3142, H. B. 3143, H. B. 3144, Com. Sub. for S. B. 1, Com. Sub. for S. B. 3, Com. Sub. for S. B. 4, S. B. 28, Com. Sub. for S. B. 30, Com. Sub. for S. B. 61, Com. Sub. for S. B. 90, Com. Sub. for S. B. 100, Com. Sub. for S. B. 103, Com. Sub. for S. B. 152, Com. Sub. for S. B. 237, Com. Sub. for S. B. 310, Com. Sub. for S. B. 316, Com. Sub. for S. B. 318, Com. Sub. for S. B. 330, Com. Sub. for S. B. 345, Com. Sub. for S. B. 352, Com. Sub. for S. B. 360, Com. Sub. for S. B. 373, Com. Sub. for S. B. 393, Com. Sub. for S. B. 402, Com. Sub. for S. B. 404, S. B. 453, Com. Sub. for S. B. 485, Com. Sub. for S. B. 496, S. B. 499, Com. Sub. for S. B. 502, Com. Sub. for S. B. 510, Com. Sub. for S. B. 511, Com. Sub. for S. B. 520, Com. Sub. for S. B. 529, Com. Sub. for S. B. 537, Com. Sub. for S. B. 538, Com. Sub. for S. B. 539, Com. Sub. for S. B. 543, Com. Sub. for S. B. 546, S. B. 554, Com. Sub. for S. B. 561, Com. Sub. for S. B. 564, S. B. 587, Com. Sub. for S. B. 597, S. B. 600, Com. Sub. for S. B. 603, S. B. 605, Com. Sub. for S. B. 622, Com. Sub. for S. B. 632, S. B. 635, Com. Sub. for S. B. 640, Com. Sub. for S. B. 641, S. B. 655, Com. Sub. for S. B. 656, Com. Sub. for S. B. 657, S. B. 669, S. B. 673 and S. B. 675.

At 11:55 p.m., on motion of Delegate Summers, the House of Delegates adjourned *sine die*.

We hereby certify that the forgoing record of the proceedings of the House of Delegates, First Regular Session, 2019, is the Official Journal of the House of Delegates for said session.

Roger Hanshaw
Speaker of the House of Delegates

Stephen J. Harrison
Clerk of the House of Delegates



West Virginia Legislature
Journal
of the
House of Delegates

Eighty-Fourth Legislature
First Extraordinary Session

Charleston, Saturday, March 9, 2019

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

Pursuant to the Proclamation of His Excellency, the Governor, issued the seventh day of March, 2019, convening the Legislature in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, the House of Delegates, assembled in its Chamber in the Capitol Building in the City of Charleston at 11:55 p.m., was called to order 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. 759**), and 99 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Cooper.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation by which it had been called together.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Foster, Sypolt and Boggs.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates J. Kelly, Phillips and Byrd.

Resolutions

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

H. C. R. 101 - "Authorizing adjournments of the Senate and House of Delegates."

Resolved by the Legislature of West Virginia:

That during this First Extraordinary Session of the Legislature in 2019, both the Senate and House of Delegates are hereby authorized to adjourn, as needed, for more than three days, pursuant to Section 23, Article VI of the Constitution of the State of West Virginia.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 101) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

Leaves of Absence

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

At 12:02 a.m., Sunday, March 10, 2019, the House of Delegates adjourned, pursuant to H. C. R. 101, until the call of the Speaker.

Monday, May 20, 2019

THIRD DAY

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

Pursuant to the March 10, 2019 motion to adjourn and the subsequent letter from the Speaker of the House and the President of the Senate reconvening the First Extraordinary Session on Monday, May 20, 2019 at 2:00 p.m., the House of Delegates 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 Saturday, March 9, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Messages from the Executive
and other Communications**

The following communications were laid before the House of Delegates and reported by the Clerk:

Speaker of the House Roger Hanshaw
Room 228M, Building 1
State Capitol, 1900 Kanawha Blvd. E
Charleston, West Virginia 25305

Dear Speaker Hanshaw,

May 02, 2019

At any given time as we travel down life's highway, we may be faced with different paths along the way. For me, that time has come.

After serving the public for over 30 years, and enjoying my time working for the people of WV, this change in direction was not an easy decision.

As I have a career opportunity with the Department of Defense, I will not be permitted to continue my service as a WV Delegate. With reservations, I will be resigning my position as a WV House of Delegate for the 9th District effective May 12, 2019.

I want to take this time to convey to you, that I enjoyed serving with you and under your direction. I want to thank you for giving me the opportunities to serve within your leadership and for trusting me to do the right thing. Please keep up your great work in making WV a place where people want to live and raise their families.

Very Respectfully,

Ray Hollen,
Delegate 9th District

Jim Justice
Governor of West Virginia

May 20, 2019

The Honorable Mac Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code §3-10-5, I have this day appointed Charles F. Little, 6584 Staunton Turnpike, Davisville, Wood County, West Virginia 26142, as a Delegate representing the Ninth District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable Ray Hollen.

Sincerely,

Jim Justice,
Governor.

The Clerk announced that Delegate Little had taken the oath of office, as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, on May 20, 2019.

The Speaker laid before the House of Delegates the following Proclamations of His Excellency, the Governor, which were read by the Clerk, as follows:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT

Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated the seventh day of March, Two Thousand Nineteen, calling the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, by adding items three through thirty-two, as follows:

THIRD: a bill relating to antihazing law; and

FOURTH: a bill allowing the West Virginia Board of Physical Therapy to conduct criminal background checks and for disqualification for certain crimes; and

FIFTH: a bill relating to vertical integration for medical cannabis companies; and

SIXTH: a bill concerning the Upper Kanawha Valley Resiliency and Revitalization Program; and

SEVENTH: a bill creating criminal acts and penalties concerning government procurement of commodities and services; and

EIGHTH: a bill creating a voluntary certification process for drug and alcohol-free recovery residences; and

NINTH: a bill allowing additional health care professionals to provide counseling in medication-assisted treatment programs; and

TENTH: a bill establishing a student loan repayment program for mental health providers in West Virginia and in-state tuition rates for two nonresident students per year, in each cohort, to attend the state's medical schools; and

ELEVENTH: a bill increasing the allowable refund of up to 1% for tax collected for fuels lost to evaporation; and

TWELFTH: a bill modifying the West Virginia adjusted gross income of shareholders of S corporations engaged in banking; and

THIRTEENTH: a bill relating to Qualified Opportunity Zones; and

FOURTEENTH: a bill modifying criminal penalties imposed on a parent/guardian for child abuse resulting in injury or risk of injury; and

FIFTEENTH: a bill relating to appointment of counsel and petitions to the court in child abuse and neglect cases; and

SIXTEENTH: a bill relating to persons eighteen years or older in the custody of the Bureau of Juvenile Services, directing notice to various courts in criminal actions involving such persons, and ensuring that sight and sound requirements are met; and

SEVENTEENTH: a bill relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities; and

EIGHTEENTH: a bill relating to the use of records of criminal conviction to disqualify a person from receiving a license for a profession or occupation; and

NINETEENTH: a bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State

Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2019, organization 0803, for the fiscal year ending June 30, 2019; and

TWENTIETH: a bill making a supplementary appropriation by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2019, organization 0803, by supplementing and amending Chapter 12, Acts of the Legislature, Regular Session, 2018, known as the budget bill for the fiscal year ending June 30, 2019; and

TWENTY-FIRST: a bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, for the fiscal year ending June 30, 2020; and

TWENTY-SECOND: a bill making a supplementary appropriation by adding new items and increasing existing items for expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Department of Agriculture, fund 0131, fiscal year 2019, organization 1400, to the Department of Commerce, West Virginia Tourism Office, fund 0246, fiscal year 2019, organization 0304, to the Department of Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2019, organization 0402, to the Department of Education, State Board of Education, Vocational Division, fund 0390, fiscal year 2019, organization 0402, to the Department of Health of Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506, to the Department of Health and Human Resources, Division of Health, Consolidated Medical Service Fund, fund 0525, fiscal year 2019, organization 0506, to the West Virginia Council for Community and Technical College Education, Blue Ridge Community and Technical College, fund 0601, fiscal year 2019, organization 0447, to the West Virginia Council for Community

and Technical College Education, West Virginia University at Parkersburg, fund 0135, fiscal year 2019, organization 0464, to the West Virginia Council for Community and Technical College Education, Eastern West Virginia Community and Technical College, fund 0587, fiscal year 2019, organization 0492, to the Higher Education Policy Commission, Glenville State College, fund 0363, fiscal year 2019, organization 0485, and to the Higher Education Policy Commission, Shepherd University, fund 0366, fiscal year 2019, organization 0486, by supplementing and amending Chapter 12, Acts of the Legislature, Regular Session, 2018, known as the budget bill for the fiscal year ending June 30, 2019; and

TWENTY-THIRD: a bill supplementing and amending Chapter 31, Acts of the Legislature, Regular Session, 2019, known as the budget bill, all supplementing and amending section 9 for the fiscal year ending June 30, 2020; and

TWENTY-FOURTH: a bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2019, in the amount of \$4,705,000 from the Treasurer's Office, Unclaimed Property Fund, fund 1324, fiscal year 2019, organization 1300, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor's Office, fund 0101, fiscal year 2019, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

TWENTY-FIFTH: a bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2019, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

TWENTY-SIXTH: a bill supplementing and amending by decreasing and increasing existing items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Arts, Culture, and History, Educational Broadcasting Authority, fund 0300, fiscal year 2020, organization 0439, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020; and

TWENTY-SEVENTH: 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 Veterans' Assistance, fund 8858, fiscal year 2020, organization 0613, by supplementing, amending, decreasing, and adding an appropriation for the fiscal year ending June 30, 2020; and

TWENTY-EIGHTH: a bill making a supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2020, to the Secretary of State – General Administrative Fees Account, fund 1617, fiscal year 2020, organization 1600, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020; and

TWENTY-NINTH: 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 Agriculture, Department of Agriculture Capital Improvements Fund, fund 1413, fiscal year 2020, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020; and

THIRTIETH: 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 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020; and

THIRTY-FIRST: a bill supplementing, amending, increasing and adding new items of appropriations to the Executive, Attorney General, Consolidated Federal Fund, fund 8882, fiscal year 2020, organization 1500, in the amount of \$1,533,581, by supplementing and amending Chapter 31, Acts of the Legislature, Regular Session, 2019, known as the budget bill; and

THIRTY-SECOND: a bill supplementing and amending by increasing and decreasing existing items of appropriations of public moneys out of the Treasury in the State Fund, General Revenue, from the Department of Health and Human Resources, Division of Health, fund 0407, fiscal year 2020, organization 0506, to the Department of Agriculture, fund 0131, fiscal year 2020, organization 1400, by supplementing, amending, increasing and decreasing items of appropriation for the fiscal year ending June 30, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this seventeenth day of May, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Sixth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT

Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated the seventh day of March, Two Thousand Nineteen, calling the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, and amended by subsequent Proclamation dated the seventeenth day of May, Two Thousand Nineteen by adding item thirty-three, as follows:

THIRTY-THIRD: a bill relating to admissibility of health care staffing requirements in litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this twentieth day of May, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Sixth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State

Jim Justice
Governor of West Virginia

May 20, 2019

**HOUSE EXECUTIVE MESSAGE NO. 1
2019 FIRST EXTRAORDINARY SESSION**

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
Building 1, Room M-228
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Speaker Hanshaw:

The following amends and replaces the “FY 2019 Official Estimate General Revenue – Statement of Revenues by Source” which I submitted to you on March 6, 2019 in Executive Message No. 2, 2019 Regular Session for the fiscal year ending June 30, 2019:

General Revenue Fund
Statement of Revenues by Source
(Expressed in Thousands)

	FY 2019
	Official
<u>Source of Revenue</u>	<u>Estimate Revised</u>
Business and Occupation Tax	\$117,500
Consumer Sales & Service and Use Tax	1,358,000
Personal Income Tax	2,054,000
Liquor Profit Transfers	20,800
Beer Tax and Licenses	7,500
Tobacco Products Tax	179,700
Business Franchise Fees	670
Property Transfer Tax	13,000
Property Tax	6,900

2019]	HOUSE OF DELEGATES	4157
Insurance Tax		123,500
Departmental Collections		23,600
Corporate Net Income Tax		181,038
Miscellaneous Transfers		1,000
Interest Income		23,000
Severance Tax		441,000
Miscellaneous Receipts		10,700
HB102 – Lottery Transfers		65,000
Special Revenue Transfers		13,250
Senior Citizen Tax Credit Reimbursement		<u>10,000</u>
Total General Revenue		<u><u>\$4,650,158</u></u>

Note: The Governor’s official Revenue Estimates for Fiscal Year 2019 were revised upward by \$42.325 million on May 20, 2019. The changes include an increase in the Corporate Net Income Tax estimate and the Severance Tax estimate. The revision is reflected in the estimates for the first ten months of the fiscal year. As a result of this revision, cumulative revenue collections at the end of April were \$42.325 million above the cumulative estimate.

The following amends and replaces the FY 2019 “General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance” which I submitted to you on March 6, 2019 in Executive Message No. 2, 2019 Regular Session for the fiscal year ending June 30, 2019:

General Revenue Fund	
Statement of Revenues, Expenditures, and Changes in Cash Balance	
(Nearest Dollar)	
Actual Beginning Cash Balance July 1, 2018	\$377,650,037

Less: 31 Day Disbursements (July 1, 2018 - July 31, 2018)	
(42,888,978)	
Plus: Prior Year Reimbursements (July 1, 2018 - July 31, 2018)	
27,203	
Less: Prior Year Appropriations Forwarded	(297,422,832)
Less: Cash Balance - Adjustments and Accruals	<u>(1,337,913)</u>
Accumulated Surplus from FY 2018	
@ July 31, 2018	\$36,027,517
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	
(18,013,759)	
Less: FY 2019 Surplus Appropriation (FY 2019 Budget Bill)	
(13,765,000)	
Plus: Recommended FY 2019 Supplementary Expiration to Surplus	
Balance (2019 1 st Extraordinary Session)	4,705,000
Less: Recommended FY 2019 Supplementary Surplus	
Appropriation (2019 1 st Extraordinary Session)	(6,205,000)
Plus: Prior Year Reimbursements and Adjustments	
(August 1, 2018 – May 13, 2019)	<u>573,172</u>
Estimated Unappropriated Surplus Balance	
@ June 30, 2019	\$3,321,930
Plus: FY 2019 Revenue Estimate	\$4,439,920,000
Plus: FY 2019 Revision to Revenue Estimate	
(2019 Regular Session) 1/9/19	142,000,000
Plus: FY 2019 Revision to Revenue Estimate	
(2019 Regular Session) 3/5/2019	25,913,000
Plus: FY 2019 Revision to Revenue Estimate	

2019]	HOUSE OF DELEGATES	4159
	(2019 1 st Extraordinary Session) 5/20/19	42,325,000
Less:	FY 2019 Appropriations (FY 2019 Budget Bill) (2018 Regular Session)	(4,381,808,884)
Plus:	FY 2019 Appropriations (FY 2019 Budget Bill) veto	0
Less:	Recommended FY 2019 Supplementary Appropriations (2019 Regular Session)	(195,723,199)
Less:	Recommended FY 2019 Supplementary Appropriations (2019 1 st Extraordinary Session)	(72,625,000)
	Estimated Unappropriated Balance from FY 2019 Activity @ June 30, 2019	\$917
Plus:	FY 2020 Revenue Estimate	\$4,675,820,000
Pus:	FY 2020 Revenue Increase/ Decrease from Legislation	34,380,000
Less:	FY 2020 Appropriations (FY 2020 Budget Bill) (2019 Regular Session)	(4,635,887,842)
Plus:	FY 2020 Appropriations (FY 2020 Budget Bill) veto	<u>5,372,000</u>
	Estimated Unappropriated Balance from FY 2020 Activity @ June 30, 2020	<u>\$79,684,158</u>
	Total Estimated Unappropriated Balance @ June 30, 2020	<u>\$83,007,005</u>

The following amends and replaces the “FY 2019 Official Estimate” “State Road Fund – Statement of Revenues by Source” which I submitted to you on January 9, 2019 as part of my Budget Document for the fiscal year ending June 30, 2019:

State Road Fund
Statement of Revenues by Source
(Expressed in Thousands)

FY 2019

Official

<u>Source of Revenue</u>	<u>Estimate Revised</u>
Motor Fuel Tax	\$443,900
Registration	142,196
Sales (Privilege)	230,930
Litter	1,719
Less: Industrial Access Road Transfer	(3,000)
Miscellaneous Revenue	70,495
Federal Reimbursement	<u>471,500</u>
Total State Road	<u>\$1,357,740</u>

Note: The Governor's official Revenue Estimates for Fiscal Year 2019 were revised upward by \$54 million on May 20, 2019. The changes include an increase in the Miscellaneous Revenue estimate. The revision is reflected in the month of June.

State Road Fund
Statement of Revenues, Expenditures,
and Changes in Cash Balance
(Nearest Dollar)

Cash and Investment Balance - July 1, 2018	\$141,408,683
Plus: Revenue Estimate-FY 2019	1,303,740,000
Plus: FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 5/20/19	<u>54,000,000</u>
Total Estimated Receipts and Balance	\$1,499,148,683
Less: FY 2019 Appropriations (FY 2019 Budget Bill) – Division of Highways	(\$1,308,400,000)

Less: FY 2019 Appropriations (FY 2019 Budget Bill) – Division of Motor Vehicles	(43,478,729)
Less: FY 2019 Appropriations (FY 2019 Budget Bill) – Office of Administrative Hearings	(1,951,979)
Less: Claims Against the State Road Fund (FY 2019 Budget Bill)	<u>(408,830)</u>
Estimated Balance @ June 30, 2019	\$144,909,145
Plus: Revenue Estimate – FY 2020	\$1,319,857,000
Less: Recommended FY 2020 Appropriations (FY 2020 Budget Bill) – Division of Highways	(1,334,315,083)
Less: Recommended FY 2020 Appropriations (FY 2020 Budget Bill) – Division of Motor Vehicles	(46,077,719)
Less: Recommended FY 2020 Appropriations (FY 2020 Budget Bill) – Office of Administrative Hearings	(2,065,530)
Less: Claims Against the State Road Fund (FY 2020 Budget Bill)	(1,703,146)
Less: FY 2020 Supplementary Appropriations (2019 1 st Extraordinary Session) Division of Highways	<u>(54,000,000)</u>
Estimated Unappropriated Balance @ June 30, 2020	<u><u>\$26,604,667</u></u>

Thank you for your cooperation in this matter.

Sincerely,

Jim Justice,
Governor.

Resolutions Introduced

Delegate Hanshaw (Mr. Speaker) offered the following resolution:

H. R. 101 - “Authorizing the creation of select committees on education reform.”

Resolved by the House of Delegates:

That for the remainder of the First Extraordinary Session of the 84th Legislature, the Speaker is hereby authorized to create one or more select committees on education reform, as necessary, consisting of not more than twenty-five members of the House of Delegates, to be appointed by the Speaker. Notwithstanding the provisions of any House Rule to the contrary, the select committees may review legislation, receive testimony, evaluate and recommend action to the House relating to all issues relevant to education reform; and, be it

Further Resolved, That the Rules of the House of Delegates governing standing committees shall govern the actions and proceedings of select committees insofar as applicable.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 101) to a committee was dispensed with and it was taken up for immediate consideration.

The resolution was then read by the Clerk.

On the adoption of the resolution, Delegate Fleischauer demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 760**), and there were—yeas 79, nays 18, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: S. Brown, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hornbuckle, Lavender-Bowe, Longstreth,

Lovejoy, Pushkin, Pyles, Rowe, Sponaugle, C. Thompson, R. Thompson and Walker.

Absent and Not Voting: Butler, Cadle and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 101) adopted.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, as follows:

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

H. B. 103 - “A Bill to amend and reenact §18-16-1, §18-16-2, §18-16-3, and §18-16-4 of the Code of West Virginia, 1931, as amended; all relating to prohibiting hazing generally; adopting a short title; defining terms; criminalizing participation in hazing; establishing criminal penalties; expanding and clarifying organizations subject to anti-hazing provisions; requiring institutions of higher education to promulgate policies related to hazing; requiring enforcement of institution anti-hazing policies; and authorizing institutions to impose non-criminal penalties for hazing.”

On motion of Delegate Summers, the bill was laid upon the table.

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

H. B. 104 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-20-8a, relating to authorizing the West Virginia Board of Physical Therapy to conduct criminal background checks on applicants seeking their initial license; requiring applicants seeking initial license to submit to national and state criminal record background check as condition of eligibility for license; mandating such applicants to submit fingerprints and authorize board, West Virginia State Police, and Federal Bureau of Investigation to use records submitted to screen applicants; prohibiting release of

background check results, with certain exceptions; establishing that background check records are not public records for purposes of chapter 29B of said code; obligating such applicants to complete background check as soon as possible after application for license; requiring applicants to pay costs of fingerprinting and background check; prohibiting board from disqualifying applicants from licensure because of prior conviction unless conviction was for crime bearing rational nexus to the occupation for which licensure is sought; barring board from using crimes of moral turpitude to make licensure decisions; allowing applicants disqualified for licensure because of criminal conviction to reapply after five years after later date of conviction or date of release from penalty imposed for conviction and providing exception for violent or sexual offenses; establishing procedure for individuals with criminal records to petition board for determination whether such criminal record will disqualify individual from obtaining licensure; and requiring rulemaking by a certain deadline.”

On motion of Delegate Summers, the bill was laid upon the table.

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

H. B. 105 - “A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-4-3 of said code; to amend and reenact §16A-6-3 of this code; to amend and reenact §16A-6-13 of said code; to amend and reenact §16A-7-4 of said code; to amend and reenact §16A-8-1 of said code; to amend and reenact §16A-9-1 of said code; to amend said code by adding thereto two new sections, designated §16A-9-3 and §16A-9-4; to amend and reenact §16A-10-6 of said code; to amend and reenact §16A-11-1 of said code; to amend said code by adding thereto a new section, designated §16A-15-10; and to amend and reenact §16A-16-1 of said code, all relating generally to medical cannabis; defining terms; modifying certain definitions; modifying conditions for issuance of patient certifications; expanding practitioner reporting requirements; defining resident for purposes of the act; requiring that state residents own a majority of business entities applying for medical cannabis organization permits;

removing regional distribution requirements for growers, processors, and dispensaries; establishing criteria for choosing the locations of dispensary permittees; requiring the Bureau for Public Health to adopt fair and objective evaluation procedures in choosing permittees; requiring numeric scoring of applications; increasing the maximum number of dispensary permits; increasing the number of dispensary permits a person or entity may hold; authorizing persons or entities to hold grower, processor and dispensary permits; authorizing the bureau to oversee testing of medical cannabis; permitting the Commissioner of Agriculture to perform medical cannabis testing; directing that fees for testing of medical cannabis received by the Commissioner of Agriculture be deposited in the Medical Cannabis Program Fund for disbursement to the Commissioner of Agriculture; authorizing the bureau to contract with persons or entities other than the Commissioner of Agriculture for testing of medical cannabis; removing the requirement that dispensaries have a physician or pharmacist onsite; modifying tax rates and tax procedures related to medical cannabis organizations establishing a 10 percent tax on gross proceeds at the dispensary level; authorizing the electronic filing with the Tax Commissioner; directing tax proceeds to be deposited in the Medical Cannabis Program Fund; clarifying applicability of the West Virginia Tax Procedure and Administration Act and the West Virginia Tax Crimes and Penalties Act apply to medical cannabis operations; extending the authority of the bureau to adopt emergency rules until July 1, 2021; adding two osteopathic physicians appointed by the West Virginia Osteopathic Association to the Medical Cannabis Advisory Board; immunizing state officials and employees from causes of action in their personal capacities for actions taken to implement the act; limiting any type of recovery to proceeds of available insurance; obligating the state to defend and indemnify state officials and employees against one type of action brought against them for implementing the act; authorizing pre-certification of patients; maintaining restriction that patient certificates may not be issued until July 1, 2019; and incorporating certain tax offenses and penalties by reference.”

On motion of Delegate Summers, the bill was laid upon the table.

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

H. B. 106 - “A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program; modifying the definition of Upper Kanawha Valley; requiring the council to waive its discretionary program guidelines to allow funding requests that may fall outside of the program’s guidelines but address the Upper Kanawha Valley communities’ goals for revitalization; extending the program to June 30, 2024; and providing that the annual report due under the program shall be delivered to the Joint Committee on Government and Finance with copies being provided to the county commissions and mayors of the Upper Kanawha Valley.”

On motion of Delegate Summers, the bill was laid upon the table.

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

H. B. 107 - “A Bill to repeal §5A-3-28, §5A-3-30, and §5A-3-31 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §61-5B-1, §61-5B-2, and §61-5B-3, all relating to state purchasing generally; moving and modifying certain criminal provisions relating to government procurement from chapter 5A of the code to chapter 61; defining terms; prohibiting persons purchasing commodities and services on behalf of a governmental entity from having an interest in entities selling or contracting to sell commodities or services to a governmental entity; prohibiting persons purchasing commodities or services on behalf of a governmental entity from accepting anything of value from persons selling, attempting to sell, or contracting to sell commodities or services to a governmental entity; prohibiting persons or entities attempting to sell or selling commodities to a governmental entity from offering anything of value to the person acting as a governmental entity’s agent; prohibiting delivery and acceptance of inferior commodities or services, authorizing change orders made in good faith from prohibited conduct; creating exceptions to prohibited conduct

consistent with state ethics law; and establishing criminal penalties.”

On motion of Delegate Summers, the bill was laid upon the table.

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

H. B. 108 - “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 regulation of recovery residences; providing voluntary certification procedures; providing voluntary inspection standards; providing requirements for the referral of persons; providing criminal penalties and fines; permitting rulemaking; requiring compliance with the Fair Housing Act and Americans with Disabilities Act; and providing for the payment of state funds to recovery residences in certain circumstances.”

On motion of Delegate Summers, the bill was laid upon the table.

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

H. B. 109 - “A Bill to amend and reenact §16-5Y-5 of the Code of West Virginia, 1931, as amended, relating to permitting certain trained professionals to provide counseling in a medication-assisted treatment program.”

On motion of Delegate Summers, the bill was laid upon the table.

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

H. B. 110 - “A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18C-3-5, all relating to establishing health professionals’ student loan programs; providing legislative findings and purpose; establishing a loan repayment program for mental health providers; providing for in-state tuition

rates to out-of-state medical students who agree to practice for a specific time within West Virginia; establishing the program eligibility requirements; setting forth repayment schedules; creating application procedures; establishing violations; providing for civil penalties for the failure to complete the required service; creating special revenue accounts; and providing for specific policy provisions.”

On motion of Delegate Summers, the bill was laid upon the table.

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

H. B. 111 - “A Bill to amend and reenact §11-14C-30 of the Code of West Virginia, 1931, as amended, relating to refunds of excise taxes collected from dealers of petroleum products under certain circumstances; and increasing a cap on the amount of tax that may be refunded for fuels lost through evaporation.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 111) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 761**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Doyle, Fleischauer, Kump and Pyles.

Absent and Not Voting: S. Brown, Butler and Zukoff.

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 engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 762**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Doyle and Fleischauer.

Absent and Not Voting: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 111) passed.

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

On this question, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Doyle and Fleischauer.

Absent and Not Voting: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 111) 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.

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

H. B. 112 - “A Bill to amend and reenact §11-21-17 and §11-21-17a of the Code of West Virginia, 1931, as amended; to amend and reenact §11-21-37c of said code as contained in Chapter 244, Acts of the Legislature, Regular Session, 2019; and to amend said code by adding thereto a new section, designated §11-21-12j, all relating generally to the personal income tax; creating additional

modification to West Virginia adjusted gross income of shareholder of S corporation, or member of a limited liability company, when engaged in business as a financial organization in this state; setting forth apportionment rules for certain financial organizations; specifying special gross receipts factor; defining terms; making technical corrections; and providing retroactive effective date.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 112) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 764**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Butler and Zukoff.

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 engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 765**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Doyle and Fleischauer.

Absent and Not Voting: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 112) passed.

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

On this question, the yeas and nays were taken (**Roll No. 766**), 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: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 112) 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.

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

H. B. 113 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12k; and to amend said code by adding thereto a new section, designated §11-24-6b, all relating generally to establishing tax incentive for new business activity in qualified opportunity zones; establishing eligibility requirements; defining terms; specifying duration of tax benefit; providing rulemaking authority; providing for termination of program; and specifying effective dates.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 113) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 767**), and there were—yeas 73, nays 25, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, S. Brown, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Miley, Pushkin, Pyles, Rowe, Sponaugle, C. Thompson, Walker and Williams.

Absent and Not Voting: Butler and Zukoff.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

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

H. B. 115 - “A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating generally to court actions in abuse and neglect proceedings and appointment of counsel in such proceedings; requiring a petition to include the names of all parents, guardians, custodians and other persons standing in loco parentis with the child who is the subject of the petition as well as an express statement as to whether each person named is alleged to have abused or neglected the child; requiring courts to appoint counsel for the child and any other named person who is without counsel prior to the initial hearing; clarifying when a court may and may not appoint counsel; and establishing criteria for appointment of counsel for unrepresented persons when necessary to ensure fundamental fairness.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 115) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 768**), and there were—yeas 81, nays 17, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, N. Brown, S. Brown, Canestraro, Caputo, Doyle, Fleischauer, Kump, Lavender-Bowe, Longstreth, P. Martin, Pushkin, Pyles, Rowe, C. Thompson and Walker.

Absent and Not Voting: Butler and Zukoff.

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 engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 769**), and there were—yeas 72, nays 26, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, N. Brown, S. Brown, Byrd, Canestraro, Caputo, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hicks, Lavender-Bowe, Longstreth, Miley, Pushkin, Pyles, Robinson, Rowe, Skaff, Sponaule, Staggers, C. Thompson, Walker and Williams.

Absent and Not Voting: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 115) passed.

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

On this question, the yeas and nays were taken (**Roll No. 770**), and there were—yeas 84, nays 14, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, S. Brown, Canestraro, Caputo, Doyle, Fleischauer, Hansen, Lavender-Bowe, Longstreth, Pyles, Sponaugle, C. Thompson and Williams.

Absent and Not Voting: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 115) 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.

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

H. B 116 - "A Bill to amend and reenact §49-4-722 of the Code of West Virginia, 1931, as amended, relating generally to persons eighteen years of age and older in the custody of the Bureau of Juvenile Services; directing notice between courts in criminal actions involving adults under the juvenile jurisdiction of the circuit court when such adults are charged or convicted of crimes while in custody of the Bureau of Juvenile Services; requiring notice of pending disposition to the circuit court with juvenile jurisdiction; prohibiting release of persons until after the court with juvenile jurisdiction holds a hearing as to future treatment of the person; and authorizing the Commissioner of the Division of Corrections and Rehabilitation to designate one or more units under his or her management to ensure that persons eighteen years of age or older under the juvenile jurisdiction of the circuit court are housed out of sight and sound of detained juveniles and incarcerated adult offenders."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 116) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 771**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Butler and Zukoff.

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 engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 772**), 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: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 116) passed.

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

On this question, the yeas and nays were taken (**Roll No. 773**), 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: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 116) 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.

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

H. B. 117 - “A Bill to amend and reenact §11-13-3f of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13F-1, §11-13F-2 and §11-13F-3 of said code; to amend and reenact §11-24-11 of said code; to amend and reenact §24-2A-5 of said code; and to amend and reenact §24-3-2 of said code, all relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities; providing for application for reduced rates; updating definitions; authorizing certain tax credits for cost of using reduced rates; and providing for retroactive effective date.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 117) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 774**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Butler, Howell and Zukoff.

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 engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 775**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Foster, McGeehan, Steele and Wilson.

Absent and Not Voting: Butler, Howell and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 117) passed.

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

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

H. B. 118 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-24; to amend and reenact §30-5-11 and §30-5-11a of said code; to amend and reenact §30-10-8 and §30-10-10 of said code; to amend and reenact §30-13A-9 and §30-13A-12 of said code; to amend and reenact §30-20-8 and §30-20-10 of said code; to amend and reenact §30-21-7 of said code; to amend and reenact §30-22-10 of said code; to amend and reenact §30-23-9, §30-23-15, §30-23-17, and §30-23-20 of said code; to amend and reenact §30-25-8 of said code; to amend and reenact §30-26-5 and §30-26-13 of said code; to amend and reenact §30-30-8, §30-30-10, §30-30-12, §30-30-14, and §30-30-26 of said code; to amend and reenact §30-31-8 and §30-31-9 of said code; to amend and reenact §30-38-12 of said code; and to amend and reenact §30-39-6 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 boards and licensing authorities to determine whether a criminal conviction has 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 requiring licensure, certification or registration; limiting licensure disqualification; authorizing persons to petition licensure boards for a determination as to whether a person's criminal record precludes licensure; and providing for rulemaking.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 118) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 776**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Butler, D. Kelly, Linville and Zukoff.

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.

On motion of Delegate Shott, the bill was amended on page three, section eleven, line one, by striking out all of section eleven and inserting in lieu thereof a new section, designated section eleven, to read as follows:

“§30-5-11. Registration of pharmacy technicians.

(a) To be eligible for registration as a pharmacy technician to assist in the practice of pharmacist care, the applicant shall:

- (1) Submit a written application to the board;
- (2) Pay the applicable fees;
- (3) Have graduated from high school or obtained a ~~Certificate of General Educational Development (GED)~~ Test Assessing Secondary Completion (TASC) or equivalent.
- (4) Have:
 - (A) Graduated from a competency-based pharmacy technician education and training program as approved by legislative rule of the board;
 - (B) Completed a pharmacy-provided, competency-based education and training program approved by the board; or
 - (C) Obtained a national certification as a pharmacy technician and have practiced in another jurisdiction for a period of time as determined by the board.
- (5) Have successfully passed an examination developed using nationally recognized and validated psychometric and pharmacy practice standards approved by the board;
- (6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a 12-step program or other similar group or process, may be considered;
- (7) Not have been convicted of a felony in any jurisdiction within 10 years preceding the date of application for ~~license~~ licensure, which conviction remains unreversed;
- (8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted ~~bearing~~ bears a rational nexus to the practice of pharmacist care, which conviction remains unreversed; and
- (9) Have fulfilled any other requirement specified by the board in rule.

(b) A person whose license to practice pharmacist care has been denied, revoked, suspended, or restricted for disciplinary purposes in any jurisdiction is not eligible to be registered as a pharmacy technician.

(c) To be eligible to obtain a nuclear pharmacy technician endorsement, the applicant shall:

(1) Submit a written application to the board;

(2) Pay the applicable fees;

(3) Have graduated from high school or obtained a ~~Certificate of General Educational Development (GED)~~ Test Assessing Secondary Completion (TASC) or equivalent;

(4) Have successfully completed a pharmacy provided, competency-based nuclear pharmacy technician education and training program approved by the board;

(5) Have all applicable national certifications and comply with all federal rules and regulations;

(6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a 12-step program or other similar group or process, may be considered;

(7) Not have been convicted of a felony in any jurisdiction within 10 years preceding the date of application for ~~license licensure~~ which conviction remains unreversed: *Provided*, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code.

(8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted ~~bearing~~ bears a rational nexus to the practice of pharmacist care, which conviction remains unreversed: *Provided*, That any consideration of prior criminal convictions shall be governed by the provisions of §30-1-22 of this code; and

(9) Has fulfilled any other requirement specified by the board in any rule.

(d) A person whose license to practice pharmacist care has been denied, revoked, suspended, or restricted for disciplinary purposes in any jurisdiction is not eligible to be registered as a nuclear pharmacy technician.”

The bill was then ordered to engrossment third reading.

Having been engrossed, the bill was then read third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 777**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fast, C. Martin.

Absent and Not Voting: Butler, D. Kelly and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 118) passed.

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

On this question, the yeas and nays were taken (**Roll No. 778**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fast, C. Martin.

Absent and Not Voting: Butler, D. Kelly and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 118) takes effect from 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.

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

H. B. 119 - “A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2019, organization 0803, for the fiscal year ending June 30, 2019.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 119) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 779**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Butler and Zukoff.

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 engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 780**), 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: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 119) passed.

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

On this question, the yeas and nays were taken (**Roll No. 781**), 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: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 119) 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.

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

H. B. 120 - “A Bill making a supplementary appropriation by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2019, organization 0803, by supplementing and amending Chapter 12, Acts of the Legislature, Regular Session, 2018, known as the budget bill for the fiscal year ending June 30, 2019”; which was referred to the Committee on Finance.

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

H. B. 121 - “A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, for the fiscal year ending June 30, 2020”; which was referred to the Committee on Finance.

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

H. B. 122 - “A Bill making a supplementary appropriation by adding new items and increasing existing items for expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Department of Agriculture, fund 0131, fiscal year 2019, organization 1400, to the Department of Commerce, West Virginia Tourism Office, fund 0246, fiscal year 2019, organization 0304, to the Department of Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2019, organization 0402, to the Department of Education, State Board of Education, Vocational Division, fund 0390, fiscal year 2019, organization 0402, to the Department of Health of Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506, to the Department of Health and Human Resources, Division of Health, Consolidated Medical Services Fund, fund 0525, fiscal year 2019, organization 0506, to the West Virginia Council for Community and Technical College Education, Blue Ridge Community and Technical College, fund 0601, fiscal year 2019, organization 0447, to the West Virginia Council for Community and Technical College Education, West Virginia University at Parkersburg, fund 0351, fiscal year 2019, organization 0464, to the West Virginia Council for Community and Technical College Education, Eastern West Virginia Community and Technical College, fund 0587, fiscal year 2019, organization 0492, to the Higher Education Policy Commission, Glenville State College, fund 0363, fiscal year 2019, organization 0485, and to the Higher Education Policy

Commission, Shepherd University, fund 0366, fiscal year 2019, organization 0486, by supplementing and amending Chapter 12, Acts of the Legislature, Regular Session, 2018, known as the budget bill for the fiscal year ending June 30, 2019”; which was referred to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 123 - “A Bill supplementing and amending Chapter 31, Acts of the Legislature, regular session, 2019, known as the budget bill, all supplementing and amending the appropriation for the fiscal year ending June 30, 2020”; which was referred to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 124 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2019 in the amount of \$4,705,000 from the Treasurer’s Office, Unclaimed Property Fund, fund 1324, fiscal year 2019, organization 1300, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor’s Office, fund 0101, fiscal year 2019, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; which was referred to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 125 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2019, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; which was referred to the Committee on Finance.

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

H. B. 126 - “A Bill supplementing and amending by decreasing and increasing existing items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Arts, Culture, and History, Educational Broadcasting Authority, fund 0300, fiscal year 2020, organization 0439, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; which was referred to the Committee on Finance.

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

H. B. 127 - “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 Veterans’ Assistance, fund 8858, fiscal year 2020, organization 0613, by supplementing, amending, decreasing, and adding an appropriation for the fiscal year ending June 30, 2020”; which was referred to the Committee on Finance.

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

H. B. 128 - “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 Secretary of State – General Administrative Fees Account, fund 1617, fiscal year 2020, organization 1600, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; which was referred to the Committee on Finance.

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

H. B. 129 - “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 Agriculture, Department of Agriculture Capital Improvements Fund, fund 1413, fiscal year 2020, organization 1400 by supplementing and amending the

appropriations for the fiscal year ending June 30, 2020”; which was referred to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 130 - “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”; which was referred to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 131 - “A Bill supplementing, amending, increasing and adding new items of appropriations to the Executive, Attorney General, Consolidated Federal Fund, fund 8882, fiscal year 2020, organization 1500, in the amount of \$1,533,581, by supplementing and amending chapter thirty-one, Acts of the Legislature, Regular Session, 2019, known as the budget bill”; which was referred to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 132 - “A Bill supplementing and amending by increasing and decreasing existing items of appropriations of public moneys out of the Treasury in the State Fund, General Revenue, from the Department of Health and Human Resources, Division of Health, fund 0407, fiscal year 2020, organization 0506 to the Department of Agriculture, fund 0131, fiscal year 2020, organization 1400, by supplementing, amending, increasing and decreasing items of appropriation for the fiscal year ending June 30, 2020”; which was referred to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 133 - “A Bill to amend and reenact §55-7B-7a of the Code of West Virginia, 1931, as amended, relating to the admissibility of health care staffing requirements in medical

professional liability litigation; providing that compliance with minimum staffing requirements under state law creates rebuttable presumptions that appropriate staffing and adequate supervision of patients to prevent accidents were provided; requiring that if staffing is less than requirements dictated by state law then there is a rebuttable presumption that there was inadequate supervision of patients and that inadequate staffing or inadequate supervision was a contributing cause of the patient's fall and resulting injuries or death; and requiring the jury be instructed accordingly."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 133) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 782**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Butler and Zukoff.

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 engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 783**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Canestraro, Caputo, Fleischauer, Fluharty, Miley, Robinson, Walker and Williams.

Absent and Not Voting: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 133) passed.

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

On this question, the yeas and nays were taken (**Roll No. 784**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Caputo, Fluharty, Robinson and Walker.

Absent and Not Voting: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 133) 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.

By Delegates Hornbuckle, Estep-Burton, Tomblin, Walker, N. Brown, Hansen, Angelucci, Longstreth, Fleischauer, Boggs and Pushkin:

H. B. 134 - “A Bill to amend and reenact §18A-4-2, and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to teacher and school personnel salaries, increasing annual salaries of public school teachers and school service personnel”; which was referred to the Select Committee on Education Reform D.

By Delegates Hornbuckle, Doyle, Miley, Caputo, Tomblin, Walker, Pushkin, Pyles, Boggs, Staggers and R. Thompson:

H. B. 135 - “A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-9 of said code; to amend and reenact §18C-4-1, §18C-4-2,

§18C-4-3, §18C-4-4 and §18C-4-5 of said code; and to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4A-3 of said code; and to amend said code by adding thereto a new section, designated §18A-4-2d, all relating to high quality education; increasing the amount that a faculty senate of a public school may allocate to a classroom teacher or librarian for academic materials, supplies or equipment which, in the judgment of the teacher or librarian, will assist providing instruction; increasing the amount of foundation expenses for academic or instructional materials; creating a mathematics teacher incentive; authorizing a one-time payment up to \$2,000 to mathematic teachers completing an approved course; creating the Mathematics Incentive Program Fund; establishing minimum requirements for mathematics teachers to be eligible for the one-time payment for successful completion of an approved mathematics course; requiring recipients of the Underwood-Smith programs to be teachers pursuing mathematics, science or special education; placing additional public school teaching requirements on Underwood-Smith program recipients to teach in this state's public schools; allocating additional academic support and mentors to Underwood-Smith program recipients; creating the Underwood-Smith Teaching Scholars Program Fund; establishing criteria necessary to be an Underwood-Smith Teaching Scholar Program scholarship recipient; establishing criteria to accept an Underwood-Smith Teaching Scholars Program award; establishing conditions for Underwood-Smith recipients to retain and renew awards; establishing limitations for an Underwood-Smith Teaching Scholars award in relation to time and outside financial aid; and establishing an expiration date of July 1, 2019 for the Underwood-Smit Teacher Loan Assistance Program provisions"; which was referred to the Select Committee on Education Reform A.

By Delegates Hornbuckle, Doyle, Miley, Caputo, Lavender-Bowe, Fleischauer, Pyles, R. Thompson, Rowe, Sponaugle and Zukoff:

H. B. 136 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated 18-5-18d; and to amend and reenact §18-5-18e of said code, all relating to

studies of issues effecting public school education; authorizing a study of student loan payments tax credits and a loan forgiveness program for teachers; and authorizing a study of class sizes”; which was referred to the Select Committee on Education Reform B.

By Delegates Hornbuckle, Miley, Caputo, Lavender-Bowe, Walker, Canestraro, Fleischauer, Pushkin, Pyles, C. Thompson and R. Thompson:

H. B. 137 - “A Bill to make a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2019, to the Department of Health and Human Resources, Division of Health – Central Office, fund 5163, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; which was referred to the Committee on Finance.

By Delegates Hornbuckle, Miley, Skaff, Lavender-Bowe, N. Brown, Longstreth, Fleischauer, C. Thompson, R. Thompson, Hartman and Estep-Burton:

H. B. 138 - “A Bill to repeal §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-13, and §18-5B-14 of the Code of West Virginia, 1931, as amended; to amend and reenact 18-5A-2 of said code; to amend and reenact §18-5B-3 of said code; and to amend said code by adding thereto a new section, designated as 18-5B-15, all relating to restoring local public school flexibility; reforming local school improvement councils; and reforming the school innovation zone act to increase flexibility and decrease bureaucracy”; which was referred to the Select Committee on Education Reform D.

By Delegates Hornbuckle, Doyle, Campbell, Robinson, Canestraro, Hansen, Diserio, Staggers, R. Thompson, Pyles and Walker:

H. B. 139 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated as §18-2-42, relating to authorizing a competitive grant program to implement vocational-technical education programs in middle schools”; which was referred to the Select Committee on Education Reform A.

By Delegate Cooper:

H. B. 140 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-2b; and to amend and reenact §18A-4-2 of said code, all relating to providing a bonus for teachers willing to teach in certain critical needs areas and increasing state minimum salary of special needs teachers and teachers of mathematics and computer science in grades seven through 12”; which was referred to the Select Committee on Education Reform A.

By Delegate Cooper:

H. B. 141 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to school calendar and testing; requiring students to take achievement tests; exempting students who test at certain level from attending school past a certain date”; which was referred to the Select Committee on Education Reform D.

By Delegates Hornbuckle, Doyle, Barrett, S. Brown, Williams, Sponaugle, N. Brown, Longstreth, R. Thompson, Boggs and Hartman:

H. B. 142 - “A Bill to amend and reenact §18-9A-2, §18-9A-12, and §18-9A-21 of the Code of West Virginia, 1931, as amended, all relating to modifications to the school aid formula, amending the definition of levies for general current expense purposes; instituting a floor of 1,400 students for the purposes of determining the county’s basic foundation program; providing for allocating state aid share of certain counties by calculating the basic foundation program upon the 2015-2016 determined local share; and increasing funding for alternative education programs”; which was referred to the Select Committee on Education Reform A.

By Delegates Miley, Caputo, Canestraro, Evans, Zukoff, Lavender-Bowe, Hartman, S. Brown, Rowe, Sponaugle and Stagers:

H. B. 143 - “A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-8 of said code, all relating to increasing the basic foundation allowance to the county for professional student

support personnel”; which was referred to the Select Committee on Education Reform A.

At 4:21 p.m., the House of Delegates recessed until 5:30 p.m.

* * * * *

Evening Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

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

Your Committee on Finance has had under consideration:

H. B. 120, Supplementary appropriation to the Department of Transportation,

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

Messages from the Senate

A message from the Senate, by

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

S. B. 1001 - “A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program; modifying the definition of ‘Upper Kanawha Valley’; requiring the

council to waive its discretionary program guidelines to allow funding requests that may fall outside of the program's guidelines but address the Upper Kanawha Valley communities' goals for revitalization; extending the program to June 30, 2024; and providing that the annual report due under the program shall be delivered to the Joint Committee on Government and Finance with copies being provided to the county commissions and mayors of the Upper Kanawha Valley.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1001) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 785**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Butler and Zukoff.

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.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 786**), 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: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1001) 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. 1004 - “A Bill to amend and reenact §18-16-1, §18-16-2, §18-16-3, and §18-16-4 of the Code of West Virginia, 1931, as amended, all relating generally to prohibiting hazing; adopting a short title; defining terms; criminalizing participation in hazing; establishing criminal penalties; expanding and clarifying organizations subject to anti-hazing provisions; requiring institutions of higher education to promulgate policies related to hazing; requiring enforcement of institution anti-hazing policies; and authorizing institutions to impose noncriminal penalties for hazing.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1004) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 787**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Dean, Kump and Paynter.

Absent and Not Voting: Butler and Zukoff.

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.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 788**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Bibby, Dean, Evans, Fluharty, Jennings, Kump, McGeehan, Paynter, Porterfield, Sponaule, Toney and Wilson.

Absent and Not Voting: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1004) 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1006 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-20-8a, relating to authorizing the West Virginia Board of Physical Therapy to conduct criminal background checks on applicants seeking their initial license; requiring applicants seeking initial license to submit to national and state criminal record background check as condition of eligibility for license; mandating such applicants to submit fingerprints and authorize board, West Virginia State Police, and Federal Bureau of Investigation to use records submitted to screen applicants; prohibiting release of background check results, with certain exceptions; establishing that background check records are not public records for purposes of chapter 29B of this code; obligating such applicants to complete background check as soon as possible after application for license; requiring applicants to pay costs of fingerprinting and background

check; prohibiting board from disqualifying applicants from licensure because of prior conviction unless conviction was for crime bearing rational nexus to the occupation for which licensure is sought; barring board from using crimes of moral turpitude to make licensure decisions; allowing applicants disqualified for licensure because of criminal conviction to reapply after five years after later date of conviction or date of release from penalty imposed for conviction and providing exception for violent or sexual offenses; establishing procedure for individuals with criminal records to petition board for determination whether such criminal record will disqualify individual from obtaining licensure; and requiring rulemaking by a certain deadline.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1006) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 789**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Butler and Zukoff.

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.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 790**), 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: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1006) passed.

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

On this question, the yeas and nays were taken (**Roll No. 791**), 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: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1006) 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 its passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1009 - “A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18C-3-5, all relating to establishing health professionals student loan programs; providing legislative findings and purpose; establishing a loan repayment program for mental health providers; providing for in-state tuition rates to out-of-state medical students who agree to practice for a specific time within West Virginia; establishing the program eligibility requirements; setting forth repayment schedules; creating application procedures; establishing violations; providing for civil penalties for the failure to complete the required service;

creating special revenue accounts; and providing for specific policy provisions.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1009) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 792**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Butler and Zukoff.

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.

Delegate Fleischauer moved to amend the bill and, subsequently, in the absence of objection, withdrew the amendment.

The bill was then ordered to third reading.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 793**), 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: Butler, J. Kelly and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1009) passed.

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

On this question, the yeas and nays were taken (**Roll No. 794**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: P. Martin, McGeehan and Wilson.

Absent and Not Voting: Butler, J. Kelly and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1009) 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

S. B. 1012 - “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 regulation of recovery residences; providing voluntary certification procedures; providing voluntary inspection standards; providing requirements for the referral of persons; providing criminal penalties and fines; permitting rulemaking; requiring compliance with the Fair Housing Act and Americans with Disabilities Act; and providing for the payment of state funds to recovery residences in certain circumstances.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1012) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 795**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Butler, D. Kelly and Zukoff.

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.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 796**), 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: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1012) passed.

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

On this question, the yeas and nays were taken (**Roll No. 797**), 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: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1012) 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

S. B. 1013 - “A Bill to amend and reenact §16-5Y-5 of the Code of West Virginia, 1931, as amended, relating to permitting certain trained professionals to provide counseling in a medication-assisted treatment program.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1013) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 798**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Butler, Robinson, Steele and Zukoff.

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.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 799**), 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: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1013) passed.

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

On this question, the yeas and nays were taken (**Roll No. 800**), 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: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1013) 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

S. B. 1015 - “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 Secretary of State – General Administrative Fees Account, fund 1617, fiscal year 2020, organization 1600, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1015) 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1016 - “A Bill making a supplementary appropriation by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an General Revenue, to the Department of Transportation - Division of Highways, fund 0620, fiscal year 2019, organization 0803, by supplementing and amending Chapter 12, Acts of the Legislature, Regular Session, 2018, known as the Budget Bill for the fiscal year ending June 30, 2019.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1016) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 801**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Doyle, Hansen and Walker.

Absent and Not Voting: Butler and Zukoff.

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.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 802**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Doyle.

Absent and Not Voting: Butler and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1016) passed.

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

On this question, the yeas and nays were taken (**Roll No. 803**), 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: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1016) 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

S. B. 1017 - “A Bill supplementing and amending by decreasing and increasing existing items of appropriation General Revenue, to the Department of Arts, Culture, and History - Educational Broadcasting Authority, fund 0300, fiscal year 2020, organization 0439, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1017) 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1019 - “A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations Division of Highways, fund 9017, fiscal year 2020, organization 0803, for the fiscal year ending June 30, 2020.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1019) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 804**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Hansen and Walker.

Absent and Not Voting: Butler and Zukoff.

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.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 805**), 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: Butler and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1019) passed.

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

On this question, the yeas and nays were taken (**Roll No. 806**), 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: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1019) 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

S. B. 1020 - “A Bill supplementing and amending Chapter 31, Acts of the Legislature, Regular Session, 2019, known as the Budget Bill, by supplementing and amending the appropriation for the fiscal year ending June 30, 2020.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1020) 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1021 - “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 Veterans’ Assistance, fund 8858, fiscal year 2020, organization 0613, by supplementing, amending, decreasing, and adding an appropriation for the fiscal year ending June 30, 2020.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1021) 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1023 - “A Bill supplementing, amending, increasing, and adding new items of appropriations to the Consolidated Federal Fund, fund 8882, fiscal year 2020, organization 1500, in the amount of \$1,533,581, by supplementing and amending Chapter 31, Acts of the Legislature, Regular Session, 2019, known as the Budget Bill.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1023) 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1024 - “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 Agriculture Capital Improvements Fund, fund 1413, fiscal year 2020, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1024) 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1025 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2019, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1025) 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1026 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2019 in the amount of \$4,705,000 from the Treasurer’s Office, Unclaimed Property Fund, fund 1324, fiscal year 2019, organization 1300, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor’s Office, fund 0101, fiscal year 2019, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1026) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Byrd requested to be excused from voting on S. B. 1026 under the provisions of House Rule 49.

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

Delegate 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. 807**), 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: Butler, Skaff and Zukoff.

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.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 808**), 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: Butler, Skaff and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1026) passed.

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

On this question, the yeas and nays were taken (**Roll No. 809**), 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: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1026) 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

S. B. 1027 - "A Bill making a supplementary appropriation by adding new items and increasing existing items for expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Department of Agriculture, fund 0131, fiscal year 2019, organization 1400, to the Department of Commerce, West Virginia Tourism Office, fund 0246, fiscal year 2019, organization 0304, to the Department of Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2019, organization 0402, to the Department of Education, State Board of Education, Vocational Division, fund 0390, fiscal year 2019, organization 0402, to the Department of Health of Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506, to the Department of Health and Human Resources, Division of Health, Consolidated Medical Services Fund, fund 0525, fiscal year 2019, organization 0506, to the West Virginia Council for Community and Technical College Education, Blue Ridge Community and Technical College, fund 0601, fiscal year 2019, organization 0447, to the West Virginia Council for Community and Technical College Education, West Virginia University at Parkersburg, fund 0351, fiscal year 2019, organization 0464, to the West Virginia Council for Community and Technical College Education, Eastern West Virginia Community and Technical College, fund 0587, fiscal year 2019, organization 0492, to the Higher Education Policy Commission, Glenville State College, fund 0363, fiscal year 2019,

organization 0485, and to the Higher Education Policy Commission, Shepherd University, fund 0366, fiscal year 2019, organization 0486, by supplementing and amending Chapter 12, Acts of the Legislature, Regular Session, 2018, known as the Budget Bill for the fiscal year ending June 30, 2019.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1027) 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1037 - “A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-4-3 of said code; to amend and reenact §16A-6-3 and §16A-6-13 of said code; to amend and reenact §16A-7-4 of said code; to amend and reenact §16A-8-1 of said code; to amend and reenact §16A-9-1 of said code; to amend said code by adding thereto two new sections, designated §16A-9-3 and §16A-9-4; to amend and reenact §16A-10-6 of said code; to amend and reenact §16A-11-1 of said code; to amend said code by adding thereto a new section, designated §16A-15-10; and to amend and reenact §16A-16-1 of said code, all relating generally to medical cannabis; defining terms; modifying certain definitions; modifying conditions for issuance of patient certifications; expanding practitioner reporting requirements; defining “resident” for purposes of the act; requiring that state residents own a majority of business entities applying for medical cannabis organization permits; removing regional distribution requirements for growers, processors, and dispensaries; establishing criteria for choosing the locations of dispensary permittees; requiring the Bureau for Public Health to adopt fair and objective evaluation procedures in choosing permittees; requiring numeric scoring of applications; increasing the maximum number of dispensary permits; increasing the number of dispensary permits a person or entity may hold; authorizing persons or entities to hold grower, processor, and

dispensary permits; authorizing the bureau to oversee testing of medical cannabis; permitting the Commissioner of Agriculture to perform medical cannabis testing; directing that fees for testing of medical cannabis received by the Commissioner of Agriculture be deposited in the Medical Cannabis Program Fund for disbursement to the Commissioner of Agriculture; authorizing the bureau to contract with persons or entities other than the Commissioner of Agriculture for testing of medical cannabis; removing the requirement that dispensaries have a physician or pharmacist onsite; modifying tax rates and tax procedures related to medical cannabis organizations establishing a 10 percent tax on gross proceeds at the dispensary level; authorizing the electronic filing with the Tax Commissioner; directing tax proceeds to be deposited in the Medical Cannabis Program Fund; clarifying applicability of the West Virginia Tax Procedure and Administration Act and the West Virginia Tax Crimes and Penalties Act apply to medical cannabis operations; extending the authority of the bureau to adopt emergency rules until July 1, 2021; adding two osteopathic physicians appointed by the West Virginia Osteopathic Association to the Medical Cannabis Advisory Board; immunizing state officials and employees from causes of action in their personal capacities for actions taken to implement the act; limiting any type of recovery to proceeds of available insurance; obligating the state to defend and indemnify state officials and employees against one type of action brought against them for implementing the act; authorizing precertification of patients; maintaining restriction that patient certificates may not be issued until July 1, 2019; and incorporating certain tax offenses and penalties by reference.”

Delegate Summers asked unanimous consent that reference of the bill (S. B. 1037) to a committee be dispensed with, and it be taken up for immediate consideration, read a first time and ordered to second reading, which consent was not granted, objection being heard.

The following question was then put before the House, “Shall the bill be taken up for immediate consideration and read a first time?”

On this question, the yeas and nays were taken (**Roll No. 810**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Cadle, Cowles, Fast, D. Jeffries, Jennings, Kessinger, Malcolm, P. Martin and Porterfield.

Absent and Not Voting: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

The bill was then read a first time and ordered to second reading.

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. 811**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Cadle, Cowles, Fast, D. Jeffries, Jennings, Kessinger, P. Martin, Porterfield and Waxman.

Absent and Not Voting: Butler and Zukoff.

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.

Delegate Hornbuckle moved to amend the bill on page six, line 106, following the period, by inserting a new section, to read as follows:

“ARTICLE 3. MEDICAL CANNABIS PROGRAM.

§16A-3-1. Establishment of program.

(a) A medical cannabis program for patients suffering from serious medical conditions is established. The program shall be implemented and administered by the bureau. The bureau shall:

(1) Issue permits to medical cannabis organizations to authorize them to grow, process or dispense medical cannabis and ensure their compliance with this act.

(2) Register practitioners and ensure their compliance with this act.

(3) Have regulatory and enforcement authority over the growing, processing, sale and use of medical cannabis in this state.

(4) Establish and maintain an electronic database to include activities and information relating to medical cannabis organizations, certifications and identification cards issued, practitioner registration and electronic tracking of all medical cannabis as required under this act to include:

(A) Ensurance that medical cannabis is not diverted or otherwise used for unlawful purposes by a practitioner or medical cannabis organization.

(B) Ability to establish the authenticity of identification cards.

(C) Recording recommended forms of medical cannabis provided in a certification filed by the practitioner.

(D) Monitoring all growth, transfer, possession, processing, testing and dispensing of medical cannabis in this state.

(E) The tracking system under article seven of this chapter must include information under section one, article eight of this chapter and any other information required by the bureau to be used by the bureau and dispensaries to enable a dispensary to lawfully provide medical cannabis. The tracking system and database shall be capable of providing information in real time. The database shall be capable of receiving information from a dispensary regarding the disbursement of medical cannabis to patients and caregivers. This information shall be immediately accessible to the bureau and

other dispensaries to inhibit diversion and ensure compliance with this act.

(5) Maintain a directory of patients and caregivers approved to use or assist in the administration of medical cannabis within the bureau's database.

(6) Develop a four-hour training course for physicians regarding the latest scientific research on medical cannabis, including the risks and benefits of medical cannabis and other information deemed necessary by the bureau. Successful completion of the course shall be approved as continuing education credits as determined by:

(A) The State Board of Medicine.

(B) The State Board of Osteopathic Medicine.

(7) Develop a two-hour course for the principals and employees of a medical cannabis organization who either have direct contact with patients or caregivers or who physically handle medical cannabis. Employees must successfully complete the course no later than ninety days after commencing employment. Principals must successfully complete the course prior to commencing initial operation of the medical cannabis organization. The subject matter of the course shall include the following:

(A) Methods to recognize and report unauthorized activity, including diversion of medical cannabis for unlawful purposes and falsification of identification cards.

(B) Proper handling of medical cannabis and recordkeeping.

(C) Any other subject required by the bureau.

(8) Develop enforcement procedures, including announced and unannounced inspections of facilities of the grower/processors and dispensaries and all records of the medical cannabis organizations.

(9) Establish a program to authorize the use of medical cannabis to conduct medical research relating to the use of medical cannabis to treat serious medical conditions, including the collection of data and the provision of research grants.

(10) Establish and maintain public outreach programs about the medical cannabis program, including:

(A) A dedicated telephone number for patients, caregivers and members of the public to obtain basic information about the dispensing of medical cannabis under this act.

(B) A publicly accessible Internet website with similar information.

(11) Collaborate as necessary with other state agencies or contract with third parties as necessary to carry out the provisions of this act.

(12) Determine the number and type of medical cannabis products to be produced by a grower/processor and dispensed by a dispensary.

(13) Develop recordkeeping requirements for all books, papers, any electronic database or tracking system data and other information of a medical cannabis organization. Information shall be retained for a minimum period of four years unless otherwise provided by the bureau.

(14) Restrict the advertising and marketing of medical cannabis, which shall be consistent with the Federal rules and regulations governing prescription drug advertising and marketing.

(b) The bureau shall propose rules for legislative promulgation pursuant to the provisions of article three, chapter twenty-nine-a of this code as may be necessary to carry out and implement the provisions of this act. The bureau shall also have the power to propose and promulgate emergency rules as may be necessary to carry out and implement the provisions of this act.

(c) One year following implementation of the article, and annually thereafter, the bureau shall prepare a report that shall include: (i) the total number of licensed cannabis growers, processors and dispensaries; (ii) the number and percentage of licenses provided to minority and women businesses as defined pursuant to §5A-3-59 of this code, and veteran owned businesses, which is defined as any business that is at least 51% veteran owned; (iii) the total number and percentage of minority, women, and veteran employees in the cannabis industry, and (iv) recommendations on reducing or eliminating any identified barriers to entry, including access to capital, in the medical cannabis industry. The bureau may require applicants and permittees to provide the necessary information to track this information. The reports shall be submitted to the Legislature's Joint Committee on Government and Finance.

(d) If, upon completion of an annual study, the bureau determines that there is evidence of discrimination or barriers to entry in the medical cannabis industry, the bureau shall adopt diversity licensing goals that provide meaningful participation of communities disproportionately affected by cannabis prohibition and enforcement, including minority business enterprises, women business enterprises and veteran business enterprises. The bureau shall, in consultation with the Herbert Henderson Office of Minority Affairs and the Office of Veteran Affairs, develop training programs designed and implemented to achieve meaningful participation by minority persons, women, and veterans. These programs shall include, but shall not be limited to: (i) recruitment of minority-owned, women-owned, and veteran-owned business enterprises to become licensed in medical cannabis-related businesses; (ii) development of workforce training for minorities, women, and veterans to enter into cannabis-related businesses; (iii) creation of employer training to attract minorities, women, and veterans into the workforce; and (iv) outreach to disadvantaged groups, including consultations with state agencies and providing education and training opportunities.”

And,

By amending the title of the bill to read as follows:

S. B. 1037 - “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 of said code; to amend and reenact §16A-4-3 of said code; to amend and reenact §16A-6-3 of this code; to amend and reenact §16A-6-13 of said code; to amend and reenact §16A-7-4 of said code; to amend and reenact §16A-8-1 of said code; to amend and reenact §16A-9-1 of said code; to amend said code by adding thereto two new sections, designated §16A-9-3 and §16A-9-4; to amend and reenact §16A-10-6 of said code; to amend and reenact §16A-11-1 of said code; to amend said code by adding thereto a new section, designated §16A-15-10; and to amend and reenact §16A-16-1 of said code, all relating generally to medical cannabis; modifying certain definitions; requiring a study and report on minority, women and veteran owned participation in medical cannabis businesses, and if needed having bureau provide training and assistance; modifying conditions for issuance of patient certifications; expanding practitioner reporting requirements; defining resident for purposes of the act; requiring that state residents own a majority of business entities applying for medical cannabis organization permits; removing regional distribution requirements for growers, processors, and dispensaries; establishing criteria for choosing the locations of dispensary permittees; requiring the Bureau for Public Health to adopt fair and objective evaluation procedures in choosing permittees; requiring numeric scoring of applications; increasing the maximum number of dispensary permits; increasing the number of dispensary permits a person or entity may hold; authorizing persons or entities to hold grower, processor and dispensary permits; authorizing the bureau to oversee testing of medical cannabis; directing that fees for testing of medical cannabis received by the Commissioner of Agriculture be deposited in the Medical Cannabis Program Fund for disbursement to the Commissioner of Agriculture; authorizing the bureau to contract with persons or entities other than the Commissioner of Agriculture for testing of medical cannabis; removing the requirement that dispensaries have a physician or pharmacist onsite; modifying tax rates and tax procedures related to medical cannabis organizations establishing a 10 percent tax on gross proceeds at the dispensary level; authorizing the electronic filing with the Tax Commissioner; directing tax proceeds to be

deposited in the Medical Cannabis Program Fund; clarifying applicability of the West Virginia Tax Procedure and Administration Act and the West Virginia Tax Crimes and Penalties Act apply to medical cannabis operations; extending the authority of the bureau to adopt emergency rules until July 1, 2021; adding two osteopathic physicians appointed by the West Virginia Osteopathic Association to the Medical Cannabis Advisory Board; immunizing state officials and employees from causes of action in their personal capacities for actions taken to implement the act; limiting any type of recovery to proceeds of available insurance; obligating the state to defend and indemnify state officials and employees against one type of action brought against them for implementing the act; authorizing pre-certification of patients; maintaining restriction that patient certificates may not be issued until July 1, 2019; and incorporating certain tax offenses and penalties by reference.”

On the adoption of the amendment, Delegate Hornbuckle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 812**), and there were—yeas 37, nays 61, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Higginbotham, Hornbuckle, Kessinger, Lavender-Bowe, Lovejoy, C. Martin, P. Martin, Miley, Miller, Porterfield, Pushkin, Pyles, Rowe, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Walker and Williams.

Absent and Not Voting: Butler and Zukoff.

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.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 813**), and there were—yeas 81, nays 17, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Anderson, Azinger, Cadle, Cooper, Cowles, Fast, D. Jeffries, Jennings, J. Kelly, Kessinger, Malcolm, P. Martin, Porterfield, Rohrbach, Summers, Sypolt and Toney.

Absent and Not Voting: Butler and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1037) passed.

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

On this question, the yeas and nays were taken (**Roll No. 814**), and there were—yeas 82, nays 16, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Cadle, Cooper, Fast, D. Jeffries, Jennings, J. Kelly, Kessinger, Malcolm, C. Martin, P. Martin, Porterfield, Rohrbach, Summers, Sypolt and Toney.

Absent and Not Voting: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1037) 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

S. B. 1038 - “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.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1038) 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 that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 111, Relating to refunds of excise taxes collected from dealers of petroleum products.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 112, Relating generally to the personal income tax.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 115, Relating generally to court actions in abuse and neglect proceedings.

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. 116, Relating generally to persons eighteen years of age and older in the custody of the Bureau of Juvenile Services.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, section seven hundred twenty-two, line twelve, by striking out the words “Commissioner of Corrections” and inserting in lieu thereof the words “Commissioner of the Division of Corrections and Rehabilitation”.

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. 815**), 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: Butler, Fluharty and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 116) passed.

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

On this question, the yeas and nays were taken (**Roll No. 816**), 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: Butler and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 116) takes effect from its passage.

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Butler and Zukoff.

Miscellaneous Business

Delegate Howell noted to the Clerk that he was absent on today when the votes were taken on Roll Nos. 774 and 775, and that had he been present, he would have voted "Yea" thereon.

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

- Delegate Doyle during Remarks by Members
- Delegate Evans during Remarks by Members
- Delegate Hornbuckle regarding the amendment offered to S. B. 1037

At 7:40 p.m., Monday, May 20, 2019, the House of Delegates adjourned, pursuant to H. C. R. 101, until the call of the Speaker.

Monday, June 17, 2019

SEVENTH DAY

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

Pursuant to the May 20, 2019 motion to adjourn and the subsequent letter from the Speaker of the House reconvening the First Extraordinary Session on Monday, June 17, 2019 at 8:30 a.m., the House of Delegates 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, May 20, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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 24th day of May, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 111, Relating to refunds of excise taxes collected from dealers of petroleum products,

H. B. 112, Relating generally to the personal income tax,

H. B. 115, Relating generally to court actions in abuse and neglect proceedings,

H. B. 116, Relating generally to persons eighteen years of age and older in the custody of the Bureau of Juvenile Services,

H. B. 117, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities,

H. B. 119, Supplementing, amending, decreasing, and increasing items from the State Road Fund to the Department of Transportation,

And,

H. B. 133, Relating to the admissibility of health care staffing requirements in medical professional liability litigation.

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 24th day of May, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates.

S. B. 1001, Upper Kanawha Valley Resiliency and Revitalization Program,

S. B. 1004, Antihazing law,

S. B. 1006, Authorizing WV Board of Physical Therapy to conduct criminal background checks on initial license applicants,

S. B. 1009, Establishing health professionals student loan programs,

S. B. 1012, Creating voluntary certification of recovery residences,

S. B. 1013, Permitting certain trained professionals to provide counseling in medication-assisted treatment program,

S. B. 1016, Supplemental appropriation to DOT, Division of Highways,

S. B. 1019, Supplementing, amending, decreasing, and increasing existing appropriations from State Road Fund to DOH for fiscal year ending June 30, 2020,

S. B. 1026, Expiring funds from Treasurer's Unclaimed Property Fund and supplementing appropriations to Governor's Office,

And,

S. B. 1037, Relating generally to medical cannabis.

Messages from the Executive

The following Proclamations of His Excellency, the Governor, were laid before the House of Delegates and read by the Clerk, as follows:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT

Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated the seventh day of March, Two Thousand Nineteen, calling the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, and amended by subsequent Proclamation dated the seventeenth day of May, Two Thousand Nineteen, and amended by subsequent Proclamation dated the twentieth day of May, Two Thousand Nineteen, by adding item thirty-four, as follows:

THIRTY-FOUR: a bill relating to the West Virginia Business Ready Sites Program.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this thirty-first day of May, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Sixth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated the seventh day of March, Two Thousand Nineteen, calling the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, and amended by subsequent Proclamation dated the seventeenth day of May, Two Thousand Nineteen, and amended by subsequent Proclamation dated the twentieth day of May, Two Thousand Nineteen, and amended by subsequent Proclamation, dated the thirty-first day of May, Two Thousand Nineteen, by adding items thirty-five through forty-six, as follows:

THIRTY-FIFTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2019, organization 0100, by supplementing and amending by adding a new item of appropriation for the fiscal year ending June 30, 2019; and

THIRTY-SIXTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2019, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

THIRTY-SEVENTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2019, organization 0803, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

THIRTY-EIGHTH: a bill making a supplementary appropriation by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2019, organization 0703, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

THIRTY-NINTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor's Office, fund 0101, fiscal year 2019, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

FORTIETH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2019, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

FORTY-FIRST: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

FORTY-SECOND: a bill making a supplementing, amending and increasing an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, for the fiscal year ending June 30, 2020; and

FORTY-THIRD: a bill making a supplementary a appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated for the fiscal year ending June 30, 2020, to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund, fund 7010, fiscal year 2020, organization 0701 by supplementing and amending the appropriations for the fiscal year ending June 30, 2020; and

FORTY-FOURTH: a bill making a supplementary a appropriation of Lottery Net Profits by increasing existing items of appropriation from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund, fund 3534, fiscal year 2020, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020; and

FORTY-FIFTH: a bill relating to the procurement of construction work performed as part of disaster mitigation or recovery originating from a declared state of emergency; and

FORTY-SIXTH: a bill relating to the Ryan Brown Fund.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this fourteenth day of June, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Sixth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State

Mr. Speaker, Mr. Hanshaw, presented a communication from His Excellency, the Governor, advising that on May 28, 2019, he approved **S. B. 1016, S. B. 1019, H. B. 119 and H. B. 133**; and, on May 29, 2019, he approved **H. B. 111, H. B. 112, H. B. 115, H. B. 116, H. B. 117, S. B. 1001, S. B. 1004, S. B. 1006, S. B. 1009, S. B. 1012, S. B. 1013, S. B. 1026 and S. B. 1037.**

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. 117, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities.

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. 118, Relating to the use of post-criminal conduct in professional and occupational 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:

“ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-24. Use of criminal records as disqualification from authorization to practice.

(a) Definitions. — For the purposes of this section:

(1) ‘Board’ means the board, authority, or other agency authorized by the provisions of this chapter to issue licenses, certifications, registrations, or other authorizations to engage in a particular profession or occupation.

(2) ‘License’ or ‘licensure’ means the official authorization to engage in a profession or occupation issued by a board, pursuant to the requirements of this chapter.

(3) ‘Unreversed’, as that term refers to a criminal conviction, means that a conviction has not been set aside, vacated, pardoned, or expunged.

(b) Notwithstanding any provision of this chapter to the contrary, except for the professions and occupations regulated by §30-2-1 et seq., §30-3-1 et seq., §30-3E-1 et seq., §30-14-1 et seq., §30-18-1 et seq., and §30-29-1 et seq. of this code, and where not in conflict with an existing compact or model act:

(1) Boards subject to the requirements of this section may not disqualify an applicant from initial licensure to engage in a profession or occupation because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the profession or occupation requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the board 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) Because the term “moral turpitude” is vague and subject to inconsistent applications, boards subject to the requirements of this section may not rely upon the description of a crime for which an applicant has been convicted as one of “moral turpitude” as a basis for denying licensure: *Provided*, That if the prior conviction for the underlying crime bears a rational nexus to the profession or occupation requiring licensure, the board may consider the conviction according to the requirements of subdivision (1) of this subsection.

(3) Notwithstanding any other provision of this chapter to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, a board 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 individual board.

(4) An individual with a criminal record who has not previously applied for licensure may petition the appropriate board 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 board to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The board shall provide the determination within 60 days of receiving the petition from the applicant. The board may charge a fee to recoup its costs for each petition.

(5) The requirements of this section do not apply to the criteria that boards may consider when making determinations regarding relicensure or discipline of licensees.

(c) Every board subject to the provisions of this section shall propose rules or amendments to existing rules for legislative approval to comply with the provisions of this section. These rules or amendments to rules shall be proposed pursuant to the provisions of §29A-3-1 *et seq.* of this code within the applicable time limit to be considered by the Legislature during its regular session in the year 2020.”

And,

By amending the title of the bill to read as follows:

H. B. 118 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-24; relating generally to criteria for initial licensure to engage in certain professions and occupations; regulating and making consistent the consideration of prior criminal convictions in initial licensure

determinations by certain boards and licensing authorities; requiring a rational nexus between prior criminal convictions considered by certain boards and licensing authorities and the profession or occupation for which the initial licensure is sought; providing criteria for certain boards and licensing authorities to consider when determining whether a criminal conviction has a rational nexus to a profession or occupation; defining terms; eliminating offenses generally described as ones of moral turpitude from grounds for denial of an initial license to engage in certain professions and occupations absent there being a rational nexus between the underlying offense and the profession or occupation for which licensure is sought; requiring certain boards and licensing authorities to allow a previously disqualified applicant to apply for licensure after a certain period of time, with exceptions; requiring certain boards and licensing authorities to allow a potential applicant to petition the board or authority for a determination as to whether his or her criminal record precludes licensure and requiring the board or agency to provide the applicant with such determination within a certain period of time; and requiring certain boards and licensing authorities to promulgate rules.”

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. 817**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: C. Martin.

Absent and Not Voting: Cowles, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 118) passed.

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

On this question, the yeas and nays were taken (**Roll No. 818**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: C. Martin.

Absent and Not Voting: Cowles, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 118) 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, without amendment, a bill of the House of Delegates as follows:

H. B. 119, Supplementing, amending, decreasing, and increasing items from the State Road Fund to the Department of Transportation.

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. 133, Relating to the admissibility of health care staffing requirements in medical professional liability litigation.

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. 1039 - “A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-21-25; to amend and reenact §15-1B-24 of said code; to amend said code by adding thereto a new section, designated §18-1-5; to amend said

code by adding thereto a new section, designated §18-2E-12; to amend and reenact §18-2I-4 of said code; to amend and reenact §18-5-16, §18-5-16a, §18-5-18a, §18-5-18b, §18-5-45, and §18-5-46 of said code; to amend said code by adding thereto a new section, designated §18-5-45a; to amend and reenact §18-5E-1, §18-5E-2, §18-5E-3, §18-5E-4, §18-5E-5, and §18-5E-6 of said code; to amend said code by adding thereto a new article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, §18-5G-8, §18-5G-9, §18-5G-10, §18-5G-11, §18-5G-12, and §18-5G-13; to amend and reenact §18-7A-3 of said code as contained in Chapter 89, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-7B-2 of said code as contained in Chapter 89, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-8-4 of said code; to amend and reenact §18-9A-2 of said code as contained in Chapter 133, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-9A-8 and §18-9A-9 of said code; to amend said code by adding thereto a new section, designated §18-9A-19; to amend said code by adding thereto a new section, designated §18-9B-22; to amend and reenact §18-20-5 of said code; to amend and reenact §18A-4-2, §18A-4-5, §18A-4-5a, §18A-4-7a, §18A-4-8a, and §18A-4-10 of said code; to amend and reenact §18A-5-2 of said code; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4, and §18C-4-5 of said code; to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4A-3 of said code; and to amend and reenact §29-12-5a of said code, all relating to establishing the Student Success Act; allowing public charter schools to participate in the Public Employees Insurance Agency insurance program; creating personal income tax credits for educational expenses incurred by certain school employees for the purchase of supplementary educational materials or professional development costs; requiring Governor to expand Mountaineer Challenge Academy at its existing location and to a new location subject to agreement required under federal law; requiring the State Board of Education to implement the Mountain State Digital Literacy Project as a pilot project; providing that professional development for classroom teachers should be individualized; requiring all teachers to receive professional development on addressing social, emotional, and behavioral needs of students; requiring state board to establish the Principals Academy; requiring county boards to establish

attendance zones; replacing existing provisions pertaining to student transfers with requirement for county boards to establish an open enrollment policy; requiring appeal process whereby a parent or guardian can appeal the refusal of a county board to accept the transfer of the student; requiring the county to which a student is transferred include the student in its net enrollment in certain instances; providing that certain transfer provisions do not supersede eligibility requirements for participation in extracurricular activities established by the Secondary School Activities Commission; requiring the West Virginia Department of Education to survey districts to determine where overcrowding is impeding student achievement; increasing percentage of work time school counselors are required to spend in a direct counseling relationship with pupils; replacing the required number of instructional minutes per day with a requirement for at least an average of five hours per day throughout the instructional day; allowing public notice of meetings to discuss school calendar to be accomplished by publishing prominently on the county board of education's website; prohibiting certain extracurricular activity participation in certain instances of a work stoppage or strike; providing that the teacher's recommendation is a primary consideration in determining student promotion; removing requirement that an Innovation in Education school have a focus on certain specified areas; removing certain provisions required in an Innovation in Education application and plan; providing county boards instead of the state board the authority to designate schools as Innovation in Education schools; allowing appeals to the State Board of Education certain Innovation in Education-related determinations made by a county board; exempting public charter schools from all statutes and administrative regulations applicable to the state board, a county board, or a school, with exceptions; providing that no elected official can profit from a charter school, with exception; setting forth public charter school requirements and authority; requiring a public charter school be administered by a governing board; allowing a public charter school to enroll any student in the state; requiring randomized and transparent lottery if capacity at a public charter school is insufficient; creating and allowing certain enrollment preferences at a public charter school; requiring a public charter school to submit a student recruitment and retention plan; requiring an applicant to submit an application

to an authorizer in order to establish a new public charter school or to convert an existing noncharter public school to a public charter school; setting forth minimum requirements for application for a public charter school; allowing state board, subject to funding, to offer an incentive grant for a public charter school; setting forth duties of the authorizer of a public charter school; establishing process for authorizer's approval or denial of public charter school application; limiting liability of certain persons and entities relating to the operation of a public charter school; requiring each public charter school to remit to its authorizer an oversight fee; requiring a charter contract between the governing board and the authorizer; setting forth requirements for the charter contract; making the authorizer responsible for collecting and reporting to the state board all state-required assessment and achievement data for the public charter school; setting forth requirements pertaining to renewal, nonrenewal, and revoking a charter contract; requiring state board rule establishing the process for renewing or not renewing a charter contract; requiring an authorizer to develop a public charter school closure protocol or protocol for transitioning a charter school to noncharter public school status; allowing a charter applicant or governing board to appeal certain authorizer decisions; setting forth prohibitions for a public charter school; requiring or allowing state board rules pertaining to public charter school funding, clarifying certain requirements, addressing unforeseen circumstances, prohibiting discrimination against employees involved with establishing charter schools, ensuring accountability, allowing the Schools for the Deaf and Blind to apply for authorization, and facilitating the creation of two youth programs modeled after the Mountaineer Challenge Academy; providing for public charter school access to public facilities; setting forth reporting requirements for certain authorizers and the State Superintendent; allowing public charter schools to elect to participate in certain state retirement systems; modifying requirements applicable after certain numbers of unexcused student absences; including professional personnel providing direct social and emotional support services to students and professional personnel addressing chronic absenteeism within the definition of 'professional student support personnel'; increasing calculated net enrollment for the purposes of determining a county's basic foundation program of certain counties with an

actual net enrollment of less than 1,400; decreasing the percent of the levy rate used to calculate local share; basing the basic foundation allowance for professional student support personnel on a ratio; increasing the percentage used to calculate each county's allowance for current expense; requiring that each county board receive its allocated state aid share of the county's basic foundation program in the form of block grants; requiring the State Superintendent to provide the State Auditor with the required data for use by the searchable budget data website; including public charter schools in the provisions pertaining to an appropriation to serve certain exceptional children; increasing teacher salaries; providing that certain math and special education teachers be considered to have three additional years of experience for the purposes of the salary schedule; removing definition of salary equity among the counties; removing requirement that Department of Education include in its budget request a request for funding sufficient to meet the objective of salary equity; adding to exceptions to requirement that county salary schedules be uniform; permitting a county board of education to base its reductions in force determinations on an individual's qualifications as defined in county board policy; modifying provisions pertaining to the preferred recall list and posting of position openings; removing requirement for county board to annually make available a list of all professional personnel employed, their areas of certification, and their seniority; providing that all personnel in a public charter school accrue seniority for the purpose of employment in noncharter public schools; increasing salaries for service personnel; increasing leave without cause days from three to four; requiring a bonus for classroom teachers who have not used more than four days of personal leave during the employment term; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance programs the Underwood-Smith Teaching Scholars Program and the Teacher Education Loan Repayment Program; modifying requirements for Higher Education Policy Commission rules providing for administration of the programs; requiring that Underwood-Smith Teaching Scholars award recipients receive additional academic support and training from mentors in their academic field; continuing the Underwood-Smith Teacher Scholarship and Loan Assistance Fund as the Underwood-Smith Teaching Scholars Program Fund; requiring each award recipient

to be distinguished as an Underwood-Smith Teaching Scholar; establishing uses for moneys in the Underwood-Smith Teaching Scholars Program Fund; providing for continuation of certain terms, conditions, requirements, and agreements; requiring the Vice Chancellor for Administration to appoint a selection panel to select Underwood-Smith Teaching Scholars; modifying eligibility criteria for Underwood-Smith Teaching Scholars; modifying Underwood-Smith Teaching Scholars award agreement requirements; modifying renewal requirements for an Underwood-Smith Teaching Scholars award; modifying conditions under which a recipient is not in violation of the agreement; requiring Underwood-Smith Teaching Scholars award to be used in preparation for becoming a teacher in a critical shortage field in the public schools of this state; increasing the amount of the annual award; requiring as a condition of loan repayment award eligibility an applicant to be currently employed in a public school in this state in a critical teacher shortage field or as a school counselor in a school or geographic area of the state identified as an area of critical need for such field; requiring as a condition of eligibility an applicant to agree to be employed full time for two school years in a critical teacher shortage field or as a school counselor in a school or geographic area of critical need for such field for each year for which a loan repayment assistance award is received; modifying provisions pertaining to the amount of loan assistance and the requirements for eligibility; modifying eligibility requirements for renewal of a loan repayment assistance award; removing accumulated limit on loan repayment awards; increasing minimum Board of Risk and Insurance Management coverage; requiring at least annual written notice of Board of Risk and Insurance Management insurance coverages by county boards to employee insureds; and allowing public charter schools to obtain insurance coverage from the Board of Risk and Insurance Management.”

Delegate Bates moved that the House refuse to receive the message from the Senate regarding S. B. 1039.

Delegate Summers moved to table the Gentleman’s motion.

On this question, Delegate Caputo demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 819**), and there were—yeas 53, nays 44, 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, 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, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles, Higginbotham and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the motion by Delegate Bates was laid upon the table.

The message was received and the bill, S. B. 1039, was referred to the Select Committee on Education Reform C.

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. 1040 - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-10a; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, and §18-31-9, all relating to the Education Savings Account Act; creating compulsory school attendance exemption for Education Savings Account (ESA) students; requiring the Department of Education to annually make a projection of the amount required to fund ESAs and make a request for an appropriation in that amount; requiring the Legislature to appropriate the amount requested; requiring the Department of Education to pay to the West Virginia State Treasurer’s Office the amount appropriated; requiring the total amount of funds annually deposited in an ESA to be 90

percent of the prior year's statewide average net state aid allotted per pupil based on net enrollment adjusted for state aid purposes; limiting use of ESA funds to certain qualifying expenses; allowing a parent to apply to the Treasurer to establish an ESA for an eligible student; establishing household income limit as a condition of qualifying for the ESA program; setting forth conditions under which the Treasurer is required to approve applications; requiring Treasurer to annually renew a student's ESA after making certain verifications; setting forth certain duties, obligations, and authority of the Treasurer; creating a Parent Review Committee to assist the Treasurer in determining whether questionable expenditures meet the requirements to be considered qualifying expenses, to provide recommendations to the Treasurer about how to implement, administer, and improve the ESA Program, and for other purposes; setting forth eligibility requirements for service providers; requiring provision to an education service provider that has enrolled an ESA student with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974; and addressing legal proceedings"; which was referred to the Select Committee Education Reform B.

Delegate Bates moved that the House refuse to receive the message from the Senate regarding S. B. 1040.

Delegate Espinosa arose to a point of order that the bill had already been referred to a committee.

To which point, the Speaker ruled the bill had been referred to committee.

Delegate Caputo then moved that the House of Delegate adjourn *sine die*.

The question being, "Shall the House adjourn *sine die*?", the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 820**), and there were—yeas 41, nays 56, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles, Higginbotham and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the motion to adjourn *sine die* did not prevail.

Resolution Introduced

Resolutions were introduced, pursuant to House Rule 109, read by their titles, and severally referred, as follows:

Delegates Espinosa, Ellington, Wilson, Rowan, Hardy, Bibby, Cowles, Householder, Kessinger and Foster offered the following resolution, which was read by its title and referred to the Select Committee on Education Reform B:

H. C. R. 102 - “Requesting the Joint Committee on Government and Finance to conduct an interim study on the desired vision and future for public education in West Virginia.”

Whereas, §18-1-4 of the West Virginia Code establishes Vision 2020: An Education Blueprint for Two Thousand Twenty (Vision 2020); and

Whereas, Vision 2020 required the Board of Education to create a plan that set forth goals, objectives, strategies, indicators and benchmarks to be achieved in public education by the year 2020; and

Whereas, The Legislature has not received a report on the status of reaching the measurements set forth in the Board of Education’s plan; and

Whereas, The next regular session of the Legislature is in 2020; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct an interim study on the desired vision and future for public education in West Virginia; and, be it

Further Resolved, That a report on the findings, conclusions, and recommendations of the study, together with drafts of any legislation necessary to effectuate the recommendations, be reported to the Legislature at its 2020 Regular Session; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and draft legislation are requested to be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Espinosa, Ellington, Wilson, Rowan, Hardy, Bibby, Cowles, Householder and Kessinger offered the following resolution, which was read by its title and referred to the Select Committee on Education Reform C:

H. C. R. 103 - “Requesting the Joint Committee on Government and Finance to conduct an interim study on the desired vision and future of the Albert Yanni Programs of Excellence in Vocational-Technical Education.”

Whereas, Chapter 18, Article 10C of the West Virginia Code establishes the Albert Yanni Programs of Excellence in Vocational-Technical Education (“the Albert Yanni Programs”) to create a comprehensive set of programs of educational incentives for talented students, educators, and administrators to make a significant impact toward achieving excellence in vocational-technical education, ensuring a highly technical workforce, and revitalizing the state’s economy; and

Whereas, The Albert Yanni Programs were created by statute in 1989 and only one section has been amended since that time; and

Whereas, Two of the programs required by statute were never created; and

Whereas, Rapid and vast changes have been made in technology in the 30 years since the subject article was written; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct an interim study on the Albert Yanni Programs to determine their effectiveness and how they may be restructured or repealed; and, be it

Further Resolved, That a report on the findings, conclusions and recommendations of the study, together with drafts of any legislation necessary to effectuate the recommendations, be reported to the Legislature at its 2020 Regular Session; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and draft legislation be requested to be paid from legislative appropriations to the Joint Committee on Government and Finance.

By Delegate Wilson:

H. J. R. 101 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article XII thereof, relating to education, supervision of free schools and organization of the West Virginia Board of Education; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

Bills Introduced

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

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

H. B. 144 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1n,

relating to creating a pilot program to encourage utility infrastructure development to certain lands; declaring certain legislative findings; defining certain terms; requiring the West Virginia Development Office to consider certain applications; allowing the Secretary of the Department of Commerce to certify sites that do not currently have adequate public utility services from one or more public utilities regulated by the Public Service Commission as having potential for industrial development, upon the recommendation of the Development Office; requiring the Public Service Commission consider certain multi-year comprehensive plans for infrastructure development to construct public utility infrastructure and provide services to industrial development sites as certified by the Secretary, in lieu of a proceeding pursuant to §24-2-11 of this code; requiring the applicant to publish, in the form the Public Service Commission directs, the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code; providing the Public Service Commission with the authority to allow certain public utility infrastructure projects to recover certain costs via ratemaking; providing for the expiration of certain statutory provisions; and providing for an effective date of the provisions of this section.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 144) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

H. B. 145 - “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to permitting work performed as part of disaster mitigation or recovery originating from a declared state of preparedness or state of emergency be contracted out on an open-ended basis; specifying certain conditions for fair and competitive bidding; and providing examples of a construction project”; to the Committee on the Judiciary.

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

H. B. 146 - “A Bill to amend and reenact §16-53-1 of the Code of West Virginia, 1931, as amended, relating to the establishment and funding of substance use disorder treatment and recovery facilities”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 147 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1n, relating to creating a pilot program to encourage utility infrastructure development to certain lands; declaring certain legislative findings; defining certain terms; requiring the Secretary of Commerce to consider certain applications; allowing the secretary to certify sites that do not currently have adequate public utility services from one or more public utilities regulated by the Public Service Commission as having potential for industrial development; requiring the Public Service Commission to consider certain multi-year comprehensive plans for infrastructure development to construct public utility infrastructure and provide services to industrial development sites as certified by the secretary, in lieu of a proceeding pursuant to §24-2-11 of the code; requiring the applicant to publish the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement; providing the Public Service Commission with the authority to allow certain public utility infrastructure projects to recover certain costs via ratemaking; providing for the expiration of certain statutory provisions; and providing for an effective date of the provisions of this section”; to the Committee on the Judiciary.

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

H. B. 148 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor’s Office, fund 0101, fiscal year 2019, organization 0100, by supplementing and

amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

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

H. B. 149 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2019, organization 0100, by supplementing and amending by adding a new item of appropriation for the fiscal year ending June 30, 2019”; to the Committee on Finance.

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

H. B. 150 - “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 Revenue, Office of the Secretary, Home Rule Board Operations Fund, fund 7010, fiscal year 2020, organization 0701 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. 151 - “A Bill making a supplementary appropriation of Lottery Net Profits by increasing existing items of appropriation from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund, fund 3534, fiscal year 2020, organization 0432, 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. 152 - “A Bill making a supplementary appropriation by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an

unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2019, organization 0703, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 153 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 154 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2019, organization 0803, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 155 - “A Bill supplementing, amending and increasing an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, 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. 156 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys

remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2019, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

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

H. B. 157 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2019, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

**By Delegates Shott, Jennings, Hamrick, Westfall, Pack,
Rohrbach, Dean, Cooper, Wilson and Mandt:**

H. B. 158 - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to the process for improving education by requiring the state board to establish rules for student accountability regarding performance on the statewide summative assessment program”; to the Committee on Select Committee on Education Reform A.

**By Delegates Foster, Espinosa, Shott, Summers, Graves,
Kump, Hamrick, Porterfield, Harshbarger and Jennings:**

H. B. 159 - “A Bill to repeal §18-10N-1, §18-10N-2, §18-10N-3, and §18-10N-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-3-62, all relating to information technology access for the blind and visually impaired; providing legislative findings and policy; providing definitions; requiring the purchasing division to develop access standards; requiring agencies to implement access planning in procurement operations; specifying parameters for application of the act; and removing superseded deadlines”; to the Committee on Select Committee on Education Reform A.

By Delegates Phillips, Foster, Hamrick, Westfall, Graves, Kump, Espinosa, Cooper, Jennings, Shott and Summers:

H. B. 160 - “A Bill to repeal §18-10L-1, §18-10L-2, §18-10L-3, §18-10L-4, §18-10L-5, §18-10L-6, §18-10L-7, §18-10M-1, §18-10M-2, §18-10M-3, §18-10M-4, §18-10M-5, §18-10M-6, §18-10M-7, and §18-10M-8 of the Code of West Virginia, 1931, as amended; to amend said 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, and §16-59-7; and to amend said code by adding thereto a new article, designated §16-60-1, §16-60-2, §16-60-3, §16-60-4, §16-60-5, §16-60-6, §16-60-7, and §16-60-8, all relating generally to moving two existing articles to a more appropriate chapter within the code, said articles concerning public health and aiding persons with disabilities to live independent lives, the Ron Yost Personal Assistance Services Act, and the West Virginia Independent Living Act; providing a short title; providing legislative findings, purposes, principles, and policies; providing for definitions; establishing programs; continuing the West Virginia Statewide Independent Living Council and defining its membership, duties, governance, and authorities; continuing the Ron Yost personal assistance services board and defining its membership, duties, and authorities; providing for a state plan for independent living; establishing program requirements, program services, and program limitations; providing eligibility requirements for programs; providing for funding for programs; authorizing the creation of grants and use of contracts; providing rulemaking authority; and providing for reporting requirements”; to the Committee on Select Committee on Education Reform A.

By Delegates Harshbarger, Summers, Cooper, Jennings, Phillips, Kump, Graves, Westfall, Hamrick, Shott and Porterfield:

H. B. 161 - “A Bill to repeal §18-9D-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-13, §18-9D-15 and §18-9D-19, all relating to removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions relating to defining terms; providing duties and powers of school building authority; providing authority to

issue revenue bonds; providing authority to offer higher education savings plans; closing certain fund; providing purposes and revenue sources for other funds; providing authority to collect rents; providing for the use of proceeds of bonds; providing for the issuance of revenue refunding bonds, use of proceeds, entry into escrow agreements and redemption of bonds; paying bonds; expending authority funds for projects; requirements for projects; and authorizing construction of comprehensive high schools”; to the Committee on Select Committee on Education Reform A.

By Delegates Shott, Foster, Westfall, Graves, Espinosa, Summers, Kump, Phillips, Harshbarger and Jennings:

H. B. 162 - “A Bill to repeal §18-2-5d, §18-2-13b, §18-2-16, §18-2-16a, §18-2-29, and §18-2-35 of the Code of West Virginia, 1931, as amended; to repeal §18-2K-1 and §18-2K-4 of said code, as amended; to repeal §18-3-9b of said code; to repeal §18-4-12 of said code; to repeal §18-5-18c, §18-5-18e, and §18-5-43 of said code; to repeal §18-5D-1, and §18-5D-2 of said code; to repeal §18-7A-36 of said code; to repeal §18-8A-1, §18-8A-2, §18-8A-3 and §18-8A-4 of said code; to repeal §18-9A-8a, §18-9A-17, and §18-9A-20 of said code; to repeal §18-9B-11a of said code; to repeal §18-9E-1 of said code; to repeal §18-9F-1 and §18-9F-8 of said code; to repeal §18-10J-1 of said code; and to amend and reenact §18-2K-2 and §18-2K-3 of said code; to amend and reenact §18-5-16a of said code; to amend and reenact §18-5D-3 and §18-5D-5 of said code; to amend and reenact §18-9A-2, §18-9A-6a, §18-9A-7, §18-9A-8, §18-9A-9, §18-9A-10, §18-9A-11, §18-9A-14, §18-9A-15, §18-9A-16, §18-9A-18, §18-9A-21, and §18-9A-24; to amend and reenact §18-9B-1, §18-9B-2, §18-9B-3, §18-9B-4, §18-9B-5, §18-9B-6, §18-9B-6a, §18-9B-7, §18-9B-8, §18-9B-9, §18-9B-10, §18-9B-12, §18-9B-13, §18-9B-14, §18-9B-15, §18-9B-17, §18-9B-18, §18-9B-19, §18-9B-20 and §18-9B-21 of said code; to amend and reenact §18-9E-3, §18-9E-4, and §18-9E-5 of said code; to amend and reenact §18-9F-4, and §18-9F-9 of said code; to amend and reenact §18-10J-6 of said code; and to amend and reenact §18-17-3 of said code, all relating to removing antiquated, redundant, or expired provisions of the code; updating references; removing outdated report requirements; removing the

requirement for the State Board of Education to consult the Department of Health and Human Services when developing guidelines for care plans; removing dates that are no longer relevant; relating to the public school support program, also known as the school aid funding formula; removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions; setting foundation allowance for professional support personnel; deleting provisions relating to School Construction Fund and the School Building Authority; reducing the proportion of assessed value on certain classifications of property; and removing the requirement of the Legislature to appropriate the budget amount as calculated by the State Superintendent of Schools; removing references to the Division of Health and to RESA entities that no longer exist; updating references to local health departments; updating procedural language for rule-making procedures; removing redundant short titles for articles of the code; updating references to local health departments; updating procedural language for rule-making procedures; and removing provisions relating to the costs of providing clothing to indigent pupils attending West Virginia schools for the deaf and blind”; to the Committee on Select Committee on Education Reform A.

By Delegates Summers, Espinosa, Cooper, Hamrick, Foster, Harshbarger, Westfall, Graves, Kump and Phillips:

H. B. 163 - “A Bill to repeal §18A-1-3 of the Code of West Virginia, 1931, as amended; and to repeal §18A-4-20 of said code, relating to removing antiquated, redundant, or expired provisions of the code”; to the Committee on Select Committee on Education Reform A.

By Delegate Hornbuckle:

H. B. 164 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-10b, relating to creating a grant program to improve local education agency efforts to train K-12 students to write and develop computer software programs; authorizing grants to qualified educational organizations by the state providing terms of the grant; defining the application process; and providing for legislative rule-making”; to the Committee on Select Committee on Education Reform A.

By Delegate C. Thompson:

H. B. 165 - “A Bill to amend and reenact §18-9A-2, §18-9A-8, and §18-9A-12 of the Code of West Virginia, 1931, as amended, all relating to public school support funding; revising definition of professional student support personnel; increasing the maximum number of personnel attributable to Advanced Career Education programs; providing for subsequent review of this maximum number; adjusting the calculation formula for the professional student support personnel component; establishing effective dates; and revising the calculation of the county local share”; to the Committee on Select Committee on Education Reform A.

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

H. B. 166 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to school calendar; modifying the definition of instructional day; making findings regarding the importance of quality instruction and collaborative planning time; removing certain statutory provisions relating to use of equivalent time; modifying the days that must be included within the instructional term; and allowing notice of public meetings regarding the school calendar to be posted on the county board of education’s website”; to the Committee on Select Committee on Education Reform A.

**By Delegates Householder, D. Jeffries, Ellington, Steele,
Waxman, Foster, Phillips, Harshbarger, Mandt, Hill and
Hardy:**

H. B. 167 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated section §11-21-25, relating to allowing a tax credit for state income tax purposes for certain expenses paid by parent or legal guardian of student in providing private or home school grade levels prekindergarten through grade 12 education for the student; setting a maximum tax credit of \$3,000 per taxable year; permitting tax credits in excess of tax liability to be carried forward for a maximum of four taxable years or until the excess credit is used in its entirety; providing for definitions; and establishing rulemaking authority and emergency rulemaking authority to the Tax

Commissioner”; to the Committee on Select Committee on Education Reform B.

By Delegates Shott, Householder, Harshbarger, Howell, Cowles, Espinosa, Cooper, D. Jeffries, Bibby, Mandt and Wilson:

H. B. 168 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7, §11-28-8, §11-28-9, §11-28-10, §11-28-11, §11-28-12, §11-28-13, §11-28-14, and §11-28-15, all relating to establishing the West Virginia Equal Opportunity Education Scholarship program; providing for definitions; establishing a tax credit for contributions to a scholarship-granting organization; providing for maximum credits to certain contributors; providing for maximum credits toward multi-year contributions; establishing reporting requirements for scholarship-granting organizations; establishing a tax credit for contributions to eligible education improvement grants; providing for maximum credits to certain contributors; providing for maximum credits toward multi-year contributions; establishing a tax credit for contributions to public school districts; providing for maximum credits to certain contributors; providing for maximum credits toward multi-year contributions; establishing accounting requirements for public school districts; establishing tax credits for contributions to eligible public school foundations; providing for maximum credits to certain contributors; providing for maximum credits toward multi-year contributions; establishing reporting requirements for eligible public school foundations; establishing the maximum credits allocable for contributions to scholarship-granting organizations at \$5 million; establishing the maximum credits allocable for contributions to eligible education improvement grant organizations, public school districts, or eligible public school foundations at \$5 million; establishing a \$100,000 tax credit limit for each public school district annually; provides for the Tax Commission to allocate total credits for all contributors; requiring that a scholarship-granting organization or an educational improvement grant organization actually award at least 90 percent of its funds for contributions to be eligible for a tax credit; providing that tax credits earned by a taxpayer cannot be

used in a previous taxable year; providing for a method the Tax Commission shall use to allocate eligible tax credits for scholarship-granting organizations; providing for a method the Tax Commission shall use to allocate eligible tax credits for eligible education improvement grant organizations, public school districts, or eligible public school foundations; providing for credits in excess of the cap be carried forward into the next taxable year; providing that the Tax Commission shall publish, on its website, the percentage of a contribution that may be claimed as a credit for any contribution to an authorized entity; requiring the Tax Commission to notify contributors of the percentage of a contribution that can be claimed as a tax credit annually; providing that a taxpayer's tax liability cannot be reduced to less than zero using these credits; providing for carry over of tax credits unable to be utilized by a taxpayer for a maximum of the next three taxable years; establishing requirements for an authorized entity to be eligible to receive contributions for tax credits; requiring organizations to report information to the Tax Commission to remain eligible to receive contributions for tax credits; providing the Tax Commission the ability to create or require certain forms be used to receive information; providing for limitations on the information the Tax Commission may require from authorized entities; providing for additional requirements for scholarship-granting organizations when reporting information to the Tax Commission; and establishing rulemaking authority in the Tax Commission"; to the Committee on Select Committee on Education Reform B.

By Delegates Householder, Foster, Graves, Worrell, Howell, Cowles, Porterfield, Cooper, D. Jeffries, Bibby and Hanshaw (Mr. Speaker):

H. B. 169 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated section §11-21-12j, relating to authorizing a modification reducing federal adjusted gross income for state income tax purposes for certain expenses paid by parent or legal guardian of student in providing private or home school grade levels prekindergarten through grade 12 education for the student; providing for a maximum amount of \$3,000 in a taxable year; requiring that the taxpayer's tax liability

cannot be less than zero; permitting amounts in excess of tax liability be carried forward for the next four taxable years or until the excess is used in its entirety; providing for definitions; establishing rule-making authority and emergency rule-making authority with the Tax Commissioner”; to the Committee on Select Committee on Education Reform B.

By Delegate Hanshaw (Mr. Speaker)

[By Request of the Executive]:

H. B. 170 - “A Bill to amend and reenact §18-5-16 and §18-5-16a of the Code of West Virginia, 1931, as amended, all relating to student transfers; requiring county boards to establish attendance zones; addressing the transfer and enrollment policies for students in public schools; establishing open enrollment policy that may be adopted by county boards; applicability of eligibility requirements following student transfer for participation in extra-curricular activities established by the Secondary Schools Activities Commission; and expiring provisions related to agreed transfers of individual pupils”; to the Committee on Select Committee on Education Reform B.

By Delegate Hornbuckle:

H. B. 171 - “A Bill to amend and reenact §11-15-9g of the Code of West Virginia, 1931, as amended, relating to providing a four-day sales tax holiday during which certain items of clothing, school supplies, school instructional materials, laptop and tablet computers, and sports equipment are exempt from sales and use taxes”; to the Committee on Select Committee on Education Reform B.

By Delegates Pushkin, Rowe and Fleischauer:

H. B. 172 - “A Bill to amend and reenact §18-21-2 of the Code of West Virginia, 1931, as amended, relating to extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth”; to the Committee on Select Committee on Education Reform B.

By Delegate C. Thompson:

H. B. 173 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-7A-

26x, relating to providing an annual cost-of-living increase in the amount of \$2,000 for retired teachers and service personnel”; to the Committee on Select Committee on Education Reform B.

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

H. B. 174 - “A Bill to repeal §18-5B-1, §18-5B-2, §18-5B-3, §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-7, §18-5B-8, §18-5B-9, §18-5B-10, §18-5B-11, §18-5B-12, §18-5B-13, §18-5B-14, §18-5E-1, §18-5E-2, §18-5E-3, §18-5E-4, §18-5E-5, §18-5E-6, and §18-5E-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, and §18-5G-8, all relating to increasing and promoting school innovation and flexibility; declaring purpose of Innovation Schools; defining Innovation School; setting forth responsibilities for Innovation Schools; allowing Innovation Schools to solicit and accept gifts to use in support of Innovation School; requiring state board to promulgate rule setting forth application process to receive Innovation School; requiring an Innovation School plan; setting forth required contents of Innovation School plan; setting forth evaluation process for Innovation Schools; specifying action that may be taken following Innovation School evaluation; creating the Innovation School Fund; providing an avenue for flexibility for high performing schools; and clarifying article does not affect prior Innovation Zone or Innovation in Education designations”; to the Committee on Select Committee on Education Reform B.

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

H. B. 175 - “A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to personal leave for county board of education employees; providing for accrual of personal leave at the end of each pay period; and providing bonus for four or fewer absences”; to the Committee on Select Committee on Education Reform B.

By Delegate Espinosa:

H. B. 176 - “A Bill to amend and reenact §18-5-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact

§18-5A-2 and §18-5A-3 of said code, all relating to powers, duties, membership and meetings of local school improvement councils; requiring county board to meet at least annually with local school improvement council of low performing school and making meetings with other councils optional; removing requirement to file school board effectiveness policies with state board; requiring certain improvement council officers to address council's dialogue with parents and others at meeting with county board; removing requirement for county boards to report details of meetings with councils to state board; modifying membership of improvement councils; increasing prior notice of council meetings; removing council duty for meeting on student discipline issues and reporting to countywide council on productive and safe schools; requiring at least one council meeting annually for dialogue with parents and others on school's academic performance and standing; requiring meeting of certain council members of low performing school with state board and providing minimum issues to be addressed; referencing council authority to propose alternatives and request waivers of rules, policies, interpretations and state statutes; expanding issues on which school required to cooperate with council to promote innovations and improvements; reorganizing and clarifying authority and procedures for local school improvement councils to propose alternatives to the operation of school including request of waiver to rules, policies, interpretations and state statutes; and preserving primary authority of county board to approve alternatives subject to grant of necessary waivers by other bodies"; to the Committee on Select Committee on Education Reform B.

By Delegate Hornbuckle:

H. B. 177 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to creating a pilot program for expansion of school-based mental health and school-based diversion; defining terms; detailing eligibility for schools to take part in the pilot program; setting requirements for schools that participate in the pilot program; authorizing mental health providers to provide certain services; requiring notice to parents and students of the pilot

project; authorizing parents to opt-out in certain circumstances; requiring the collection of certain data in relation to the pilot project; explicitly stating that the pilot project does not require additional expenditures; authorizing rule making; and requiring that the pilot project may not begin until the Legislature approves the relevant rules”; to the Committee on Select Committee on Education Reform B.

By Delegate Hanshaw (Mr. Speaker):

H. B. 178 - “A Bill to amend and reenact §18A-2-1a of the Code of West Virginia, 1931, as amended, relating to employment of individuals to teach elective courses”; to the Committee on Select Committee on Education Reform C.

By Delegate Espinosa:

H. B. 179 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-12a, relating to increasing basic state aid of school systems with low local resources per student; and providing for determination of adjustment”; to the Committee on Select Committee on Education Reform C.

By Delegate Espinosa:

H. B. 180 - “A Bill to amend and reenact §11-8-6f of the Code of the West Virginia, 1931, as amended; and to amend and reenact §18-9A-2 of said code as contained in Chapter 133, Acts of the Legislature, Regular Session, 2019, all relating to school board levy rates; modifying regular levy rates; and allowing county boards of education to increase their regular levy rates to the statutory maximum”; to the Committee on Select Committee on Education Reform C.

By Delegate Bates:

H. B. 181 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42, relating to directing the state board of education to facilitate an adequacy cost study of public school funding; and providing reporting requirements”; to the Committee on Select Committee on Education Reform C.

By Delegate Pushkin:

H. B. 182 - “A Bill to amend and reenact §18-3-12 of the Code of West Virginia, 1931, as amended, relating to the special community development school pilot program”; to the Committee on Select Committee on Education Reform C.

By Delegate Ellington:

H. B. 183 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-25, relating to creating an after school grant program; requiring the department of education to provide assistance; defining terms; requiring reports; and establishing a special revenue account”; to the Committee on Select Committee on Education Reform C.

By Delegate C. Thompson:

H. B. 184 - “A Bill to amend and reenact §18A-4-2, and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to teacher and school personnel salaries, increasing annual salaries of public school teachers and school service personnel”; to the Committee on Select Committee on Education Reform C.

By Delegates Pushkin and Caputo:

H. B. 185 - “A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended, relating to authorizing the right of collective bargaining and the right to strike to teachers and school service personnel”; to the Committee on Select Committee on Education Reform C.

By Delegates Campbell, Stagers and Lavender-Bowe:

H. B. 186 - “A Bill to amend and reenact §15-1B-24 of the Code of West Virginia, 1931, as amended, relating to requiring Governor to expand Mountaineer Challenge Academy at its existing location and to a new location subject to agreement required under federal law”; to the Committee on Select Committee on Education Reform C.

By Delegates Lovejoy, Rohrbach, Miller, Hornbuckle, Canestraro, Williams, Robinson, Rowan, S. Brown and Byrd:

H. B. 187 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-

6, relating to establishing the Summer Feeding for All initiative; providing findings; directing a county-by-county assessment of nonschool day student food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other nonschool time periods; providing county board reporting requirements to the office of Child Nutrition; and directing the office of Child Nutrition to collect and distribute information regarding available food resources”; to the Committee on Select Committee on Education Reform C.

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

H. B. 188 - “A Bill to amend and reenact §18-9A-8 of the Code of West Virginia, 1931, as amended, relating to funding for professional student support services; and establishing school aid formula allowance for professional student support personnel at 4.70 positions per 1,000 students in net enrollment”; to the Committee on Select Committee on Education Reform C.

**By Delegate Hanshaw (Mr. Speaker)
[By Request of the Executive]:**

H. B. 189 - “A Bill to amend and reenact §11-8-6f of the Code of West Virginia, 1931, as amended, relating to modifying regular school board levy rates”; to the Committee on Select Committee on Education Reform C.

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

H. B. 190 - “A Bill to amend and reenact §18A-4-2 and §18A-4-8a of the Code of West Virginia, 1931, as amended, relating to increasing salaries for teachers; granting additional experiences for purposes of pay scale to math teachers meeting specified requirements; and increasing salaries of school service personnel”; to the Committee on Select Committee on Education Reform C.

By Delegate Steele:

H. B. 191 - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18B-1-12, all relating to

exemptions from mandated immunizations”; to the Committee on Select Committee on Education Reform C.

By Delegates Shott, Graves, Howell, Kump, Worrell, Dean, Porterfield, Sypolt, Toney, Kessinger and Hill:

H. B. 192 - “A Bill to amend and reenact §18A-3-7 of the Code of West Virginia, 1931, as amended, relating to removing certain fees for teaching, administrative, and support certificates established by the State Board of Education for out-of-state applicants with comparable out-of-state certifications, and capping fees at in-state levels for teaching, administrative, and support certificates for out-of-state applicants without comparable out-of-state certifications”; to the Committee on Select Committee on Education Reform D.

By Delegates Ellington, Linville, Waxman, Foster, Howell, Dean, Harshbarger, Summers, Hamrick, Bibby and Cooper:

H. B. 193 - “A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to a statewide school personnel job bank; and requiring that certain information be contained within a job notice”; to the Committee on Select Committee on Education Reform D.

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

H. B. 194 - “A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to the public school support program; expanding the definition of ‘professional student support personnel’; increasing the basic foundation allowance for professional student support personnel; providing that counties with less than 1,400 in net enrollment shall be considered to have 1,400 in net enrollment for the purposes of determining the county’s basic foundation program; modifying definition of the adults that participate in vocation programs that may be included in net enrollment; and modifying definition of ‘levies for general current expense purposes’”; to the Committee on Select Committee on Education Reform D.

By Delegate C. Thompson:

H. B. 195 - “A Bill to amend and reenact §18A-4-2, §18A-4-5, §18A-4-5a, and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to salaries for teachers and service personnel; increasing teacher salaries; providing that certain math and special education teachers be considered to have three additional years of experience for the purposes of the salary schedule; removing definition of salary equity among the counties; removing requirement that Department of Education include in its budget request a request for funding sufficient to meet the objective of salary equity; adding to exceptions to requirement that county salary schedules be uniform; permitting a county board of education to base its reductions in force determinations on an individual’s qualifications as defined in county board policy; and increasing salaries for service personnel”; to the Committee on Select Committee on Education Reform D.

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

H. B. 196 - “A Bill to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4 of the Code of West Virginia, 1931, as amended, all relating to the Underwood-Smith Teaching Scholars Program; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance programs as the Underwood-Smith Teaching Scholars Program; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance programs as the Underwood-Smith Teaching Scholars Program; modifying program purpose to target certain disciplines in geographic areas of critical need; requiring recipients to receive additional academic support and training from certain mentors; requiring each recipient to be distinguished as an ‘Underwood-Smith Teaching Scholar’; modifying award eligibility, service agreement, and renewal criteria to reflect modified program purpose; preserving eligibility and service agreement criteria for current award recipients; and modifying the amount of an award and limiting tuition and fee charges for program recipients”; to the Committee on Select Committee on Education Reform D.

By Delegate C. Thompson:

H. B. 197 - “A Bill to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4A-3 of the Code of West Virginia, 1931, as amended, all relating to the Teacher Education Loan Repayment Program; reforming the Underwood-Smith Teacher Loan Assistance Program into a new program; requiring that applicants be currently employed within the state school system; specifying the school years to which the amendments will apply; and establishing a minimum annual level of award”; to the Committee on Select Committee on Education Reform D.

By Delegate McGeehan:

H. B. 198 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax”; to the Committee on Select Committee on Education Reform D.

By Delegate Pushkin:

H. B. 199 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42; and to amend and reenact §18-5-39 of said code, all relating to establishing a summer education and employment program for low income, underperforming high school students; authoring the state board of education to establish program criteria; providing for a special revenue account; and authorizing county school boards to implement the program”; to the Committee on Select Committee on Education Reform D.

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

H. B. 200 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2d, relating to providing additional pay for certain teachers providing math instruction”; to the Committee on Select Committee on Education Reform D.

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

H. B. 201 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to establishing a tax credit up to \$250 for the purchase of supplementary education materials or professional development costs incurred by a classroom teacher, classroom aide, autism mentor, braille specialist, early childhood classroom assistant, paraprofessional, sign language assistant teacher, educational sign language interpreter, or sign support specialist employed by a public or private school”; to the Committee on Select Committee on Education Reform D.

By Delegate Hanshaw (Mr. Speaker):

H. B. 202 - “A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-2-9 of this code, all relating to required physical education for school children; adding legislative findings; requiring nutrient and structured exercise education; requiring state board to contract with service providers to supply childhood obesity prevention program; requiring reporting on program results; and providing criminal penalties”; to the Committee on Select Committee on Education Reform D.

At 9:27 a.m., the House of Delegates recessed until 6:00 p.m.

* * * * *

Evening Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

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

Your Committee on Finance has had under consideration:

H. B. 132, Supplementing and amending existing items of appropriations to the Department of Agriculture,

H. B. 146, Establishing and funding of substance use disorder treatment and recovery facilities,

H. B. 148, Making a supplementary appropriation to the Executive, Governor's Office,

H. B. 149, Making a supplementary appropriation to the Executive, Governor's Office, Civil Contingent Fund,

H. B. 150, Making a supplementary appropriation to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund,

H. B. 151, Making a supplementary appropriation to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund,

H. B. 152, Making a supplementary appropriation by adding a new item and increasing the expenditure to the Department of Revenue, State Budget Office,

H. B. 153, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, Central Office,

H. B. 156, Making a supplementary appropriation to the Department of Environmental Protection, Division of Environmental Protection,

And,

H. B. 157, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management.

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

At the respective requests of Delegate Summers, and by unanimous consent, the bills (H. B. 132, H. B. 146, H. B. 148, H. B. 149, H. B. 150, H. B. 151, H. B. 152, H. B. 153, H. B. 156 and H. B. 157) were each taken up for immediate consideration, read a first time and ordered to second reading.

In the absence of objection, the House of Delegates returned to the Fourth Order of Business for the purpose of receiving reports from select committees.

Select Committee Reports

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

Your Select Committee on Education Reform – B has had under consideration:

H. B. 174, Increasing and promoting school innovation and flexibility,

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

Com. Sub. for H. B. 174 - “A Bill to repeal §18-5B-1, §18-5B-2, §18-5B-3, §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-7, §18-5B-8, §18-5B-9, §18-5B-10, §18-5B-11, §18-5B-12, §18-5B-13, §18-5B-14, §18-5E-1, §18-5E-2, §18-5E-3, §18-5E-4, §18-5E-5, §18-5E-6, and §18-5E-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, and §18-5G-8, all relating to school innovation; declaring purpose of Innovation Schools; defining

terms; setting forth responsibilities for Innovation Schools; allowing Innovation Schools to solicit and accept gifts to use in support of Innovation School; requiring state board to promulgate rule setting forth application process to receive Innovation School; requiring an Innovation School plan; setting forth required contents of Innovation School plan; setting forth evaluation process for Innovation Schools; specifying action that may be taken following Innovation School evaluation; creating the Innovation School Fund; providing an avenue for flexibility for high performing schools; and clarifying article does not affect prior Innovation Zone or Innovation in Education designations,”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 174) was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Select Committee on Education Reform - B has had under consideration:

H. B. 167, Allowing a tax credit purposes for certain expenses paid by parent or legal guardian of student in providing private or home school,

H. B. 168, Establishing the West Virginia Equal Opportunity Education Scholarship program,

And,

H. B. 171, Relating to tax exemption for certain school supplies, school instructional materials, laptop and tablet computers, and sports equipment,

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

Pursuant to House Rule 80, the Speaker referred H. B. 167 and H. B. 171 to the Committee on Finance.

Delegate Bates moved that H. B. 168 be referred to the Committee on Finance.

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. 821**), and there were—yeas 72, nays 24, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Azinger, Bibby, Butler, Capito, Ellington, Foster, Graves, Harshbarger, Hill, Hott, D. Jeffries, D. Kelly, Kessinger, Kump, Malcolm, McGeehan, Phillips, Porterfield, Shott, Steele, Summers, Waxman, Wilson and Worrell.

Absent and Not Voting: Angelucci, Cowles, Higginbotham and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed and the bill was referred to the Committee on Finance.

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

Your Select Committee on Education Reform - B has had under consideration:

H. B. 173, Providing an annual cost-of-living increase for retired teachers and service personnel,

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

The Speaker referred the bill to the Committee on Finance.

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

Your Select Committee on Education Reform - B has had under consideration:

H. C. R. 102, Desired Vision and Future for Public Education in West Virginia Interim Study,

And reports the same back with the recommendation that it be adopted.

On motion of Delegate Summers, the resolution was taken up for immediate consideration and adopted.

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

Delegate Shott, Chair of the Select Committee on Education Reform - A, submitted the following report, which was received:

Your Select Committee on Education Reform - A has had under consideration:

H. B. 158, Improving education by requiring the state board to establish rules for student accountability regarding performance,

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

Com. Sub. for H. B. 158 - "A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to the process for improving education by requiring the state board to establish a rule for student accountability regarding performance on the statewide summative assessment program,"

And,

H. B. 162, Removing antiquated, redundant, or expired provisions of the code for the administration of education,

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

Com. Sub. for H. B. 162 - "A Bill to repeal §18-2-5d, §18-2-13b, §18-2-16, §18-2-16a, §18-2-29, and §18-2-35 of the Code of West Virginia, 1931, as amended; to repeal §18-2K-1 and §18-2K-4 of said code, as amended; to repeal §18-3-9b of said code; to repeal §18-4-12 of said code; to repeal §18-5-18c, §18-5-18e, and §18-5-43 of said code; to repeal §18-5D-1, and §18-5D-2 of said code; to repeal §18-7A-36 of said code; to repeal §18-8A-1, §18-8A-2, §18-8A-3 and §18-8A-4 of said code; to repeal §18-9A-8a, §18-9A-17, and §18-9A-20 of said code; to repeal §18-9B-11a of said code; to repeal §18-9E-1 of said code; to repeal §18-9F-1 and §18-9F-8 of said code; to repeal §18-10J-1 of said code; and to repeal §18-20-9 of said code, and to amend and reenact §18-2K-2 and §18-2K-3 of said code; to amend and reenact §18-5D-3, §18-5D-4, and §18-5D-5 of said code; to amend said code by adding thereto a new section, designated §18-5D-6; to amend and reenact §18-9A-4, §18-9A-6a, §18-9A-7, §18-9A-16, §18-9A-18, §18-9A-21, and §18-9A-24; to amend and reenact §18-9B-1, §18-9B-2, §18-9B-3, §18-9B-4, §18-9B-5, §18-9B-6, §18-9B-6a, §18-9B-7, §18-9B-8, §18-9B-9, §18-9B-10, §18-9B-12, §18-9B-13, §18-9B-14, §18-9B-15, §18-9B-17, §18-9B-18, §18-9B-19, §18-9B-20 and §18-9B-21 of said code; to amend and reenact §18-9E-3, §18-9E-4, and §18-9E-5 of said code; to amend and reenact §18-9F-3, §18-9F-4, and §18-9F-9 of said code; to amend and reenact §18-10J-6 of said code; and to amend and reenact §18-17-3 of said code, all relating to removing antiquated, redundant, or expired provisions of the code; updating references; removing outdated report requirements; removing the requirement for the State Board of Education to consult the Department of Health and Human Services when developing guidelines for care plans; removing dates that are no longer relevant; relating to the public school support program, also known as the school aid funding formula; removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions; creating the Summer Feeding for All program; specifying legislative findings and declarations for the program; requiring county public schools to conduct an annual survey of students to determine non-school eating patterns and

availability of nutritious food; requiring the West Virginia Office of Child Nutrition to assist the counties with the program; requiring county boards to collect and compile information regarding availability of food resources; permitting county school board to investigate and implement programs to facilitate the Summer Feeding for All program; requiring county school boards to provide annual training to train qualified entities on operation of a feeding site; requiring the county board to provide it's survey and findings to Office of Child Nutrition; and requiring the Office of Child Nutrition to monitor program activities and share information between the counties; requiring setting foundation allowance for support personnel; deleting provisions relating to School Construction Fund and the School Building Authority; reducing the proportion of assessed value on certain classifications of property; and removing the requirement of the Legislature to appropriate the budget amount as calculated by the State Superintendent of Schools; removing references to the Division of Health and to RESA entities that no longer exist; updating references to local health departments; updating procedural language for rule-making procedures; removing redundant short titles for articles of the code; removing requirements for consultation with the Department of Health and Human Resources and local boards of health in development of rules and policies; removing references to the Division of Health and to RESA entities that no longer exist; updating references to local health departments; updating procedural language for rule-making procedures; and to repeal provisions relating to the costs providing clothing to indigent pupils attending West Virginia schools for the deaf and blind,"

With the recommendation that the committee substitutes each do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bills (Com. Sub. for H. B. 158 and Com. Sub. for H. B. 162) were each taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Shott, Chair of the Select Committee on Education Reform - A, submitted the following report, which was received:

Your Select Committee on Education Reform - A has had under consideration:

H. B. 159, Relating to information technology access for the blind and visually impaired,

H. B. 160, Ron Yost Personal Assistance Services Act,

H. B. 161, Removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions of code related to the School Building Authority,

And,

H. B. 163, Removing sections of code relating to administration of education,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bills (H. B. 159, H. B. 160, H. B. 161 and H. B. 163) were each taken up for immediate consideration, read a first time and ordered to second reading.

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

By Delegates Espinosa, Wilson, Bibby, Little, Foster, Householder, D. Jeffries, Malcolm, Waxman, Hardy and Phillips:

H. B. 206 - "A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-1B-24 of said code; to amend said code by adding thereto a new section, designated §18-2E-12; to amend and reenact §18-5-14, §18-5-16, §18-5-16a, §18-5-18a, §18-5-18b, and §18-5-46 of said code; to amend said code by adding thereto a new section, designated §18-5-48; to amend and reenact §18-5A-2 and §18-5A-3 of said code; to amend said code by adding thereto a new

article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, §18-5G-8, §18-5G-9, §18-5G-10, §18-5G-11 and §18-5G-12; to amend and reenact §18-7A-3 of said code as contained in Chapter 89, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-7B-2 of said code as contained in Chapter 89, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-8-4 of said code; to amend and reenact §18-9A-2 of said code as contained in Chapter 133, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-9A-8 and §18-9A-9 of said code; to amend said code by adding thereto a new section, designated §18-9A-19; to amend said code by adding thereto a new section, designated §18-9B-22; to amend and reenact §18-20-5 of said code; to amend and reenact §18A-4-2, §18A-4-5, §18A-4-5a, §18A-4-7a, §18A-4-8a, and §18A-4-10 of said code; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4, and §18C-4-5 of said code; to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4A-3 of said code; and to amend and reenact §29-12-5a of said code, all relating to public education; allowing public charter schools to participate in the Public Employees Insurance Agency insurance program; requiring Governor to expand Mountaineer Challenge Academy at its existing location and to a new location subject to agreement required under federal law; requiring the State Board of Education to implement the Mountain State Digital Literacy Project as a pilot project; modifying requirements for policies to promote school board effectiveness and eliminating requirement for filing and refiling policies with state board; limiting meetings with improvement councils to those at low performing schools; modifying agenda for meeting; eliminating reporting requirement; requiring county boards to establish attendance zones; replacing existing provisions pertaining to student transfers with requirement for county boards to establish an open enrollment policy; requiring appeal process whereby a parent or guardian can appeal the refusal of a county board to accept the transfer of the student; requiring the county to which a student is transferred include the student in its net enrollment in certain instances; providing that certain transfer provisions do not supersede eligibility requirements for participation in extracurricular activities established by the Secondary School Activities Commission; requiring the West

Virginia Department of Education to survey districts to determine where overcrowding is impeding student achievement; increasing percentage of work time school counselors are required to spend in a direct counseling relationship with pupils; providing that the teacher's recommendation is a primary consideration in determining student promotion; removing requirement that an Innovation in Education school have a focus on certain specified areas; removing certain provisions required in an Innovation in Education application and plan; providing county boards instead of the state board the authority to designate schools as Innovation in Education schools; allowing appeals to the State Board of Education certain Innovation in Education-related determinations made by a county board; exempting public charter schools from all statutes and administrative regulations applicable to the state board, a county board, or a school, with exceptions; providing that no elected official can profit from a charter school, with exception; setting forth public charter school requirements and authority; requiring a public charter school be administered by a governing board; allowing a public charter school to enroll any student in the state; requiring randomized and transparent lottery if capacity at a public charter school is insufficient; creating and allowing certain enrollment preferences at a public charter school; requiring a public charter school to submit a student recruitment and retention plan; requiring an applicant to submit an application to an authorizer in order to establish a new public charter school or to convert an existing noncharter public school to a public charter school; setting forth minimum requirements for application for a public charter school; allowing state board, subject to funding, to offer an incentive grant for a public charter school; setting forth duties of the authorizer of a public charter school; establishing process for authorizer's approval or denial of public charter school application; limiting liability of certain persons and entities relating to the operation of a public charter school; requiring each public charter school to remit to its authorizer an oversight fee; requiring a charter contract between the governing board and the authorizer; setting forth requirements for the charter contract; making the authorizer responsible for collecting and reporting to the state board all state-required assessment and achievement data for the public charter school; setting forth requirements pertaining to

renewal, nonrenewal, and revoking a charter contract; requiring state board rule establishing the process for renewing or not renewing a charter contract; requiring an authorizer to develop a public charter school closure protocol or protocol for transitioning a charter school to noncharter public school status; allowing a charter applicant or governing board to appeal certain authorizer decisions; setting forth prohibitions for a public charter school; requiring or allowing state board rules pertaining to public charter school funding, clarifying certain requirements, addressing unforeseen circumstances, prohibiting discrimination against employees involved with establishing charter schools, ensuring accountability, allowing the Schools for the Deaf and Blind to apply for authorization, and facilitating the creation of two youth programs modeled after the Mountaineer Challenge Academy; providing for public charter school access to public facilities; setting forth reporting requirements for certain authorizers and the State Superintendent; allowing public charter schools to elect to participate in certain state retirement systems; modifying requirements applicable after certain numbers of unexcused student absences; including professional personnel providing direct social and emotional support services to students and professional personnel addressing chronic absenteeism within the definition of ‘professional student support personnel’; increasing calculated net enrollment for the purposes of determining a county’s basic foundation program of certain counties with an actual net enrollment of less than 1,400; decreasing the percent of the levy rate used to calculate local share; basing the basic foundation allowance for professional student support personnel on a ratio; increasing the percentage used to calculate each county’s allowance for current expense; requiring that each county board receive its allocated state aid share of the county’s basic foundation program in the form of block grants; requiring the State Superintendent to provide the State Auditor with the required data for use by the searchable budget data website; including public charter schools in the provisions pertaining to an appropriation to serve certain exceptional children; increasing teacher salaries; providing that certain math and special education teachers be considered to have three additional years of experience for the purposes of the salary schedule; removing definition of salary

equity among the counties; removing requirement that Department of Education include in its budget request a request for funding sufficient to meet the objective of salary equity; adding to exceptions to requirement that county salary schedules be uniform; permitting a county board of education to base its reductions in force determinations on an individual's qualifications as defined in county board policy; modifying provisions pertaining to the preferred recall list and posting of position openings; removing requirement for county board to annually make available a list of all professional personnel employed, their areas of certification, and their seniority; providing that all personnel in a public charter school accrue seniority for the purpose of employment in noncharter public schools; increasing salaries for service personnel; increasing leave without cause days from three to four; requiring a bonus for classroom teachers who have not used more than four days of personal leave during the employment term; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance programs the Underwood-Smith Teaching Scholars Program and the Teacher Education Loan Repayment Program; modifying requirements for Higher Education Policy Commission rules providing for administration of the programs; requiring that Underwood-Smith Teaching Scholars award recipients receive additional academic support and training from mentors in their academic field; continuing the Underwood-Smith Teacher Scholarship and Loan Assistance Fund as the Underwood-Smith Teaching Scholars Program Fund; requiring each award recipient to be distinguished as an Underwood-Smith Teaching Scholar; establishing uses for moneys in the Underwood-Smith Teaching Scholars Program Fund; providing for continuation of certain terms, conditions, requirements, and agreements; requiring the Vice Chancellor for Administration to appoint a selection panel to select Underwood-Smith Teaching Scholars; modifying eligibility criteria for Underwood-Smith Teaching Scholars; modifying Underwood-Smith Teaching Scholars award agreement requirements; modifying renewal requirements for an Underwood-Smith Teaching Scholars award; modifying conditions under which a recipient is not in violation of the agreement; requiring Underwood-Smith Teaching Scholars award to be used in preparation for becoming a teacher in a critical shortage field in the

public schools of this state; increasing the amount of the annual award; requiring as a condition of loan repayment award eligibility an applicant to be currently employed in a public school in this state in a critical teacher shortage field or as a school counselor in a school or geographic area of the state identified as an area of critical need for such field; requiring as a condition of eligibility an applicant to agree to be employed full time for two school years in a critical teacher shortage field or as a school counselor in a school or geographic area of critical need for such field for each year for which a loan repayment assistance award is received; modifying provisions pertaining to the amount of loan assistance and the requirements for eligibility; modifying eligibility requirements for renewal of a loan repayment assistance award; removing accumulated limit on loan repayment awards; increasing minimum Board of Risk and Insurance Management coverage; requiring at least annual written notice of Board of Risk and Insurance Management insurance coverages by county boards to employee insureds; and allowing public charter schools to obtain insurance coverage from the Board of Risk and Insurance Management.”

Delegate Hornbuckle moved the committee report be rejected.

On this question, Delegate Hornbuckle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 822**), and there were—yeas 42, nays 54, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: 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, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Angelucci, Cowles, Higginbotham and Sponaugle.

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

The committee report was then received.

Delegate Hornbuckle then moved that the bill be committed to the Committee on Education.

On this question, Delegate Hornbuckle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 823**), and there were—yeas 42, nays 54, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: 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, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Angelucci, Cowles, Higginbotham and Sponaugle.

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

On motion of Delegate Summers, the bill (H. B. 206) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Espinosa, Chair of the Select Committee on Education Reform - C, submitted the following report, which was received:

Your Select Committee on Education Reform - C has had under consideration:

H. C. R. 103, Albert Yanni Programs Programs of Excellence in Vocational Education Interim Study,

And reports the same back with the recommendation that it be adopted.

On motion of Delegate Summers, the resolution was taken up for immediate consideration and adopted.

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

Delegate Westfall, Chair of the Select Committee on Education Reform - D, submitted the following report, which was received:

Your Select Committee on Education Reform - D has had under consideration:

H. B. 134, Increasing annual salaries of public school teachers and school service personnel,

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

On motion of Delegate Doyle, the bill (H. B. 134) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Westfall, Chair of the Select Committee on Education Reform - D, submitted the following report, which was received:

Your Select Committee on Education Reform - D has had under consideration:

H. B. 193, Relating to a statewide school personnel job bank,

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

Com. Sub. for H. B. 193 - "A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to a statewide school personnel job bank; requiring that a total compensation statement be contained within a job notice; and defining terms,"

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 193) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Westfall, Chair of the Select Committee on Education Reform - D, submitted the following report, which was received:

Your Select Committee on Education Reform - D has had under consideration:

H. B. 192, Removing certain fees for teaching,

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

Com. Sub. for H. B. 192 - "A Bill to amend and reenact §18A-3-7 of the Code of West Virginia, 1931, as amended, relating to certain fees for teaching, administrative, and support certificates established by the State Board of Education; limiting certain fees for teaching, administrative, and support certificates established by the State Board of Education for out-of-state applicants with comparable out-of-state certifications, and capping fees at in-state levels for teaching, administrative, and support certificates for out-of-state applicants without comparable out-of-state certifications,"

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 192) was taken up for immediate consideration, read a first time and ordered to second reading.

Special Calendar

Second Reading

S. B. 1015, Supplemental appropriation to Secretary of State, General Administrative Fees Account; on second reading, coming

up in regular order, was read a second time and ordered to third reading.

S. B. 1017, Supplemental appropriation to Department of Arts, Culture, and History, Educational Broadcasting Authority; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1020, Supplementing and amending Chapter 31, Acts of the Legislature, 2019, known as Budget Bill; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1021, Decreasing existing appropriation and adding appropriation to Department of Veterans' Assistance; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1023, Supplementing, amending, increasing, and adding items of appropriations to Attorney General, Consolidated Federal Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1024, Supplemental appropriation to Department of Agriculture Capital Improvements Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1025, Supplemental appropriation to DHHR, Division of Human Services for fiscal year ending June 30, 2019; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1027, Adding new items and increasing existing items to various accounts; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended on page two, following line forty-eight, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for WV Food Banks (fund 0131, appropriation 96900) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

On page four, following line eleven and the number “\$3,500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for Safe Schools (fund 0313, appropriation 14300) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

On page five, following line nine and the number “\$200,000”, by inserting a new paragraph to read as follows:

“Any unexpended balances remaining in the appropriations for Sexual Assault Intervention and Prevention (fund 0407, appropriation 72300) and New Born Screening and Testing (fund 0407, appropriation #####) at the end of the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.”

On page six, following line eight and the numbers “88500 \$500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for Blue Ridge Community and Technical College (fund 0601, appropriation 88500) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

On page six, following line eight and the numbers “47100 \$500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for West Virginia University - Parkersburg (fund 0351, appropriation 47100) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

On page seven, following line eight and the numbers “41200 \$500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for Eastern West Virginia Community and Technical College (fund 0587, appropriation 41200) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

On page seven, following line seven and the numbers “42800 \$500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for Glenville State College (fund 0363, appropriation 42800) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

And,

On page seven, following line one and the numbers “43200 \$500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for Shepherd University (fund 0366, appropriation 43200) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

The bill was then ordered to third reading.

S. B. 1038, Supplemental appropriation to DHHR, Division of Health’s Central Office; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. B. 113, Establishing tax incentive for new business activity in qualified opportunity zones; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended on page three, section twelve-k, line fifty, following the words “statewide to”, by striking out the word “affect” and inserting in lieu thereof the word “effect”.

And,

On page five, section six-b, line forty, following the words “statewide to”, by striking out the word “affect” and inserting in lieu thereof the word “effect”.

Delegates Doyle, Walker, S. Brown and Evans moved to amend the bill on page two, section twelve-k, line nineteen, by striking out the period, inserting a colon, and the following proviso:

“Provided, That 60% of the tax credit received by any opportunity zone businesses pursuant to this section must be awarded to minority-owned, veteran-owned or woman owed businesses. The Tax Commissioner shall promulgate legislative rules establishing criteria for minority-owned and woman owned businesses, as defined in §5A-3-59, and veteran owned businesses, as defined in §5A-11-9a of this code, for each to receive at a minimum, 20% of the total tax credit awarded. The rules shall include application procedures to apply for the tax credit, verify the availability of the tax credit and amounts available to other businesses which may qualify for the tax credit.”

On page four, section six-b, line eleven, by striking out the period, inserting a colon, and the following proviso:

“Provided, That availability of this tax credit to corporations is conditioned on at least 60% of the total tax credit made available in any opportunity zone pursuant to this section being awarded to minority-owned, veteran-owned or woman owed businesses, as provided in §11-21-12k of this code.”

The question being on the adoption of the amendment, the same was put and did not prevail.

Delegates Pushkin, Hansen, S. Brown and Rowe moved to amend the bill on page three, section twelve-k, line fifty-one, following the period, by inserting the following:

“(f)(1) Beginning July 1, 2020, The West Virginia University Bureau of Business and Economic Research shall annually undertake a study of the ‘Opportunity Zone Tax Incentive’

program as established in 26 U.S. Code § 1400z and by this section. The Bureau shall report to the West Virginia Legislature's Joint Committee on Government and Finance by January 1, 2021 on the economic impacts of the use of these tax incentives in West Virginia. The report shall include:

(A) The effectiveness and utilization of the qualified opportunity funds;

(B) The amount of assets held in qualified opportunity funds;

(C) The composition of qualified opportunity fund investments by asset class;

(D) The percentage of qualified opportunity zone census tracts in West Virginia designated under that have received qualified opportunity fund investments; and

(E) The impacts and outcomes of zone designation in those areas on economic indicators, including job creation, poverty reduction, new business starts, and other metrics as determined by the Bureau.

(2) For any investment that claims the credit, the Bureau shall collect relevant information regarding each such investment, including:

(A) The total amount of the investment and the date on which such investment was made;

(B) The type of investment, such as whether the investment is in an existing business, new business or real property, and the location of such business or property;

(C) The type of activity being supported by such investment, such as single-family or multi-family residential properties, commercial properties, or the economic sectors in which the business operates;

(D) In the case of a business, the approximate number of full-time employees at the time the investment in such business was made; and

(E) In the case of real property, the approximate total square footage and the approximate number of residential units, as applicable.

(3) For purposes of any information described in this section, the Bureau shall establish appropriate procedures and measures to ensure that collection of such information is performed in a manner so as to prevent any personally identifiable data included in such information is properly protected and withheld from disclosure to the public”.

(4) The annual reporting requirement for the West Virginia University Bureau of Business and Economic Research shall expire upon expiration of the state tax credit created by this section.”

On page three, section twelve-k, line fifty-two, by striking out subsection designation “(f)” and inserting in lieu thereof “(g)”;

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. 824**), and there were—yeas 42, nays 54, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Capito, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hanna, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Shott, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Angelucci, Cowles, Higginbotham and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

There being no further amendments, the bill was then ordered to engrossment and third reading.

First Reading

H. B. 120, Supplementary appropriation to the Department of Transportation; on first reading, coming up in regular order, were each read a first time and ordered to second reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cowles, Higginbotham and Sponaugle.

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 Hanna for H. B. 171 and H. B. 179
- Delegate Kump for H. J. R. 101

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 Bates during the morning session
- Delegate Butler during the morning session

At 7:13 p.m., the House of Delegates adjourned until 1:00 p.m., Tuesday, June 18, 2019.

Tuesday, June 18, 2018

EIGHTH DAY

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

The House of Delegates met at 1:00 p.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, June 17, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

ELECTION OF SERGEANT-AT-ARMS

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

Delegate Kessinger, a Delegate from the 32nd Delegate District, nominated Marshall Clay of the County of Fayette, as follows:

DELEGATE KESSINGER. Thank you, Mr. Speaker. It is my pleasure to nominate my friend and constituent, Marshall Clay, for the position of the Sergeant-at-Arms. For years, Marshall served as our faithful and vigilant Sergeant-at-Arms and after ... and over the years has proven himself to be a man of high moral standing and integrity.

After serving the House of Delegates for several years, he needed a break from all our shenanigans, and decided to take a different job. But, after a series of unfortunate events, has proven that he is a real glutton for punishment by coming back to us.

So today, Mr. Speaker, when the need arose, Marshall stepped up, and has been doing so diligently. So, I would like to nominate Marshall Clay for the position of Sergeant-at-Arms.

The nomination was seconded by Delegate Howell of the 56th Delegate District, with the following remarks:

DELEGATE HOWELL. Thank you, Mr. Speaker. Nothing speaks West Virginia more than Marshall Wayne Clay. He's named after three of our counties. I cannot think of a more fitting person to be our Sergeant-at-Arms. Therefore, I submit his name in nomination.

On motion of Delegate Kessinger, nominations were closed.

On motion of Delegate Kessinger, the Honorable Marshall Clay of the County of Fayette was elected Sergeant-at-Arms by acclamation. (Applause, members rising in ovation)

Mr. Clay then took the oath of office as prescribed for Sergeant-at-Arms, which oath of office was administered by the Honorable Roger Hanshaw, Speaker of the House of Delegates.

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. 155, Removing certain fees for teaching,

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

Com. Sub. for H. B. 155 - "A Bill supplementing, amending and increasing an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, for the fiscal year ending June 30, 2020,"

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 155) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 825**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Kump and Stagers.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

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 engrossment and third reading.

Having been engrossed, the bill was read a third time and put upon its passage.

Delegates Foster and Criss requested to be excused from voting on Com. Sub. for H. B. 155 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. 826**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Cowles, Fluharty, Higginbotham 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. 155) passed.

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

On this question, the yeas and nays were taken (**Roll No. 827**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fast and Kump.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 155) takes effect from its passage.

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

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. 154, Making a supplementary appropriation to the Department of Transportation, Division of Highways,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 154) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 828**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

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 engrossment and third reading.

Having been engrossed, the bill was read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 829**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 154) passed.

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

On this question, the yeas and nays were taken (**Roll No. 830**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 154) takes effect from its passage.

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

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. 168, Establishing the West Virginia Equal Opportunity Education Scholarship program,

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

Delegate Summers asked unanimous consent that the bill (H. B. 168) be taken up for immediate consideration, read a first time and ordered to second reading, which consent was not granted, objection being heard.

The following question was then put before the House: "Shall the bill be taken up for immediate consideration and read a first time?"

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. 831**), and there were—yeas 56, nays 40, absent and not voting 4, 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, Fast, Fleischauer, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff,

Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

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

The bill was then read a first time and ordered to second reading.

Messages from the Executive

The following communication from His Excellency, the Governor, was laid before the House of Delegates and reported by the Clerk:

Jim Justice
Governor of West Virginia

June 17, 2019

HOUSE EXECUTIVE MESSAGE NO. 2 2019 FIRST EXTRAORDINARY SESSION

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
Building 1, Room M-228
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Speaker Hanshaw:

The following amends and replaces the “FY 2019 Official Estimate General Revenue – Statement of Revenues by Source” which I submitted to you on May 20, 2019 in Executive Message No. 1, 2019 First Extraordinary Session for the fiscal year ending June 30, 2019:

General Revenue Fund
Statement of Revenues by Source
(Expressed in Thousands)

FY 2019

Official

<u>Source of Revenue</u>	<u>Estimate Revised</u>
Business and Occupation Tax	\$124,500
Consumer Sales & Service and Use Tax	1,368,000
Personal Income Tax	2,092,000
Liquor Profit Transfers	20,800
Beer Tax and Licenses	7,500
Tobacco Products Tax	179,700
Business Franchise Fees	670
Property Transfer Tax	13,000
Property Tax	6,900
Insurance Tax	128,500
Departmental Collections	23,600
Corporate Net Income Tax	206,038
Miscellaneous Transfers	1,000
Interest Income	26,000
Severance Tax	451,000
Miscellaneous Receipts	10,700
HB102 – Lottery Transfers	65,000
Special Revenue Transfers	13,250
Senior Citizen Tax Credit Reimbursement	<u>10,000</u>

Total General Revenue \$4,748,158

Note: The Governor's official Revenue Estimates for Fiscal Year 2019 were revised upward by \$98 million on June 17, 2019. The changes include an increase in the Consumer Sales and Use Tax, Personal Income Tax, Business and Occupation Tax, Severance Tax, Corporate Net Income Tax, Insurance Tax and Interest Income.

The following amends and replaces the "FY 2020 Official Estimate General Revenue – Statement of Revenues by Source" which I submitted to you on January 9, 2019 as part of my Budget Document for the fiscal year ending June 30, 2020:

General Revenue Fund
Statement of Revenues by Source
(Expressed in Thousands)

	FY 2020 Official
<u>Source of Revenue</u>	<u>Estimate Revised</u>
Business and Occupation Tax	\$123,000
Consumer Sales & Service and Use Tax	1,390,260
Personal Income Tax	2,154,880
Liquor Profit Transfers	21,000
Beer Tax and Licenses	7,600
Tobacco Products Tax	177,000
Business Franchise Fees	680
Property Transfer Tax	12,300
Property Tax	7,200
Insurance Tax	131,800

Departmental Collections	24,000
Corporate Net Income Tax	136,980
Miscellaneous Receipts	1,700
Interest Income	30,000
Severance Tax	376,800
Miscellaneous Receipts	11,000
HB102 – Lottery Transfers	65,000
Liquor License Renewal	29,000
Senior Citizen Tax Credit Reimbursement	<u>10,000</u>
Total General Revenue	<u>\$4,710,200</u>

Note: The Governor’s official Revenue Estimates for Fiscal Year 2020 were revised upward by \$34.38 million on June 17, 2019. The changes include an increase in the Consumer Sales and Use Tax, Personal Income Tax and a decrease in the Severance Tax estimate related to legislation passed in the 2019 Regular Session.

The following amends and replaces the “General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance” which I submitted to you on May 20, 2019 in Executive Message No. 1, 2019 First Extraordinary Session for the fiscal years ending June 30, 2019 and June 30, 2020:

General Revenue Fund
Statement of Revenues, Expenditures, and Changes in Cash Balance
(Nearest Dollar)

Actual Beginning Cash Balance July 1, 2018	\$377,650,037
Less: 31 Day Disbursements (July 1, 2018 - July 31, 2018)	(42,888,978)
Plus: Prior Year Reimbursements (July 1, 2018 - July 31, 2018)	27,203

2019]	HOUSE OF DELEGATES	4301
Less:	Prior Year Appropriations Forwarded	(297,422,832)
Less:	Cash Balance - Adjustments and Accruals	<u>(1,337,913)</u>
	Accumulated Surplus from FY 2018 @ July 31, 2018	\$36,027,517
Less:	Transfer to Revenue Shortfall Reserve Fund (Statutory)	(18,013,759)
Less:	FY 2019 Surplus Appropriation (FY 2019 Budget Bill)	(13,765,000)
Plus:	FY 2019 Supplementary Expiration to Surplus Balance (2019 1st Extraordinary Session) 05/2019	4,705,000
Less:	FY 2019 Supplementary Surplus Appropriation (2019 1st Extraordinary Session) 05/2019	(4,705,000)
Less:	Recommended FY 2019 Supplementary Surplus Appropriation (2019 1st Extraordinary Session)	(4,744,200)
Plus:	Prior Year Reimbursements and Adjustments (August 1, 2018 – June 7, 2019)	<u>703,433</u>
	Estimated Unappropriated Surplus Balance @ June 30, 2019	\$207,991
Plus:	FY 2019 Revenue Estimate	\$4,439,920,000
Plus:	FY 2019 Revision to Revenue Estimate (2019 Regular Session) 1/9/19	142,000,000
Plus:	FY 2019 Revision to Revenue Estimate (2019 Regular Session) 3/5/2019	25,913,000
Plus:	FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 5/20/19	42,325,000
Plus:	FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 6/17/19	98,000,000
Less:	FY 2019 Appropriations (FY 2019 Budget Bill) (2018 Regular Session)	(4,381,808,884)

Plus: FY 2019 Appropriations (FY 2019 Budget Bill) veto	0
Less: FY 2019 Supplementary Appropriations (2019 Regular Session)	(195,723,199)
Less: FY 2019 Supplementary Appropriations (2019 1 st Extraordinary Session)	(54,000,000)
Less: Recommended FY 2019 Supplementary Appropriations (2019 1 st Extraordinary Session)	(116,625,917)
Estimated Unappropriated Balance from FY 2019 Activity @ June 30, 2019	\$0
Plus: FY 2020 Revenue Estimate	\$4,675,820,000
Plus: FY 2020 Revised Revenue Estimate as of 06/17/2019	34,380,000
Less: FY 2020 Appropriations (FY 2020 Budget Bill) (2019 Regular Session)	(4,635,887,842)
Plus: FY 2020 Appropriations (FY 2020 Budget Bill) veto	<u>5,372,000</u>
Estimated Unappropriated Balance from FY 2020 Activity @ June 30, 2020	<u>\$79,684,158</u>
Total Estimated Unappropriated Balance @ June 30, 2020	<u>\$79,892,149</u>

The following amends and replaces the “FY 2019 Official Estimate” “State Road Fund – Statement of Revenues by Source” which I submitted to you on May 20, 2019 in Executive Message No. 1, 2019, First Extraordinary Session for the fiscal year ending June 30, 2019:

State Road Fund
Statement of Revenues by Source
(Expressed in Thousands)

FY 2019

Official

<u>Source of Revenue</u>	<u>Estimate Revised</u>
Motor Fuel Tax	\$443,900
Registration	142,196
Sales (Privilege)	230,930
Litter	1,719
Less: Industrial Access Road Transfer	(3,000)
Miscellaneous Revenue	120,695
Federal Reimbursement	<u>471,500</u>
Total State Road	<u>\$1,407,940</u>

Note: The Governor's official Revenue Estimates for Fiscal Year 2019 were revised upward by \$50.2 million on June 17, 2019. The changes include an increase in the Miscellaneous Revenue estimate. The revision is reflected in the month of June.

State Road Fund
Statement of Revenues, Expenditures,
and Changes in Cash Balance
(Nearest Dollar)

Cash and Investment Balance - July 1, 2018	\$141,408,683
Plus: Revenue Estimate-FY 2019	1,303,740,000
Plus: FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 5/20/19	54,000,000
Plus: FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 6/17/19	<u>50,200,917</u>

Total Estimated Receipts and Balance	\$1,549,349,600
Less: FY 2019 Appropriations (FY 2019 Budget Bill) – Division of Highways	(\$1,308,400,000)
Less: FY 2019 Appropriations (FY 2019 Budget Bill) – Division of Motor Vehicles	(43,478,729)
Less: FY 2019 Appropriations (FY 2019 Budget Bill) – Office of Administrative Hearings	(1,951,979)
Less: Claims Against the State Road Fund (FY 2019 Budget Bill)	<u>(408,830)</u>
Estimated Balance @ June 30, 2019	\$195,110,062
Plus: Revenue Estimate – FY 2020	\$1,319,857,000
Less: FY 2020 Appropriations (FY 2020 Budget Bill) – Division of Highways	(1,334,315,083)
Less: FY 2020 Appropriations (FY 2020 Budget Bill) – Division of Motor Vehicles	(46,077,719)
Less: FY 2020 Appropriations (FY 2020 Budget Bill) – Office of Administrative Hearings	(2,065,530)
Less: Claims Against the State Road Fund (FY 2020 Budget Bill)	(1,703,146)
Less: FY 2020 Supplementary Appropriations (2019 1 st Extraordinary Session) Division of Highways 5/20/2019	(54,000,000)
Less: FY 2020 Supplementary Appropriations (2019 1 st Extraordinary Session) Division of Highways 6/17/2019	<u>(50,200,917)</u>
Estimated Unappropriated Balance @ June 30,2020	<u>\$26,604,667</u>

Thank you for your cooperation in this matter.

Sincerely,

Jim Justice,
Governor.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred, as follows:

By Delegate Wilson:

H. B. 203 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5H-1, §18-5H-2, §18-5H-3, §18-5H-4, §18-5H-5, §18-5H-6, §18-5H-7, and §18-5H-8, all relating to the establishment and operation of experimental school zones; providing method by which an experimental school zone may be proposed; providing for an option by election of parents and school personnel; outlining requirements for transition to an experimental school zone; authorizing exemptions from law and policies in the operation of schools within the experimental school zone; providing for open enrollment and student transfers; requiring students and parents to sign a commitment contract to meet minimum criteria in participation; providing for evaluation and renewal as well as reversion to standard school methodology and practice; authorizing additional financial support for demonstrated improvement in outcomes; and mandating the promulgation of rules to facilitate the provisions of this act”; to the Select Committee on Education Reform B.

By Delegates D. Jeffries, C. Martin, P. Martin, Graves, Phillips, Wilson, Steele and Bibby:

H. B. 204 - “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”; to the Select Committee on Education Reform A.

By Delegate Bates:

H. B. 205 - “A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to reducing compensation of legislators during the First Extraordinary Session of 2019”; to the Committee on Finance.

Special Calendar**Third Reading**

S. B. 1015, Supplemental appropriation to Secretary of State, General Administrative Fees Account; on third reading, coming up in regular order, was read a third time.

Delegate Fleischauer moved that the bill be postponed one day.

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. 832**), and there were—yeas 41, nays 55, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, Boggs, N. Brown, S. Brown, Byrd, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hartman, Hicks, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Lovejoy, P. Martin, McGeehan, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, Storch, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaule.

So, a majority of the members present and voting not having voted in the affirmative, the motion to postpone the bill one day was rejected.

On the passage of the bill, the yeas and nays were taken (**Roll No. 833**), and there were—yeas 87, nays 9, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: S. Brown, Diserio, Doyle, Evans, Hansen, McGeehan, Robinson, C. Thompson and Walker.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1015) passed.

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

On this question, the yeas and nays were taken (**Roll No. 834**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: S. Brown, Diserio, Hansen, Robinson and Walker.

Absent and Not Voting: Cowles, Fluharty, Higginbotham 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. 1015) 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. 1017, Supplemental appropriation to Department of Arts, Culture, and History, Educational Broadcasting Authority; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 835**), 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: Cowles, Fluharty, Hansen, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1017) passed.

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

On this question, the yeas and nays were taken (**Roll No. 836**), 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: Cowles, Fluharty, Hansen, Higginbotham 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. 1017) 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. 1020, Supplementing and amending Chapter 31, Acts of the Legislature, 2019, known as Budget Bill; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 837**), 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: Byrd, Cowles, Fluharty, Higginbotham, Sponaugle and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1020) passed.

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

On this question, the yeas and nays were taken (**Roll No. 838**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Higginbotham 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. 1020) 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. 1021, Decreasing existing appropriation and adding appropriation to Department of Veterans' Assistance; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 839**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1021) passed.

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

On this question, the yeas and nays were taken (**Roll No. 840**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Higginbotham 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. 1021) 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. 1023, Supplementing, amending, increasing, and adding items of appropriations to Attorney General, Consolidated Federal Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 841**), and there were—yeas 90, nays 5, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Byrd, Lavender-Bowe, Pushkin, Robinson and Walker.

Absent and Not Voting: Cowles, Fluharty, Higginbotham, Shott and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1023) passed.

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

On this question, the yeas and nays were taken (**Roll No. 842**), 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: Cowles, Fluharty, Higginbotham, Shott 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. 1023) 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. 1024, Supplemental appropriation to Department of Agriculture Capital Improvements Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 843**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Hanna, McGeehan and Porterfield.

Absent and Not Voting: Cowles, Fluharty, Higginbotham, Pyles and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1024) passed.

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

On this question, the yeas and nays were taken (**Roll No. 844**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Porterfield.

Absent and Not Voting: Cowles, Fluharty, Higginbotham 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. 1024) 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. 1025, Supplemental appropriation to DHHR, Division of Human Services for fiscal year ending June 30, 2019; on third reading, coming up in regular order, was read a third time.

Delegates Walker and Rodighiero requested to be excused from voting on S. B. 1025 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.

On the passage of the bill, the yeas and nays were taken (**Roll No. 845**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Foster and Hardy.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1025) passed.

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

On this question, the yeas and nays were taken (**Roll No. 846**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fluharty, Higginbotham 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. 1025) 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. 1027, Adding new items and increasing existing items to various accounts; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 847**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1027) passed.

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

On this question, the yeas and nays were taken (**Roll No. 848**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Malcolm.

Absent and Not Voting: Cowles, Fluharty, Higginbotham, Maynard 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. 1027) takes effect from its passage.

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

S. B. 1038, Supplemental appropriation to DHHR, Division of Health's Central Office; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 849**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Cadle, Fast, Harshbarger, Jennings, Kessinger, P. Martin, Porterfield and Rohrbach.

Absent and Not Voting: Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1038) passed.

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

On this question, the yeas and nays were taken (**Roll No. 850**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Cadle, Fast, Jennings, P. Martin and Porterfield.

Absent and Not Voting: Cowles, Fluharty, Higginbotham 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. 1038) takes effect from its passage.

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

H. B. 113, Establishing tax incentive for new business activity in qualified opportunity zones; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 851**), and there were, including pairs—yeas 87, nays 10, absent and not voting 3, with the paired, nays and absent and not voting being as follows:

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

Paired:

Yea: Higginbotham

Nay: Hanna

Nays: Doyle, Fleischauer, Hansen, Hornbuckle, Kump, Phillips, Pyles, Staggers and Walker.

Absent and Not Voting: Cowles, Fluharty and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 113) 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

Delegate Summers asked and obtained unanimous consent that all bills on second reading be advanced to third reading with amendments pending and with the general right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 120, Supplementary appropriation to the Department of Transportation; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 132, Supplementing and amending existing items of appropriations to the Department of Agriculture; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 134, Increasing annual salaries of public school teachers and school service personnel; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 144, West Virginia Business Ready Sites Program; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 146, Establishing and funding of substance use disorder treatment and recovery facilities; on second reading, coming up in regular order, was read a second time, advanced to third reading,

with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 148, Making a supplementary appropriation to the Executive, Governor's Office; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 149, Making a supplementary appropriation to the Executive, Governor's Office, Civil Contingent Fund; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 150, Making a supplementary appropriation to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 151, Making a supplementary appropriation to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 152, Making a supplementary appropriation by adding a new item and increasing the expenditure to the Department of Revenue, State Budget Office; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 153, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, Central Office; on second reading, coming up in regular order, was

read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 156, Making a supplementary appropriation to the Department of Environmental Protection, Division of Environmental Protection; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 157, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 158, Improving education by requiring the state board to establish rules for student accountability regarding performance; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 159, Relating to information technology access for the blind and visually impaired; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 160, Ron Yost Personal Assistance Services Act; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 161, Removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions of code

related to the School Building Authority; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 162, Removing antiquated, redundant, or expired provisions of the code for the administration of education; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 163, Removing sections of code relating to administration of education; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 174, Increasing and promoting school innovation and flexibility; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 192, Removing certain fees for teaching; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 193, Relating to a statewide school personnel job bank; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 206, Relating to public education; on second reading, coming up in regular order, was read a second time, advanced to third reading, with the right to amend, and the rule was suspended

to permit the offering and consideration of amendments on that reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cowles, Fluharty, Higginbotham and Sponaugle.

Miscellaneous Business

Delegate Pyles announced that he was absent today when the vote was taken on Roll No. 843, and that had he been present, he would have voted “Yea” thereon.

At 2:42 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, June 19, 2019.

Wednesday, June 19, 2019

NINTH DAY

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

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

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

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

Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred H. B. 120 and H. B. 134, on Third Reading, Special Calendar, to the House Calendar; and H. B. 168, on Second Reading, Special Calendar, to the House Calendar.

Special Calendar

Third Reading

H. B. 132, Supplementing and amending existing items of appropriations to the Department of Agriculture; on third reading, coming up in regular order, with the right to amend, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 852**), and there were—yeas 94, nays 1, absent and not voting 5, with the yeas and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 132) passed.

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

On this question, the yeas and nays were taken (**Roll No. 853**), 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: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 132) 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. 144, West Virginia Business Ready Sites Program; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegate Howell asked and obtained unanimous consent to be added as cosponsor of H. B. 144.

On motion of Delegate Howell, 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. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1n. West Virginia Business Ready Sites Program.

(a) The Legislature finds and declares that:

(1) Presently, West Virginia’s available industrial sites lack competitiveness with industrial sites in surrounding states due in

part to the lack of presently constructed, adequate utility infrastructure serving sites having industrial potential;

(2) Having construction-ready industrial sites with adequately developed utility infrastructure will increase the state's potential to attract new industrial projects to the state and advance the state's economic development efforts;

(3) Incentivizing utilities to construct adequate public utility infrastructure and provide services to sites identified as having industrial potential will increase the likelihood that such sites are developed; and

(4) Responsibly increasing the number of industrial sites with adequate and fully developed utility services is in the public interest of the state.

(b) *Definitions.* – For the purpose of this section:

(1) 'Industrial Development Agency' means any incorporated organization, foundation, association, or agency to whose members or shareholders no profit inures, which has as its primary function the promotion, encouragement, and development of industrial, commercial, manufacturing, and tourist enterprises or projects in this state;

(2) 'Industrial Development Site' means a land development containing a minimum of 50 contiguous acres that is identified by the secretary as having potential for industrial development and that does not currently have adequate public utility services from one or more public utilities regulated by the Public Service Commission;

(3) 'Secretary' means the Secretary of the Department of Commerce; and

(4) 'Utility' means electricity, natural gas, water, or sewage service provided by a public utility regulated by the Public Service Commission.

(c) The secretary shall identify a pilot program known hereafter as 'The West Virginia Business Ready Sites Program' for the purpose of promoting economic development in certain areas of the state by facilitating the construction of utility infrastructure necessary to increase the attractiveness of such sites for industrial development within the state.

(d) An industrial development agency may identify a potential industrial development site and apply to the secretary for approval of the site as an industrial development site.

(e) Upon receipt of the application, the secretary shall determine whether the potential industrial development site has the attributes to accomplish the public purposes of this section; and, upon determining that the site has such attributes, the secretary may certify the site as an industrial development site and communicate such certification to the Public Service Commission.

(f) After the Public Service Commission receives the certification described in subsection (e) of this section, public utilities may file with the Public Service Commission an application for a multi-year comprehensive plan for infrastructure development to construct public utility infrastructure and provide services to industrial development sites. Subject to commission review and approval, a plan may be amended and updated by the public utility as circumstances warrant. The recovery of costs in support of the plans shall be allowed in the manner set forth in this section if the proposed plans have been found to be prudent and useful.

(g) The application submitted to the Public Service Commission under subsection (f) of this section is in lieu of a proceeding pursuant to §24-2-11 of this code and shall contain the following:

(1) A description of the infrastructure program, in such detail as the Public Service Commission prescribes, and the projected annual amount in approximate line sizes and feet, general location, type, and projected installation timing of the facilities that the applicant proposes to replace, construct, or improve;

(2) The projected net cost, on an annual basis, of the replacement, construction, or improvements;

(3) The projected start date for the infrastructure program;

(4) The projected numbers of potential new customers that may be served by the infrastructure program and the projected annual demand for public utility services of the customers;

(5) The projected debt for the infrastructure program funding and the projected capital structure for infrastructure program funding;

(6) A proposed full and timely cost recovery mechanism consistent with this section; and

(7) Other information the applicant considers relevant or the Public Service Commission requires.

(h) Upon filing of the application, the applicant shall publish, in the form the Public Service Commission directs, which form shall include, but not be limited to, the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, the publication area to be each county in which service is provided by the public utility, a notice of the filing of the application, and that the commission shall hold a hearing on the application within 90 days of the notice; unless no opposition to the rate change is received by the commission within one week of the proposed hearing date, in which case the hearing can be waived, and issue a final order within 150 days of the application filing date.

(i) Upon notice and hearing, if required by the Public Service Commission, the commission shall approve the infrastructure program and allow expedited recovery of costs related to the expenditures as provided in subsection (j) of this section if the commission finds that the expenditures and the associated rate requirements are just, reasonable, and are not contrary to the public interest: *Provided*, That the commission may approve

infrastructure programs undertaken in connection with a maximum of 10 industrial development sites under this program: *Provided, however,* That no more than four industrial development sites shall be located in any one congressional district, as such congressional districts are defined in §1-2-3 of this code on the effective date of this section: *Provided further,* That if the number of congressional districts is reduced to two, that no more than five industrial development sites shall be located in any one congressional district.

(j) Upon Public Service Commission approval, utilities will be authorized to implement the infrastructure programs and to recover related incremental costs, net of contributions to recovery of return, operation and maintenance, depreciation and tax expenses directly attributable to the infrastructure program served by the infrastructure program investments, if any, as provided in the following:

(1) An allowance for return shall be calculated by applying a rate of return to the average planned net incremental increase to rate base attributable to the infrastructure program for the coming year, considering the projected amount and timing of expenditures under the infrastructure program plus any expenditures in previous years of the infrastructure program. The rate of return shall be determined by utilizing the rate of return on equity authorized by the Public Service Commission in the public utility's most recent rate case proceeding or in the case of a settled rate case, a rate of return on equity as determined by the commission, and the projected cost of the public utility's debt during the period of the infrastructure program to determine the weighted cost of capital based upon the public utility's capital structure.

(2) Income taxes applicable to the return allowed on the infrastructure program shall be calculated at the statutory tax rate for inclusion in rates.

(3) Incremental operation and maintenance, depreciation, and property tax expenses directly attributable to the infrastructure program shall be estimated for the upcoming year.

(4) Following Public Service Commission approval of its infrastructure program, a public utility shall place into effect rates that include an increment that recovers the allowance for return, related income taxes at the statutory rate, operation and maintenance, depreciation, and property tax expenses associated with the public utility's estimated infrastructure program investments for the upcoming year, net of contributions to recovery of those incremental costs provided by new customers served by the infrastructure program investments, if any. In each year subsequent to the order approving the infrastructure program and the incremental cost recovery increment, the public utility shall file a petition with the Public Service Commission setting forth a new proposed incremental cost recovery increment based on investments to be made in the subsequent year, plus any under-recovery or minus any over-recovery of actual incremental costs attributable to the infrastructure program investments, for the preceding year.

(5) The facilities installed in an application approved by the Public Service Commission shall be considered used and useful as of the date of construction expenditure for rate recovery.

(k) The public utility may make any accounting accruals necessary to establish a regulatory asset or liability through which actual incremental costs incurred and costs recovered through the rate mechanism are tracked.

(l) Utilities may defer incremental operation and maintenance expenditures attributable to regulatory and compliance-related requirements introduced after the public utility's last rate case proceeding and not included in the public utility's current rates. In a future rate case, the Public Service Commission may allow recovery of the deferred costs amortized over a reasonable period of time to be determined by the commission provided the commission finds that the costs were reasonable and prudently incurred and were not reflected in rates in prior rate cases.

(m) The provisions of this section shall expire on December 31, 2024. The expiration of this section shall not affect the full and

timely cost recovery of constructing a project that is commenced pursuant to this section prior to such date.

(n) The provisions of this section are effective upon passage.”

Delegates Doyle, S. Brown and Fleischauer moved to amend the bill on page three, section one-n, line forty-nine, by striking out the words “is in lieu of” and inserting in lieu thereof the words “shall be considered in”.

And,

On page six, section one-n, lines one hundred sixteen and one hundred seventeen, by striking out subdivision (5) in its entirety and inserting in lieu thereof the following:

“(5) The facilities installed in an application to the Public Service Commission shall be reviewed by the Public Service Commission to determine whether they are used and useful before approving the project for rate recovery.”

The question being on the adoption of the amendment, the same was put and did not prevail.

Delegates Doyle, S. Brown and Fleischauer moved to amend the bill on page three, section one-n, line thirty-seven, following the period, by inserting the following sentence: “Such certification may only be made after an environmental impact statement is prepared by the Department of Environmental Protection that shows no potential negative impact on groundwater and only after a public hearing is held in the county where the site will be located.”

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. 854**), and there were—yeas 30, nays 65, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hicks, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pushkin, Pyles, Rodighiero, Rowe, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Having been engrossed, the bill was read a third time.

Delegate Porterfield moved the previous question.

On this question, the yeas and nays were taken (**Roll No. 855**), and there were—yeas 19, nays 75, absent and not voting 6, with the yeas and absent and not voting being as follows:

Yeas: Atkinson, Azinger, Bibby, Butler, Cadle, Cooper, Ellington, Fast, Foster, Hamrick, Hott, D. Jeffries, Kump, Malcolm, C. Martin, Paynter, Porterfield, Steele and Wilson.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham, Sponaugle and Toney.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 856**), and there were—yeas 80, nays 15, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, Campbell, Diserio, Doyle, Fleischauer, Hansen, J. Jeffries, Lavender-Bowe, Lovejoy, McGeehan, Pushkin, Staggers, Swartzmiller and Walker.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 144) passed.

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

H. B. 144 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1n, relating to creating a pilot program to encourage utility infrastructure development to certain lands; declaring certain legislative findings; defining certain terms; requiring the Secretary of Commerce to consider certain applications; allowing the secretary to certify sites that do not currently have adequate public utility services from one or more public utilities regulated by the Public Service Commission as having potential for industrial development; requiring the Public Service Commission to consider certain multi-year comprehensive plans for infrastructure development to construct public utility infrastructure and provide services to industrial development sites as certified by the secretary, in lieu of a proceeding pursuant to §24-2-11 of the code; requiring the applicant to publish the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement; providing the Public Service Commission with the authority to allow certain public utility infrastructure projects to recover certain costs via ratemaking; providing for the expiration of certain statutory provisions; and providing for an effective date of the provisions of this section.”

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

H. B. 146, Establishing and funding of substance use disorder treatment and recovery facilities; on third reading, coming up in regular order, with the right to amend, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 857**), 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: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 146) passed.

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

H. B. 146 - "A Bill to amend and reenact §16-53-1 of the Code of West Virginia, 1931, as amended, relating substance use disorder; clarifying who is eligible to receive funds; providing the secretary with discretion to decide who is eligible to funds; and removing certain limitations on funding limitations."

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

H. B. 148, Making a supplementary appropriation to the Executive, Governor's Office; on third reading, coming up in regular order, with the right to amend, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 858**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 148) passed.

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

On this question, the yeas and nays were taken (**Roll No. 859**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 148) 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. 149, Making a supplementary appropriation to the Executive, Governor's Office, Civil Contingent Fund; on third reading, coming up in regular order, with the right to amend, was read a third time.

Delegates Linville, Mandt and Hornbuckle asked and obtained unanimous consent to be added as cosponsors of the bill.

On the passage of the bill, the yeas and nays were taken (**Roll No. 860**), 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: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 149) passed.

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

On this question, the yeas and nays were taken (**Roll No. 861**), 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: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 149) 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. 150, Making a supplementary appropriation to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund; on third reading, coming up in regular order, with the right to amend, was read a third time.

Delegate Howell requested to be excused from voting on the passage of H. B. 150 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 passage of the bill, the yeas and nays were taken (**Roll No. 862**), and there were—yeas 86, nays 9, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Dean, D. Jeffries, J. Jeffries, P. Martin, McGeehan, Pack, Paynter, Steele and Wilson.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 150) passed.

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

On this question, the yeas and nays were taken (**Roll No. 863**), and there were—yeas 90, nays 5, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Dean, McGeehan, Paynter, Steele and Wilson.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 150) 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. 151, Making a supplementary appropriation to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund; on third reading, coming up in regular order, with the right to amend, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 864**), and there were—yeas 87, nays 8, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Bibby, Fast, Foster, J. Jeffries, Kump, Paynter, Porterfield and Wilson.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 151) passed.

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

On this question, the yeas and nays were taken (**Roll No. 865**), and there were—yeas 89, nays 5, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: J. Jeffries, Kump, McGeehan, Paynter and Porterfield.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham, Sponaugle and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 151) 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. 152, Making a supplementary appropriation by adding a new item and increasing the expenditure to the Department of Revenue, State Budget Office; on third reading, coming up in regular order, with the right to amend, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 866**), 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: Barrett, Cowles, Fluharty, Higginbotham, Sponaugle and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 152) passed.

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

On this question, the yeas and nays were taken (**Roll No. 867**), 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: Barrett, Cowles, Fluharty, Higginbotham, Sponaugle and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 152) 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. 153, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, Central Office; on third reading, coming up in regular order, with the right to amend, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 868**), 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: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 153) passed.

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

On this question, the yeas and nays were taken (**Roll No. 869**), 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: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 153) 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. 156, Making a supplementary appropriation to the Department of Environmental Protection, Division of

Environmental Protection; on third reading, coming up in regular order, with the right to amend, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 870**), and there were—yeas 83, nays 12, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cadle, Criss, Dean, Fast, Foster, Hardy, Kessinger, P. Martin, Paynter and Wilson.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 156) passed.

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

On this question, the yeas and nays were taken (**Roll No. 871**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 156) 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. 157, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management; on third reading, coming up in regular order, with the right to amend, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 872**), and there were—yeas 89, nays 5, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Dean, Fast, Kump, McGeehan and Paynter.

Absent and Not Voting: Barrett, Cowles, Fluharty, Hicks, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 157) passed.

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

On this question, the yeas and nays were taken (**Roll No. 873**), and there were—yeas 90, nays 3, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Kump, McGeehan and Paynter.

Absent and Not Voting: Barrett, Cowles, Doyle, Fluharty, Hicks, Higginbotham and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 157) 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. 158, Improving education by requiring the state board to establish rules for student accountability regarding performance; on third reading, coming up in regular order, with the right to amend, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 874**), and there were—yeas 84, nays 10, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Bates, Bibby, S. Brown, Butler, Foster, J. Jeffries, Kump, McGeehan, Waxman and Wilson.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham, Kessinger and Sponaule.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 158) 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. 159, Relating to information technology access for the blind and visually impaired; on third reading, coming up in regular order, with the right to amend, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 875**), 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: Barrett, S. Brown, Cowles, Fluharty, Higginbotham, Kessinger and Sponaule.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 159) 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. 160, Ron Yost Personal Assistance Services Act; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegates Steele and Pack moved to amend the bill on page one, before article 59, by adding the following:

“ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE AND OTHER INFECTIOUS DISEASES.

§16-3-4. Compulsory immunization of school children; information disseminated; offenses; penalties.

(a) Whenever a resident birth occurs, the commissioner shall promptly provide parents of the newborn child with information on immunizations mandated by this state or required for admission to a public, ~~private and parochial~~ school in this state or a state-regulated child care center.

(b) Except as hereinafter provided, a child entering a public school or a state-regulated child care center in this state must be immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough.

(c) No child or person may be admitted or received in ~~any of~~ the public schools of the state or a state-regulated child care center until he or she has been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough or produces a certificate from the commissioner granting the child or person an exemption from the compulsory immunization requirements of this section.

(d) Any public school or state-regulated child care center personnel having information concerning any person who attempts to be enrolled in a public school or state-regulated child care center without having been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough shall report the names of all such persons to the commissioner.

(e) Persons may be provisionally enrolled under minimum criteria established by the commissioner so that the person's immunization may be completed while missing a minimum amount of school. No person shall be allowed to enter a public school without at least one dose of each required vaccine.

(f) County health departments shall furnish the biologicals for this immunization for children of parents or guardians who attest that they cannot afford or otherwise access vaccines elsewhere.

(g) Health officers and physicians who provide vaccinations must present the person vaccinated with a certificate free of charge showing that they have been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough, or he or she may give the certificate to any person or child whom he or she knows to have been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough.

(h) The commissioner is authorized to grant, renew, condition, deny, suspend or revoke exemptions to the compulsory immunization requirements of this section, on a statewide basis, upon sufficient medical evidence that immunization is contraindicated or there exists a specific precaution to a particular vaccine.

(1) A request for an exemption to the compulsory immunization requirements of this section must be accompanied by the certification of a licensed physician stating that the physical condition of the child is such that immunization is contraindicated or there exists a specific precaution to a particular vaccine.

(2) The commissioner is authorized to appoint and employ an Immunization Officer to make determinations on request for an exemption to the compulsory immunization requirements of this section, on a statewide basis, and delegate to the Immunization Officer the authority granted to the commissioner by this subsection.

(3) A person appointed and employed as the Immunization Officer must be a physician licensed under the laws of this state to practice medicine.

(4) The Immunization Officer's decision on a request for an exemption to the compulsory immunization requirements of this section may be appealed to the State Health Officer.

(5) The final determination of the State Health Officer is subject to a right of appeal pursuant to the provisions of article five, chapter twenty-nine a of this code.

(i) A physician who provides any person with a false certificate of immunization against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio,, rubella, tetanus and whooping cough is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25 nor more than \$100.

(j) Any person that is not enrolled in the public schools of this State, is not subject to the immunization requirements of this chapter.

(k) The provisions of this section shall not prohibit a private institution from enacting its own immunization requirements.”

Delegate Stagers arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the bill.

There being no further amendments, 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. 876**), 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: Barrett, Cowles, Fluharty, Higginbotham, Kessinger and Sponaule.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 160) 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. 161, Removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions of code related to the School Building Authority; on third reading, coming up in regular order, with the right to amend, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 877**), 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: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 161) 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. 162, Removing antiquated, redundant, or expired provisions of the code for the administration of education; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Shott, the bill was amended on page twenty-five, section six, line eleven, by striking out “board of finance” and inserting in lieu thereof “state superintendent”.

On page thirty-one, section three, line six, by striking out “code of the Building Officials and Code Administrators (BOCA)” and inserting in lieu thereof “International Code Council (ICC).”

And,

On page thirty-two, section three, line twenty-three by striking out “BOCA” and inserting in lieu thereof “ICC”.

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. 878**), 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: Barrett, Cowles, Fluharty, Higginbotham 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. 162) 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. 163, Removing sections of code relating to administration of education; on third reading, coming up in regular order, with the right to amend, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 879**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: S. Brown.

Absent and Not Voting: Barrett, Cowles, Fluharty, Higginbotham and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 163) 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. 174, Increasing and promoting school innovation and flexibility; on third reading, coming up in regular order, with the right to amend, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 880**), 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: Barrett, Cowles, Fluharty, Higginbotham, C. Martin 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. 174) 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. 192, Removing certain fees for teaching; on third reading, coming up in regular order, with the right to amend, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 881**), 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: Barrett, Cowles, Fluharty, Higginbotham 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. 192) 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. 193, Relating to a statewide school personnel job bank; on third reading, coming up in regular order, with the right to amend, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 882**), 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: Barrett, Cowles, Fluharty, Higginbotham, Nelson and Sponaule.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 193) passed.

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

At 1:23 p.m., the House of Delegates recessed until 1:45 p.m.

* * * * *

Afternoon Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

H. B. 206, Relating to public education; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegates Summers, C. Thompson, Pethtel, Angelucci, Pushkin, Zukoff, Hicks, Evans, Tomblin, Campbell, Higginbotham, Miller, Westfall, Storch, Linville, Hanna, McGeehan, Mandt, Steele, Criss, Toney, Rowan, Householder, Dean, Espinosa and Rohrbach requested to be excused from voting on H. B. 206 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.

On motion of Delegate Espinosa, the bill was amended on page thirty-two, section two, line one hundred, following the word

“statutes”, by striking out the word “in” and inserting in lieu thereof the word “if”.

On page forty-six, section three, line seventy-six, following the word “under”, by striking out the reference “§18-5-44” and inserting in lieu thereof the reference “§18-5-45”.

On page fifty-six, section seven, line seven, by removing the strikethrough of the subdivision designation (2).

And,

On page sixty-four, section nine, line fifty-eight, following the word “deemed”, by inserting the words “approval of the application”.

Delegate Pushkin moved to amend the bill on page fourteen, section twelve, line thirty-two, after the period, by inserting the following:

“ARTICLE 3. STATE SUPERINTENDENT OF SCHOOLS.

§18-3-12. Special Community Development School Pilot Program.

(a) The state superintendent shall establish a Special Community Development School Pilot Program to be implemented in ~~a neighborhood of at least five up to three elementary public schools, which shall include at least one elementary and middle school~~ for the duration of five years. The ~~neighborhood of~~ public schools designated by the state superintendent for the pilot shall have significant enrollments of disadvantaged, minority, and underachieving students. The designated ~~neighborhood of~~ public schools under the direction of the local governing board shall work in collaboration with ~~county board and county superintendent,~~ county boards of education, county superintendents, the State Board of Education, the State Superintendent of Schools, institutions of higher education, community organization, principals, teachers, and parents ~~shall work in collaboration with higher education, community organizations, Center for Professional Development, local community leaders, affected classroom teachers, affected parents and the state board~~ to develop

and implement strategies that could be replicated in other public schools with significant enrollments of disadvantaged, minority, and underachieving students to improve academic achievement. ~~For purposes of this section ‘neighborhood’ means an area of no more than seven square miles~~

(b) A designated public school shall identify a public higher education teaching institution that will provide it with technical assistance in the development and implementation of detailed comprehensive education reform plan.

(c) The comprehensive education reform plan must be submitted to the county school superintendent and county board of education for review and comment. The plan must also be submitted to the State Superintendent of Schools and State Board of Education for review, comment and approval.

(d) A designated public school shall operate under the governing board appointed by the State Superintendent of Schools which shall consist of the following:

(1) Two parents of students attending the designated public pilot school;

(2) Two persons who reside in the community served by the designated public pilot school;

(3) Two faculty members employed at the designated public pilot school;

(4) Two persons appointed by the county board of education; and

(5) The State Superintendent of Schools or designee.

(e) The State Superintendent of Schools shall request, and the Joint Legislative Commission on Education Accountability shall grant, a designated pilot school exemptions and waivers from state and county school polices as necessary: *Provided*, That a designated pilot school may not be granted an exemption from a statute contained in Chapter 18A of this code, or any rules or

policies implementing a statute contained in Chapter 18A of this code.

(f) On or before January 1, 2020, and each year thereafter, the state superintendent, county superintendent(s), the chairperson(s) of the local governing board(s) for the schools, and lead community-based organizations shall make status report(s) to the Legislative Oversight Commission on Education Accountability and to the state board. The report may include any recommendations based on the progress of the demonstration pilot project that they consider either necessary for improving the operations of the demonstration project or prudent for improving student achievement in other public schools through replication of successful demonstration school(s) programs.”

And,

On pages thirty-nine through seventy-two, by striking out all of article 5G in its entirety.

Delegate Steele arose to a point of order as to the germaneness of the amendment and whether and amendment was divisible.

The Speaker ruled that the amendment was germane to the purpose of the bill and the amendment was also divisible.

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. 883**), and there were—yeas 42, nays 55, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, 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, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

On motion of Delegate Rowan, the bill was amended on page fifty-two, section five, line forty-eight, by striking out subsection (e) in its entirety.

On motion of Delegate Espinosa, the bill was amended on page thirty-five, following line one hundred fifty-eight, by striking out section three from the bill and inserting in lieu thereof a new section three to read as follows:

“§18-5A-3. County board authority to designate innovation schools; local school improvement council proposals of alternatives to operation of school; process for requesting waivers of rules, policies, interpretations and statutes to implement alternatives. Authority and procedures for local school improvement councils to request waivers of certain rules, policies, and interpretations.

(a) ~~The intent of this section is to establish a mechanism which allows local school level initiatives to be designed and implemented to encourage and facilitate the design and implementation of innovative initiatives by local schools, working through their local school improvement councils, that meet local school the school’s needs and circumstances. In accordance with this intent, a local school improvement council established under the provisions of this article may~~ A school level initiative may propose alternatives to the operation of the public school which alternatives will that will enable the school to better meet or exceed the high quality standards established by the state board, and will increase administrative efficiency, enhance the delivery of instructional programs, promote student engagement in the learning process, promote business partnerships, promote parent and community involvement at the school, in the local school system or improve the educational performance of the school generally. In accordance with this intent, a local school improvement council established under the provisions of §18-5A-2 of this code may submit to its county board proposed alternatives

to the operation of the public school in accordance with this section. If the county board approves the proposal in accordance with this section, it may designate the school as an innovation school and may provide funding to support implementation of the proposal, if necessary.

(b) ~~The proposal of the council~~ An alternative proposed by a local school improvement council shall set forth:

(1) The objective or objectives to be accomplished under the proposal;

(2) How the accomplishment of such objective or objectives will meet or exceed the standards established by the state board;

(3) The indicators upon which the meeting of such standards should be judged; ~~and~~

(4) A projection of any funds to be saved by the proposal and how such funds will be reallocated within the school, or any costs associated with the proposal and proposed funding sources; and

(5) ~~The alternatives proposed by the council may include matters which require the waiver of Any policies or rules promulgated by the state or county board, and any state superintendent interpretations and any state statutes for which a waiver will be required for the proposed alternative to be implemented; and Provided, That such request for waiver be submitted to the appropriate board adopting said rule or policy and that board may approve the waiver.~~

(c) For an alternative to be proposed, at least two thirds of the members of the local school improvement council must vote in favor of the proposal. If the alternative to be proposed includes the request for a waiver of policies or rules promulgated by the state or county board, state superintendent interpretations or state statutes affecting employees, then prior to the proposal of the alternative, a majority of the local affected employee group must agree.

(d) A local school improvement council shall submit its proposed alternative to the county board. The county board shall

acknowledge receipt of the proposal and promptly review the proposed alternative. The county board may request additional information and clarifications from the local school improvement council regarding the proposed alternative. The county board shall approve or disapprove the proposal and return it to the council with a statement of the reasons for the action taken, subject to the following:

(1) If an alternative proposed by the local school improvement council requires the waiver of any policies or rules promulgated by the county board, approval of the proposal by the county board constitutes a grant of the waiver;

(2) If an alternative proposed by the local school improvement council requires the waiver of any policies or rules promulgated by the state board and the county board approves the proposal except that a waiver by the state board is required, the county board shall forward the approved proposal to the state board for final determination. The state board shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the county board or their agents and, in its discretion, approve implementation of the alternative or reply to the county board and council within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the state board constitutes a grant of the waiver;

(3) If an alternative proposed by the local school improvement council requires the waiver of a state superintendent's interpretation and the county board approves the proposal except that a waiver by the state superintendent is required, the county board shall forward the approved proposal to the state superintendent for final determination. The state superintendent shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the county board or their agents and, in his or her discretion, approve implementation of the alternative or reply to the county board and council within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the state superintendent constitutes a grant of the waiver;

(4) If an alternative proposed by the local school improvement council requires the waiver of a state statute and the county board approves the proposal except that a waiver of the statute is required, the county board shall forward the approved proposal to the Legislative Oversight Commission on Education Accountability. The commission shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the county board or their agents and determine whether a recommendation should be made for an Act of the Legislature to waive the statute to permit implementation of the proposed alternative;

(5) If an alternative that requires a waiver is proposed by more than one local school improvement council in the county and the county board approves, the county board may forward a consolidated proposal requesting the waiver to the appropriate bodies as provided in this subsection; and

(6) When an alternative to the operation of a school is approved, the county board shall establish a process for evaluation of the operation of the alternative. Approval for the operation of the alternative may be continued or revoked at any time based on the results and findings of the evaluation.

~~When a county board does not act within two months after receiving a request for waiver of a county board policy or rule or disapproves such a request, the local school improvement council may seek an advisory opinion from the state board regarding the waiver request. The county board shall furnish the state board with copies of all waiver requests together with their response thereto. *Provided, however,* That when a local school improvement council votes to waive a state superintendent's interpretation, the state superintendent need only be notified that the local council intends to waive the state superintendent's interpretation: *Provided further,* That notwithstanding any other provisions of the law to the contrary, council is not prohibited from permitting off site classrooms to be developed in conjunction with local businesses if those sites have met the requirements established by the local board and if sites are located off campus. For an alternative to be proposed, at least two thirds of the members must vote in favor~~

~~thereof: *And provided further*, That if the alternative to be proposed relates to a waiver of policies or rules promulgated by the state or county board and state superintendent interpretations affecting employees, then prior to the proposal of the alternative, a majority of the local affected employee group involved must agree.~~

~~A council may also submit a written statement, with supporting reasons, to the Legislative Oversight commission on education accountability recommending a waiver of a statute or legislative rule, which the commission shall review and determine whether a recommendation should be made to the Legislature to waive such statute or rule.~~

~~When a council decides to propose an alternative, it shall forward a copy of the proposal to the state board and the affected local board. The state board shall acknowledge receipt of the proposed alternative, promptly review the proposed alternative in consultation with the county board or their agents and, in its discretion, approve implementation of the alternative or reply to the council within a reasonable time as to its reasons for not approving the proposed alternative. If the state board approves a proposed alternative, the state board shall provide appropriate notice to the local school improvement council and the county board and shall establish a process for evaluation of the operation of the alternative. Approval for the operation of the alternative may be continued or revoked at any time based on the results and findings of the evaluation.~~

(e) Notwithstanding any other provisions of the law to the contrary, a local school improvement council is not prohibited from permitting off-site classrooms to be developed in conjunction with local businesses if those sites meet the requirements established by the county board for sites that are located off campus.

(f) The state board shall submit a report to the Legislative Oversight commission on education accountability and the Governor on September 1, of each year summarizing the proposed alternatives received, approved or rejected, continued or revoked during the preceding school year and the results and findings of the evaluations. The report shall specifically identify all policy, rule,

and interpretation waiver requests including those requests made to county boards by local school improvement councils received during the preceding year and the disposition of each.”

An amendment offered by Delegate J. Kelly, was reported by the Clerk.

Whereupon,

Delegate J. Kelly obtained unanimous consent that the amendment be withdrawn.

Delegates Rowe and Hansen moved to amend the bill on page sixty-nine, section eleven, line thirty, by striking out the words “school enrollment decisions” and inserting in lieu thereof the word “schools”.

Delegate McGeehan was debating the amendment and moved the previous question.

Delegate Caputo rose to a point of order regarding a member not being permitted to move the previous question if that member had spoken on the question.

The Speaker ruled that the motion by Delegate McGeehan was not in order.

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. 884**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bibby, Fast, Malcolm and Porterfield.

Absent and Not Voting: Barrett, Cowles and Sponaule.

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

An amendment offered by Delegates Hornbuckle, Skaff and Zukoff, was reported by the Clerk on page twelve, line forty-six, following the period at the end of section two, by inserting the following:

“CHAPTER 11. TAXATION.

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

§11-15-9g. EXEMPTION FOR CERTAIN SCHOOL SUPPLIES, SCHOOL INSTRUCTIONAL MATERIALS, LAPTOP AND TABLET COMPUTERS, AND SPORTS EQUIPMENT.

(a) The items identified in subdivisions (1) through (5) of this subsection are exempt from the tax imposed by this article and §11-15A-1 et seq. of this code, if the sale or purchase occurs on the first Sunday of August, or the previous Friday and Saturday, or the following Monday. The items exempt are:

(1) An item of clothing, the price of which is \$125 or less;

(2) An item of school supplies, the price of which is \$50 or less;

(3) An item of school instructional material, the price of which is \$20 or less;

(4) Laptop and tablet computers, not purchased for use in a trade or business, the price of which is \$500 or less; and

(5) Sports equipment, not purchased for use in a trade or business, the price of which is \$150 or less.

(b) For purposes of this section:

(1) ‘Clothing’ means all human wearing apparel suitable for general use. ‘Clothing’ includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; ear muffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties;

overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. 'Clothing' does not include items purchased for use in a trade or business; clothing accessories or equipment; protective equipment; sports or recreational equipment; belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and sewing materials that become part of 'clothing' including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers.

(2) 'School supplies' means items commonly used by a student in a course of study. 'School supplies' includes only the following items: Binders; book bags; calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; folders, expandable, pocket, plastic, and manila; glue, paste, and paste sticks; highlighters; index cards; index card boxes; legal pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper; pencil boxes and other school supply boxes; pencil sharpeners; pencils; pens; protractors; rulers; scissors; and writing tablets. 'School supplies' does not include any item purchased for use in a trade or business.

(3) 'School instructional material' means written material commonly used by a student in a course of study as a reference and to learn the subject being taught. 'School instructional material' includes only the following items: reference books, reference maps and globes, textbooks, and workbooks. 'School instructional material' does not include any material purchased for use in a trade or business.

(c) The tax commissioner shall promulgate emergency rules and shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to establish

eligibility requirements for the exemptions established by this section.”

On motion of Delegate Hornbuckle, the amendment was amended on page 1, §11-15-9g (a), by inserting, “Effective July 1, 2021”.

Delegate Criss arose to a point of order regarding obligating future legislatures, to which the Speaker replied that the amendment was in order.

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. 885**), and there were—yeas 89, nays 8, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Azinger, Cooper, Ellington, Jennings, Malcolm, Phillips, Porterfield and Waxman.

Absent and Not Voting: Barrett, Cowles and Sponaugle.

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

Delegate Fleischauer asked unanimous consent that the House stand at ease, which consent was not granted, objection being heard.

Delegate Fleischauer then so moved.

On the question of the House standing at ease, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 886**), and there were—yeas 41, nays 55, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks,

Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles, Porterfield and Sponaugle.

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

At the request of Delegate Summers, and by unanimous consent, further consideration of the amendment was moved to the foot all amendments.

Delegates Hornbuckle and Pushkin moved to amend the bill on page one hundred twenty-eight, section ten, following the period on line seven, by inserting the following:

“ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-9. Pilot program for expansion of school-based mental health and school-based diversion.

(a) As used in this section:

‘Expanded school mental health framework’ or ‘ESMHF’ means any program authorized and created under the collaboration between the West Virginia Department of Education (WVDE) and the West Virginia Bureau for Behavioral Health and Health Facilities of the Department of Health and Human Resources (DHHR) that is jointly defined by WVDE and DHHR as including school-wide prevention, targeted screening, and early intervention, as well as intensive treatment for students with the most serious challenges;

‘Mental and behavioral health services’ means any individualized or group program designed to provide pharmacological, therapeutic, emotional, behavioral health supports or any combination thereof;

‘School-Based Health Center’ means a clinic or center providing comprehensive health services on or near school grounds that is operated by a qualified health care organization; and

‘Tier of need’ means the level of services required in mental or behavioral health intervention where ‘Tier I’ refers to universal services, ‘Tier II’ refers to targeted services, and ‘Tier III’ refers to intensive services.

(b) The department of education shall develop a three-year pilot program to establish school-based mental and behavioral health services for students and families as an alternative to the disciplinary measures authorized in §18A-5-1 of this code.

(c) The pilot will be available to schools who have implemented:

(1) A school-based health center providing mental and behavioral health services; or

(2) An expanded school mental health framework.

(d) The pilot shall require that participating schools:

(1) Through direct employment or contractual relationship, provide mental or behavioral health services, or both.

(2) Through direct employment or contractual relationship, have services available for all tiers of need.

(3) Authorize employees or contractors who provide mental or behavioral health services to:

(A) Receive referrals for students who violate the disciplinary code;

(B) Receive referrals from judges or magistrates for treatment as part of a diversion or disposition;

(C) Provide a mental or behavioral health assessment to the student;

(D) Provide ongoing services to the student if merited by the assessment;

(E) Contact the family and household members of the students to: (i) Obtain additional information about the student's case; or (ii) offer services to family or household members;

(F) Provide services to the student's family members and household members;

(G) Provide services to community members: *Provided*, That all students and student family members can be provided services first;

(H) Bill and collect payment for services rendered from the insurance of families and community members, from the school, in the case of referral for behavior, or from DHHR, in the case of court order.

(4) Provide notice of the pilot in the school and give parents, guardians or custodians the opportunity to opt out of the diversion program: *Provided*, That any student referred to the program by court order may not opt out of the program. The notification shall state the relationship between the school and the providers. The notification shall state that instead of disciplinary measures, students will be referred for a mental and behavioral health evaluation and may be required to participate in treatment. The notification shall inform parents, guardians, or custodians that failure to comply with the assessment or to follow up with treatment may result in disciplinary action. The notification shall inform parents, guardians, and custodians that services may be made available to family members and individuals in the student's household. The notification shall provide parents and guardians with the opportunity to opt out of the program and explain that students who opt out will be subject to discipline under the school's existing rules. The notification shall explain that treatment records will remain confidential between the student and the counselor, except:

(A) The parent or guardian may request the treatment records: Provided, That the provider may, at their judgment, contact parents or guardians as they deem appropriate to best serve the child: Provided, however, That the provider is subject to the mandatory reporting requirements of §49-2-803 of this code, and if such a report is necessary the provider may withhold relevant records from a parent or guardian that is suspected of the conduct causing the mandatory report;

(B) The records shall be available to other medical providers treating the student;

(C) The records may be provided to the courts; and

(D) That Child Protective Services or law enforcement, or both, may be contacted, but such circumstances will be limited to active situations of abuse or neglect;

(5) Authorize and require data collection of:

(A) The number of students who opt out of the deferral program;

(B) The number of students who are referred to services;

(C) The number of students who undergo initial evaluations;

(D) The length of time between a referral and an initial evaluation;

(E) The number of students referred for additional services: (i) By tier of need; (ii) by type of service offered; and (iii) by location of service offered;

(F) The number of students who entered services: (i) By tier of need; (ii) by type of service offered; and (iii) by location of service offered;

(G) The length of time students stayed in services;

(H) The number of students who did not successfully complete the program;

(I) The number of students who did not enter or complete a program and subsequently were punished under §18A-5-1 of this code;

(J) The number of students who did not enter or complete a program and subsequently had a petition filed in court;

(K) The number of students who successfully completed the program;

(L) The number of students who completed the program and subsequently were punished under §18A-5-1 of this code;

(M) The number of students who completed the program and subsequently had a petition filed in court;

(N) The number of family members who were offered services;

(O) The number of family members who took part in offered services;

(P) The number of community members who were offered services; and

(Q) The number of community members who took part in offered services.

(6) For each category of data collection required by subdivision (5) of this subsection, the data shall be broken down by: (A) age; (B) grade-level; (C) race; (D) sex and gender identity (if it differs from biological sex); (E) special education status; and (F) academic achievement.

(e) This section may not be construed to require additional expenditures by the state.

(f) West Virginia Department of Education shall promulgate rules for legislative approval pursuant to §29A-3B-1 *et seq.* of this code and the Department of Health and Human Resources shall propose rules for legislative approval pursuant to §29A-3-1 *et seq.* of this code in order to effectuate the purpose of this section. The

pilot program authorized by this section may not be implemented until the legislative rules have been approved by the Legislature.”

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. 887**), and there were—yeas 41, nays 56, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Skaff, Staggers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

An amendment offered by Delegate Fleischauer, was reported by the Clerk.

Whereupon,

Delegate Fleischauer asked and obtained unanimous consent that the amendment be withdrawn.

On motion of Delegate Espinosa bill was amended on page twelve, section twenty-four, line five, after the word “County;”, by striking out the words “to allow for a total of 600 cadets per year” and inserting in lieu thereof the following: “to accept cadets up to its maximum capacity;”.

An amendment offered by Delegate Espinosa, was reported by the Clerk.

Whereupon,

Delegate Espinosa asked and obtained unanimous consent that the amendment be withdrawn.

An amendment offered by Delegate Espinosa, was reported by the Clerk, on page one hundred eight, section seven-a, line eighty-three after the word “policy”, by adding the following: “which shall include, at a minimum, seniority and appropriate certification, licensure, or both.”

On page one hundred eight, section seven-a, line eighty-seven, after the word “policy”, by inserting the following: “in addition to seniority and appropriate certification, licensure or both”,

On page one hundred nine, section seven-a, lines eighty-nine through ninety, by striking out paragraphs (A) and (B) in their entirety,

On page one hundred nine, section seven-a, after line one hundred one, by striking out paragraph (I) in its entirety,

And,

By relettering the remaining paragraphs.

In the absence of objection, further consideration of the amendment offered by Delegate Espinosa and consideration of an amendment filed by Delegates Storch, Longstreth, Dean, C. Thompson and Zukoff was moved to the foot all amendments.

On motion of Delegate Espinosa, the bill was amended on page thirty-nine, following line one hundred ten, by inserting a new section to the bill to read as follows:

“§18-5A-5. Public school faculty senates established; election of officers; powers and duties.

(a) There is established at every public school in this state a faculty senate which is comprised of all permanent, full-time professional educators employed at the school who shall all be voting members. ‘Professional educators’, as used in this section, means ‘professional educators’ as defined in chapter eighteen-a of this code. A quorum of more than one half of the voting members

of the faculty shall be present at any meeting of the faculty senate at which official business is conducted. Prior to the beginning of the instructional term each year, but within the employment term, the principal shall convene a meeting of the faculty senate to elect a chair, vice chair and secretary and discuss matters relevant to the beginning of the school year. The vice chair shall preside at meetings when the chair is absent. Meetings of the faculty senate shall be held during the times provided in accordance with subdivision (12), subsection (b) of this section as determined by the faculty senate. Emergency meetings may be held during noninstructional time at the call of the chair or a majority of the voting members by petition submitted to the chair and vice chair. An agenda of matters to be considered at a scheduled meeting of the faculty senate shall be available to the members at least two employment days prior to the meeting. For emergency meetings the agenda shall be available as soon as possible prior to the meeting. The chair of the faculty senate may appoint such committees as may be desirable to study and submit recommendations to the full faculty senate, but the acts of the faculty senate shall be voted upon by the full body.

(b) In addition to any other powers and duties conferred by law, or authorized by policies adopted by the state or county board or bylaws which may be adopted by the faculty senate not inconsistent with law, the powers and duties listed in this subsection are specifically reserved for the faculty senate. The intent of these provisions is neither to restrict nor to require the activities of every faculty senate to the enumerated items except as otherwise stated. Each faculty senate shall organize its activities as it considers most effective and efficient based on school size, departmental structure and other relevant factors.

(1) Each faculty senate shall control funds allocated to the school from legislative appropriations pursuant to section nine, article nine-a of this chapter. From those funds, each classroom teacher and librarian shall be allotted ~~\$100~~ \$300 for expenditure during the instructional year for academic materials, supplies or equipment which, in the judgment of the teacher or librarian, will assist him or her in providing instruction in his or her assigned

academic subjects or shall be returned to the faculty senate: *Provided*, That nothing contained herein prohibits the funds from being used for programs and materials that, in the opinion of the teacher, enhance student behavior, increase academic achievement, improve self-esteem and address the problems of students at risk. The remainder of funds shall be expended for academic materials, supplies or equipment in accordance with a budget approved by the faculty senate. Notwithstanding any other provisions of the law to the contrary, funds not expended in one school year are available for expenditure in the next school year: *Provided, however*, That the amount of county funds budgeted in a fiscal year may not be reduced throughout the year as a result of the faculty appropriations in the same fiscal year for such materials, supplies and equipment. Accounts shall be maintained of the allocations and expenditures of such funds for the purpose of financial audit. Academic materials, supplies or equipment shall be interpreted broadly, but does not include materials, supplies or equipment which will be used in or connected with interscholastic athletic events.

(2) A faculty senate may establish a process for members to interview or otherwise obtain information regarding applicants for classroom teaching vacancies that will enable the faculty senate to submit recommendations regarding employment to the principal. To facilitate the establishment of a process that is timely, effective, consistent among schools and counties, and designed to avoid litigation or grievance, the state board shall promulgate a rule pursuant to article three-b, chapter twenty-nine-a of this code to implement the provisions of this subdivision. The rule may include the following:

(A) A process or alternative processes that a faculty senate may adopt;

(B) If determined necessary, a requirement and procedure for training for principals and faculty senate members or their designees who may participate in interviews and provisions that may provide for the compensation based on the appropriate daily rate of a classroom teacher who directly participates in the training for periods beyond his or her individual contract;

(C) Timelines that will assure the timely completion of the recommendation or the forfeiture of the right to make a recommendation upon the failure to complete a recommendation within a reasonable time;

(D) The authorization of the faculty senate to delegate the process for making a recommendation to a committee of no less than three members of the faculty senate; and

(E) Such other provisions as the state board determines are necessary or beneficial for the process to be established by the faculty senate.

(3) A faculty senate may nominate teachers for recognition as outstanding teachers under state and local teacher recognition programs and other personnel at the school, including parents, for recognition under other appropriate recognition programs and may establish such programs for operation at the school.

(4) A faculty senate may submit recommendations to the principal regarding the assignment scheduling of secretaries, clerks, aides and paraprofessionals at the school.

(5) A faculty senate may submit recommendations to the principal regarding establishment of the master curriculum schedule for the next ensuing school year.

(6) A faculty senate may establish a process for the review and comment on sabbatical leave requests submitted by employees at the school pursuant to section eleven, article two of this chapter.

(7) Each faculty senate shall elect three faculty representatives to the local school improvement council established pursuant to section two of this article.

(8) Each faculty senate may nominate a member for election to the county staff development council pursuant to section eight, article three, chapter eighteen-a of this code.

(9) Each faculty senate shall have an opportunity to make recommendations on the selection of faculty to serve as mentors

for beginning teachers under beginning teacher internship programs at the school.

(10) A faculty senate may solicit, accept and expend any grants, gifts, bequests, donations and any other funds made available to the faculty senate: *Provided*, That the faculty senate shall select a member who has the duty of maintaining a record of all funds received and expended by the faculty senate, which record shall be kept in the school office and is subject to normal auditing procedures.

(11) Any faculty senate may review the evaluation procedure as conducted in their school to ascertain whether the evaluations were conducted in accordance with the written system required pursuant to section twelve, article two, chapter eighteen-a of this code or pursuant to section two, article three-c, chapter eighteen-a of this code, as applicable, and the general intent of this Legislature regarding meaningful performance evaluations of school personnel. If a majority of members of the faculty senate determine that such evaluations were not so conducted, they shall submit a report in writing to the State Board of Education: *Provided*, That nothing herein creates any new right of access to or review of any individual's evaluations.

(12) A local board shall provide to each faculty senate at least six two-hour blocks of time for faculty senate meetings with at least one two-hour block of time scheduled in the first month of the employment term, one two-hour block of time scheduled in the last month of the employment term and at least one two-hour block of time scheduled in each of the months of October, December, February and April. A faculty senate may meet for an unlimited block of time during noninstructional days to discuss and plan strategies to improve student instruction and to conduct other faculty senate business. A faculty senate meeting scheduled on a noninstructional day shall be considered as part of the purpose for which the noninstructional day is scheduled. This time may be used and determined at the local school level and includes, but is not limited to, faculty senate meetings.

(13) Each faculty senate shall develop a strategic plan to manage the integration of special needs students into the regular classroom at their respective schools and submit the strategic plan to the superintendent of the county board periodically pursuant to guidelines developed by the State Department of Education. Each faculty senate shall encourage the participation of local school improvement councils, parents and the community at large in developing the strategic plan for each school.

Each strategic plan developed by the faculty senate shall include at least: (A) A mission statement; (B) goals; (C) needs; (D) objectives and activities to implement plans relating to each goal; (E) work in progress to implement the strategic plan; (F) guidelines for placing additional staff into integrated classrooms to meet the needs of exceptional needs students without diminishing the services rendered to the other students in integrated classrooms; (G) guidelines for implementation of collaborative planning and instruction; and (H) training for all regular classroom teachers who serve students with exceptional needs in integrated classrooms.

And,

On page ninety-two, section nine, lines thirty-five through forty-eight, by striking subdivision (4) from the bill and inserting in lieu thereof a new subdivision (4) to read as follows:

“(4) For academic materials, supplies and equipment for use in instructional programs, ~~\$200~~ \$400 multiplied by the number of professional instructional personnel and professional student support personnel employed in the schools of the county. Distribution is made to each county for allocation to the faculty senate of each school in the county on the basis of ~~\$200~~ \$400 per professional instructional personnel and professional student support personnel employed at the school. ‘Faculty Senate’ means a faculty senate created pursuant to ~~section five, article five-a of this chapter~~ §18-5A-5 of this code. Decisions for the expenditure of such funds are made at the school level by the faculty senate in accordance with the provisions of said section five, article five-a and may not be used to supplant the current expense expenditures of the county. Beginning on September 1, 1994, and every

September thereafter, county boards shall forward to each school for the use by faculty senates the appropriation specified in this section. Each school shall be responsible for keeping accurate records of expenditures.”

Delegate Dean moved to amend the bill on page ninety, section eight, lines thirty-five through thirty-six, after the word “for”, by striking out the words “four and seventy hundredths” and inserting in lieu thereof the word “five”.

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. 888**), and there were—yeas 49, nays 48, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Azinger, Bibby, Butler, Cadle, Capito, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Linville, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Nelson, Pack, Phillips, Porterfield, Queen, Shott, Steele, Summers, Waxman, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Barrett, Cowles and Sponaugle.

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

Delegates Campbell, Longstreth, C. Thompson and Evans moved to amend the bill on page one hundred twelve, section seven-a, lines one hundred eighty-one through one hundred eighty-four, following the period on line one hundred eighty-one, by striking out the sentence that reads: “At their discretion, boards may ~~post~~ repost an opening for a classroom teacher ~~one additional time~~ after the first posting in order to attract more qualified applicants ~~only if fewer than three individuals apply during the first posting~~ subject to the following:” and inserting in lieu thereof, current law, which reads: “At their discretion, boards may post an

opening for a classroom teacher one additional time after the first posting in order to attract more qualified applicants only if fewer than three individuals apply during the first posting subject to the following:”.

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. 889**), and there were—yeas 42, nays 55, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Stagers, Storch, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Westfall, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate C. Thompson moved to amend the bill on page seventy-seven, section three, line one hundred twenty-three, following the period, by inserting a new section to read as follows:

“ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-26x. Supplemental benefits for retired teachers and service personnel.

(a) Beginning on the January 1, 2020, any retirant who is receiving an annuity on the effective date of this section shall receive a supplemental cost-of-living benefit in an increased annual amount of \$2,000.

(b) Prior to January 1, 2020, the executive secretary of the board shall provide to the Legislature information as to the number

of retirants receiving an annuity on the effective date of this section, the amounts of the annuities they receive, the amount of funds necessary to provide cost-of-living increases to such annuitants.”

Delegates Anderson, Evans, Pethtel and Rowan requested to be excused from voting on the amendment to H. B. 206 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.

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. 890**), and there were—yeas 43, nays 53, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, 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, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles, Sponaule and Wilson.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

On motion of Delegate Hill, the bill was amended on page seventeen, line two, by striking out the word “shall” and inserting in lieu thereof the word “may”.

An amendment offered by Delegates Dean and Paynter, was reported by the Clerk.

Whereupon,

Delegate Dean obtained unanimous consent that the amendment be withdrawn.

Delegates Dean and Paynter moved to amend the bill on page fifty-four, section seven, line forty-two, by inserting a new subsection, designated subsection (d), to read as follows:

“(d) A public charter school may not be authorized under this article until a local option election is held in the county in which the public charter school will be located and a majority of the voters of that county voting on the question approve authorization of the public charter school.

(1) A local option election shall be held in conjunction with the next primary or general election scheduled more than 90 days following receipt by the county commission of a written notice from an authorizer requesting that the question be placed on the ballot.

(2) The county commission of the county in which the public charter school will be located shall give notice to the public of the election by publication of the notice as a Class II-0 legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code and the publication area for the publication shall be the county in which the election is to be held. The date of the last publication of the notice shall fall on a date at least 30 days preceding the day of the election.

(3) On the local option election ballot shall be printed the following:

Shall a public charter school be permitted in [Name of County] County ?

[] Yes [] No (Place a cross mark in the square next to your choice.)”

And,

Renumbering the remaining subsections.

Delegate Graves moved the previous question.

On this question, the yeas and nays were taken (**Roll No. 891**), and there were—yeas 51, nays 45, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Anderson, Angelucci, 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, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rowe, Staggers, Storch, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Westfall, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles, Skaff and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the previous question was ordered.

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. 892**), and there were—yeas 42, nays 55, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Robinson asked unanimous consent to address the House, which consent was not granted, objection being heard.

Delegate Robinson then so moved, and on this motion, the yeas and nays were taken (**Roll No. 893**), and there were—yeas 49, nays 48, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Atkinson, Azinger, Bibby, Butler, Cadle, Cooper, Criss, Dean, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Linville, Little, Malcolm, Mandt, C.R. Martin, P. Martin, Pack, Phillips, Porterfield, Rohrbach, Rowan, Shott, Steele, Storch, Summers, Waxman, Westfall, Wilson, Worrell, and Hanshaw (Mr. Speaker).

Absent and Not Voting: Barrett, Cowles and Sponaugle.

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

Delegates Dean and Paynter moved to amend the bill on page forty, section one, lines thirty-four, after the word “schools”, by inserting a new subsection, designated subsection (h), to read as follows:

“(h) A public charter school may not be authorized by a county board under this article until all county board seats held July 1, 2019 have been on the ballot for re-election during a regularly scheduled local election.”

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. 894**), and there were—yeas 45, nays 52, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, 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, Rohrbach, Rowan, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegates Zukoff and Skaff moved to amend the bill on page twenty-six, section eighteen-a, line fifty-nine, following the period, by inserting the following:

“The study shall include, but is not limited to, an examination of the following issues:

(1) The effect on student learning of limits on the number of pupils per teacher in a classroom in elementary classes and in a middle and high school format in which students have different teachers for different subject matter instruction;

(2) The effect on the equity among teachers in a middle school in which the number of pupils per teacher in a classroom is limited for some teachers and not for others, including the additional pay for certain teachers in whose classrooms the limits are exceeded; and

(3) The effect limits on the number of pupils per teacher in a classroom have on the ability of school systems to offer elective courses in secondary schools.”

Delegate Porterfield moved the previous question.

On this question, the yeas and nays were taken (**Roll No. 895**), and there were—yeas 19, nays 78, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Azinger, Bibby, Cadle, Cooper, Fast, Fluharty, Graves, Hardy, Higginbotham, Hornbuckle, D. Jeffries, Kump, Malcolm,

C. Martin, P. Martin, Porterfield, Rodighiero, Summers and Wilson.

Absent and Not Voting: Barrett, Cowles and Sponaugle.

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. 896**), 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: Barrett, Cowles, McGeehan, Porterfield and Sponaugle.

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

An amendment offered by Delegate Espinosa was reported by the Clerk.

Whereupon,

Delegate Espinosa asked and obtained unanimous consent that the amendment be withdrawn.

Delegate Espinosa moved to amend the bill on page forty, section one, lines thirty-three through thirty-four, by striking out subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) as follows:

“(g) The total number of public charter schools authorized and in operation under an approved contract in this state shall be limited to 3 pilot public charter schools until July 1, 2023. The State Board shall report to the Legislative Oversight Commission on Education Accountability by November 1, 2022, and every 3 years thereafter, on the status of the state’s public charter schools. LOCEA shall report its findings and recommendations, if any, to the Legislature during its next Regular Session. Beginning July 1, 2023, and every

3 years thereafter, an additional 3 public charter schools may be authorized and in operation under an approved contract in this state. The School for the Deaf and Blind and a Mountaineer Challenge Academy, if converted to public charter schools, shall not count towards the limitation established by this subsection.”

Delegate Espinosa then asked and obtained unanimous consent to be permitted to offer a reformed amendment, to conform with action taken earlier this day, on page forty, section one, lines thirty-three through thirty-four, by striking out subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) as follows:

“(g) The total number of public charter schools authorized and in operation under an approved contract in this state shall be limited to 3 pilot public charter schools until July 1, 2023. The State Board shall report to the Legislative Oversight Commission on Education Accountability by November 1, 2022, and every 3 years thereafter, on the status of the state’s public charter schools. LOCEA shall report its findings and recommendations, if any, to the Legislature during its next Regular Session. Beginning July 1, 2023, and every 3 years thereafter, an additional 3 public charter schools may be authorized and in operation under an approved contract in this state. The Mountaineer Challenge Academy, if converted to a public charter school, shall not count towards the limitation established by this subsection.”

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. 897**), and there were—yeas 51, nays 44, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Angelucci, 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, Rohrbach, Rowan, Rowe, Skaff, Stagers, C.

Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles, Porterfield, Sponaugle and Swartzmiller.

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

An amendment offered by Delegate Espinosa was reported by the Clerk, as follows:

On page eighty-five, following line one hundred seven, by striking out section two from the bill and inserting in lieu thereof a new section two to read as follows:

“§18-9A-2. Definitions.

For the purpose of this article:

(a) ‘State board’ means the West Virginia Board of Education.

(b) ‘County board’ or ‘board’ means a county board of education.

(c) ‘Professional salaries’ means the state legally mandated salaries of the professional educators as provided in §18A-4-1 et seq. of this code.

(d) ‘Professional educator’ shall be synonymous with and shall have the same meaning as ‘teacher’ as defined in §18-1-1 of this code, and includes technology integration specialists.

(e) ‘Professional instructional personnel’ means a professional educator whose regular duty is as that of a classroom teacher, librarian, attendance director, or school psychologist. A professional educator having both instructional and administrative or other duties shall be included as professional instructional personnel for that ratio of the school day for which he or she is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance, or psychologist duties.

(f) ‘Professional student support personnel’ means a ‘teacher’ as defined in §18-1-1 of this code who is assigned and serves on a regular full-time basis as a counselor or as a school nurse with a bachelor’s degree and who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses. Professional student support personnel shall also include professional personnel providing direct social and emotional support services to students, as well as professional personnel addressing chronic absenteeism. For all purposes except for the determination of the allowance for professional educators pursuant to §18-9A-4 of this code, professional student support personnel are professional educators.

(g) ‘Service personnel salaries’ means the state legally mandated salaries for service personnel as provided in §18A-4-8a of this code.

(h) ‘Service personnel’ means all personnel as provided in §18A-4-8 of this code. For the purpose of computations under this article of ratios of service personnel to net enrollment, a service employee shall be counted as that number found by dividing his or her number of employment days in a fiscal year by 200: *Provided*, That the computation for any service person employed for three and one-half hours or fewer per day as provided in §18A-4-8a of this code shall be calculated as one-half an employment day.

(i) ‘Net enrollment’ means the number of pupils enrolled in special education programs, kindergarten programs, and grades one to 12, inclusive, of the public schools of the county. Net enrollment further shall include:

(1) Adults enrolled in ~~regular secondary~~ vocational programs, ~~subject to the following:~~ *Provided, That* (A) net enrollment includes no more than 2,500 of those adults counted on the basis of full-time equivalency and apportioned annually to each county to support Advanced Career Education programs, as provided in §18-2E-11 of this code, in proportion to the adults participating in ~~regular secondary~~ vocational programs ~~in the prior year~~ counted on the basis of full-time equivalency: *Provided further*, That beginning with the 2021 fiscal year and every year thereafter, a career technical education center may only receive the funding for

enrollment as authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this code; ~~and~~

~~(B) Net enrollment does not include any adult charged tuition or special fees beyond that required of the regular secondary vocational student;~~

(2) Students enrolled in early childhood education programs as provided in §18-5-44 of this code, counted on the basis of full-time equivalency;

(3) A pupil may not be counted more than once by reason of transfer within the county or from another county within the state, and a pupil may not be counted who attends school in this state from another state;

(4) The enrollment shall be modified to the equivalent of the instructional term and in accordance with the eligibility requirements and rules established by the state board; and

(5) For the purposes of determining the county's basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than 1,400, the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:

(A) Divide the state's lowest county student population density by the county's actual student population density;

(B) Multiply the amount derived from the calculation in §18-9A-2(i)(5)(A) of this code by the difference between 1,400 and the county's actual net enrollment;

(C) Add the amount derived from the calculation in paragraph (B) of this subdivision to the county's actual net enrollment and increase that total amount by 10 percent; and

~~(D) If the increase in net enrollment as determined under this subdivision plus the county's net enrollment as determined under all other provisions of this subsection is greater than 1,400,~~

the ~~increase in~~ calculated net enrollment shall be reduced ~~so that the total does not exceed~~ to 1,400; and

~~(D)~~ (E) During the 2008-2009 interim period and every three interim periods thereafter, the Legislative Oversight Commission on Education Accountability shall review this subdivision to determine whether ~~or not~~ these provisions properly address the needs of counties with low enrollment and a sparse population density.

(j) ‘Sparse-density county’ means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of ‘net enrollment’, to the square miles of the county is less than five.

(k) ‘Low-density county’ means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of ‘net enrollment’, to the square miles of the county is equal to or greater than five but less than 10.

(l) ‘Medium-density county’ means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of ‘net enrollment’, to the square miles of the county is equal to or greater than 10 but less than 20.

(m) ‘High-density county’ means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of ‘net enrollment’, to the square miles of the county is equal to or greater than 20.

(n) ‘Levies for general current expense purposes’ means ~~90~~ 85 percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this code.

(o) ‘Technology integration specialist’ means a professional educator who has expertise in the technology field and is assigned as a resource teacher to provide information and guidance to

classroom teachers on the integration of technology into the curriculum.

(p) ‘State aid eligible personnel’ means all professional educators and service personnel employed by a county board in positions that are eligible to be funded under this article and whose salaries are not funded by a specific funding source such as a federal or state grant, donation, contribution, or other specific funding source not listed.

(q) The amendments to this section during the 2019 First Extraordinary Session of the Legislature shall be effective for the 2019-2020 funding year, and the provisions of this section existing immediately prior to the 2019 First Extraordinary Session of the Legislature remain in effect for funding years prior to the 2019-2020 funding year.”

Delegate Steele asked and obtained unanimous consent that the following amendment be taken up for immediate consideration:

Delegates Dean and Paynter moved to amend the bill on pages six through twelve, by striking out article 16 in its entirety.

On pages thirty-nine through seventy-two, by striking out article 5G in its entirety.

On pages seventy-two through seventy-seven, by striking out article 7A in its entirety.

On pages seventy-seven through eighty, by striking out article 7B in its entirety.

On page one hundred fourteen, section seven-a, lines two hundred thirty-seven through two hundred thirty-nine, by striking out subsection (v) in its entirety.

On page one hundred forty-three, section five-a, lines sixty-nine through eighty-one, by striking out subsection (g) in its entirety.

And,

Relettering the remaining subsection.

Delegate Bibby moved the previous question.

On this question, the yeas and nays were taken (**Roll No. 898**), and there were—yeas 26, nays 71, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Atkinson, Azinger, Bibby, Ellington, Espinosa, Fast, Foster, Hamrick, Hanna, Hardy, Higginbotham, Hill, Hott, D. Jeffries, Jennings, Kessinger, Kump, Malcolm, C. Martin, P. Martin, Pack, Porterfield, Steele, Summers, Waxman and Wilson.

Absent and Not Voting: Barrett, Cowles and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the motion 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. 899**), and there were—yeas 45, nays 52, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Cooper, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The question on the adoption of the amendment offered by Delegate Espinosa, the same was put and adopted.

Delegate Anderson moved to amend the bill on page one hundred, section two, line twenty-one, following the word “section”, by inserting a colon and the following:

“Provided, That for any classroom teacher who satisfies these requirements and whose years of experience plus the three additional years due to them exceeds the years of experience provided for on the salary schedule shall be paid the additional amount equivalent to three additional years of experience notwithstanding the maximum experience provided on the salary schedule.”

And,

On page one hundred, section two, line twenty-five, following the word section, by inserting a colon and the following:

“Provided, That for any classroom teacher who satisfies these requirements and whose years of experience plus the three additional years due to them exceeds the years of experience provided for on the salary schedule shall be paid the additional amount equivalent to three additional years of experience notwithstanding the maximum experience provided on the salary schedule.”

Delegates Evans, C. Thompson, Zukoff, Mandt, Rowan, Hanna, Summers and Criss requested to be excused from voting on the amendment to H. B. 206 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 amendment was then adopted.

The House then returned to consideration of the amendment, as amended, offered by Delegates Hornbuckle, Skaff and Zukoff, which had been moved to the foot of amendments in earlier proceedings.

Whereupon,

Delegate Hornbuckle asked and obtained unanimous consent that the amendment be withdrawn.

Delegates Hornbuckle, Skaff and Zukoff moved to amend the bill on page twelve, line forty-six, following the period at the end of section twenty-two, by inserting the following:

“CHAPTER 11. TAXATION.

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

§11-15-9s. Exemption for certain school supplies, school instructional materials, laptop and tablet computers, and sports equipment.

(a) Effective July 1, 2021, the items identified in subdivisions (1) through (5) of this subsection are exempt from the tax imposed by this article and §11-15A-1 et seq. of this code, if the sale or purchase occurs on the first Sunday of August, or the previous Friday and Saturday, or the following Monday. The items exempt are:

(1) An item of clothing, the price of which is \$125 or less;

(2) An item of school supplies, the price of which is \$50 or less;

(3) An item of school instructional material, the price of which is \$20 or less;

(4) Laptop and tablet computers, not purchased for use in a trade or business, the price of which is \$500 or less; and

(5) Sports equipment, not purchased for use in a trade or business, the price of which is \$150 or less.

(b) For purposes of this section:

(1) ‘Clothing’ means all human wearing apparel suitable for general use. ‘Clothing’ includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; ear muffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties;

overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. 'Clothing' does not include items purchased for use in a trade or business; clothing accessories or equipment; protective equipment; sports or recreational equipment; belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and sewing materials that become part of 'clothing' including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers.

(2) 'School supplies' means items commonly used by a student in a course of study. 'School supplies' includes only the following items: Binders; book bags; calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; folders, expandable, pocket, plastic, and manila; glue, paste, and paste sticks; highlighters; index cards; index card boxes; legal pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper; pencil boxes and other school supply boxes; pencil sharpeners; pencils; pens; protractors; rulers; scissors; and writing tablets. 'School supplies' does not include any item purchased for use in a trade or business.

(3) 'School instructional material' means written material commonly used by a student in a course of study as a reference and to learn the subject being taught. 'School instructional material' includes only the following items: reference books, reference maps and globes, textbooks, and workbooks. 'School instructional material' does not include any material purchased for use in a trade or business.

(c) The tax commissioner shall promulgate emergency rules and shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to establish

eligibility requirements for the exemptions established by this section.”

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. 900**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Criss, Ellington, Little and Porterfield.

Absent and Not Voting: Barrett, Cowles and Sponaugle.

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

The House of Delegates then returned to consideration of two amendments which had been moved to the foot of amendments in earlier proceedings.

In the absence of objection, both amendments were to be explained with the adoption of one precluding the adoption of the other. The amendments being a previously reported amendment offered by Delegate Espinosa and an amendment offered by Delegates Storch, Longstreth, Dean, C. Thompson and Zukoff, which was reported by the Clerk.

Whereupon,

Delegate Storch asked and obtained unanimous consent that the amendment be withdrawn.

Delegates Storch, Longstreth, Dean, C. Thompson and Zukoff then moved to amend the bill on page one hundred ten, section seven-a, lines one hundred sixteen through one hundred forty-nine, and on page one hundred eleven, by striking out subsection (m) in its entirety and inserting in lieu thereof the following:

“(k)-(m) Whenever a county board is required to reduce the number of professional personnel in its employment, the selection of the employee with the least amount of seniority shall to be properly notified and released from employment pursuant to the

provisions of section two, article two of this chapter shall be based upon seniority, certification, licensure and performance evaluations. The provisions of this subsection are subject to the following:

(1) In the event of a reduction in force, a county board of education may properly notify and release from employment pursuant to the provisions of section two, article two of this chapter any classroom teacher with unsatisfactory evaluations for the previous two consecutive years regardless of years of service instead of release from employment of less senior classroom teachers with satisfactory performance evaluations;

~~(1)~~ (2) All persons employed in a certification area to be reduced who are employed under a temporary permit shall be properly notified and released before a fully certified employee in such a position is subject to release;

~~(2)~~ (3) Notwithstanding any provision of this code to the contrary, for any vacancy in an established, existing or newly created position that, on or before March 1, is known to exist for the ensuing school year, upon recommendation of the superintendent, the board shall appoint the successful applicant from among all qualified applicants. All employees subject to release shall be considered applicants for the positions for which they are qualified and shall be considered before posting such vacancies for application by nonemployees;

~~(3)~~ (4) An employee subject to release shall be employed in any other professional position where the employee is certified and was previously employed or to any lateral area for which the employee is certified, licensed or both, if the employees seniority is greater than the seniority of any other employee in that area of certification, licensure or both;

~~(4)~~ (5) If an employee subject to release holds certification, licensure or both in more than one lateral area and if the employees seniority is greater than the seniority of any other employee in one or more of those areas of certification, licensure or both, the employee subject to release shall be employed in the professional

position held by the employee with the least seniority in any of those areas of certification, licensure or both; and

~~(5)~~ (6) If, prior to August 1 of the year, a reduction in force is approved, the reason for any particular reduction in force no longer exists as determined by the county board in its sole and exclusive judgment, the board shall rescind the reduction in force or transfer and shall notify the released employee in writing of his or her right to be restored to his or her position of employment. Within five days of being so notified, the released employee shall notify the board, in writing, of his or her intent to resume his or her position of employment or the right to be restored shall terminate. Notwithstanding any other provision of this subdivision, if there is another employee on the preferred recall list with proper certification and higher seniority, that person shall be placed in the position restored as a result of the reduction in force being rescinded.”

Following discussion of both of the amendments, the question before the House was the adoption of the amendment offered by Delegates Storch, Longstreth, Dean, C. Thompson and Zukoff.

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. 901**), 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, Azinger, Bibby, Butler, Cadle, Capito, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hardy, Harshbarger, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, Jennings, D. Kelly, Kessinger, Linville, Little, Malcolm, Mandt, C. Martin, P. Martin, Pack, Phillips, Porterfield, Shott, Steele, Summers, Sypolt, Waxman, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Barrett, Cowles and Sponaugle.

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

The adoption of the amendment offered by Delegates Storch, Longstreth, Dean, C. Thompson and Zukoff precluded the adoption of the amendment offered by Delegate Espinosa.

Having been engrossed, the bill was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 902**), and there were, including pairs—yeas 51, nays 47, absent and not voting 2, with the paired, nays and absent and not voting and being as follows:

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

Paired:

Yea: Hardy

Nay: Barrett

Nays: Angelucci, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Cooper, 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, Rohrbach, Rowan, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles and Sponaule.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 206) passed.

A title amendment to the title of the bill, offered by Delegate Rowan, was reported by the Clerk.

Whereupon,

Delegate Rowan asked and obtained unanimous consent that the amendment be withdrawn.

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

H. B. 206 - “A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-15-9s; to amend and reenact §15-1B-24 of said code; to amend said code by adding thereto a new section, designated §18-2E-12; to amend and reenact §18-5-14, §18-5-16, §18-5-16a, §18-5-18a, §18-5-18b, and §18-5-46 of said code; to amend said code by adding thereto a new section, designated §18-5-48; to amend and reenact §18-5A-2, §18-5A-3 and §18-5A-5 of said code; to amend said code by adding thereto a new article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, §18-5G-8, §18-5G-9, §18-5G-10, §18-5G-11 and §18-5G-12; to amend and reenact §18-7A-3 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-8-4 of said code; to amend and reenact §18-9A-2, §18-9A-8 and §18-9A-9 of said code; to amend said code by adding thereto a new section, designated §18-9A-19; to amend said code by adding thereto a new section, designated §18-9B-22; to amend and reenact §18-20-5 of said code; to amend and reenact §18A-4-2, §18A-4-5, §18A-4-5a, §18A-4-7a, §18A-4-8a, and §18A-4-10 of said code; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4, and §18C-4-5 of said code; to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4A-3 of said code; and to amend and reenact §29-12-5a of said code, all relating to public education; allowing public charter schools to participate in the Public Employees Insurance Agency insurance program; exempting the purchase of certain goods from sales tax for a period of time; requiring the Governor to expand Mountaineer Challenge Academy at its existing location; permitting creation of a new Mountaineer Challenge Academy location subject to agreement required under federal law; requiring the State Board of Education to implement the Mountain State Digital Literacy Project as a pilot project; modifying requirements for policies to promote school board effectiveness and eliminating requirement for filing and refiling policies with state board; limiting meetings with improvement councils to those at low performing schools; modifying agenda for meeting with school improvement council; eliminating reporting requirement; permitting county boards to establish attendance zones; replacing existing provisions pertaining to student transfers with requirement for county boards

to establish an open enrollment policy; requiring appeal process whereby a parent or guardian can appeal the refusal of a county board to accept the transfer of the student; requiring the county to which a student is transferred include the student in its net enrollment in certain instances; providing that certain transfer provisions do not supersede eligibility requirements for participation in extracurricular activities established by the Secondary School Activities Commission; modifying student-teacher ratios; requiring the West Virginia Department of Education to survey districts to determine where overcrowding is impeding student achievement and requiring considerations therefore; increasing percentage of work time school counselors are required to spend in a direct counseling relationship with pupils; providing that the teacher's recommendation is a primary consideration in determining student promotion; authorizing county board to establish by policy an exceptional needs fund from certain surpluses and listing provisions that may be included; modifying membership of improvement councils; increasing prior notice of local school improvement council meetings; removing term limits for chair of council; removing council duty for meeting on student discipline issues and reporting to countywide council on productive and safe schools; requiring at least one council meeting annually for dialogue with parents and others on school's academic performance and standing; requiring meeting of certain council members of low performing school with county board and providing minimum issues to be addressed; referencing council authority to propose alternatives and request waivers of rules, policies, interpretations and state statutes; expanding issues on which school required to cooperate with council to promote innovations and improvements; removing reporting requirements; authorizing county boards to designate innovation schools and provide funding; reorganizing and clarifying authority and procedures for local school improvement councils to propose alternatives to the operation of school including request of waiver to rules, policies, interpretations and state statutes; preserving primary authority of county board to approve alternatives subject to grant of necessary waivers by other bodies; authorizing off-site classrooms; increasing faculty senate allotment to classroom teachers and librarians; stating legislative intent and purpose of

public charter school provisions; providing for liberal interpretation; prohibiting interpretation to allow conversion of private schools to public charter school; prohibiting elected official from profit or compensation except continued employment at school converted; limiting total number of public charter school authorized and in operation under an approved contract with periodic increases following reports by the State Board to the Legislative Oversight Commission on Education Accountability; providing that the Mountain Challenge Academy does not count toward total public charter schools; defining terms; specifying required general criteria that public charter schools must meet; establishing general provisions for public charter school governing boards; enumerating laws, policies, and codes that charter schools must comply with; providing powers and duties of state board for implementation, general supervision and support for public charter schools; requiring best practices catalogue, provision of forms, and training programs; authorizing receipt and expenditure of gifts, grants and donations and application for federal funds; reporting requirements and reports to Governor and Legislature; requiring state board as authorizer in certain instances; requiring state board rules related to funding, authorizer oversight funding, and other necessary issues; authorizing state board rule for ensuring accountability; specifying local education agency status; providing for authorizer powers and duties with respect applications, contracts to oversight and authorization; requiring appropriate corrective action or sanctions in response to deficiencies; providing authorization to require reports; requiring payment of oversight fee; prohibiting attachment of civil liability to authorizer, members or employees for acts or omissions of public charter school; limiting regulation of public charter schools by state and county boards to powers and duties as authorizers; establishing public charter school governing board membership, qualifications, status as public corporate body and authorized powers; listing governing board responsibilities for operation of public charter school; authorizing participation in cocurricular and extracurricular activities; mandating compliance with freedom of information and open governmental proceedings; providing for contents of application to form public charter school; specifying items to be addressed in charter contracts, contract term and execution;

providing process for contract renewal, performance report and time frame for final determination; providing that failure of authorizer to act to be deemed approval; providing for revocation of charter contracts and specifying grounds; declaring authorizer responsibilities for closure when contract not renewed or revoked; providing for closure protocol and removal of governing board members; providing for processes for student enrollment in public charter schools; requiring publication of enrollment option by school and county board; prohibiting mandated enrollment or departures of students at a public charter school; requiring designation of primary recruitment area, its effect and basis; prohibiting discrimination in enrollment with allowance for program focus on students with special needs; authorizing establishment of enrollment preferences; establishing effect of enrollment preference on enrollment, excess capacity and random lottery when capacity exceeded; providing for student transfers to noncharter schools; requiring access to electronic information system for reporting student and school performance, certification of enrollment, attendance and other student information to Department of Education; providing process for public charter school use or lease of public facilities; allowing public charter schools to elect to participate in certain state retirement systems; modifying requirements applicable after certain numbers of unexcused student absences; including professional personnel providing direct social and emotional support services to students and professional personnel addressing chronic absenteeism within the definition of 'professional student support personnel'; modifying definition of net enrollment; increasing calculated net enrollment for the purposes of determining a county's basic foundation program of certain counties with an actual net enrollment of less than 1,400; decreasing the percent of the levy rate used to calculate local share; basing the basic foundation allowance for professional student support personnel on a ratio of positions per students and providing that nothing in section precludes public-private partnerships or contracts to provide services; providing one year hold-harmless on number of positions funded; increasing the percentage used to calculate each county's allowance for current expense; increasing allotment for academic materials, supplies and equipment; requiring that each county

board receive its allocated state aid share of the county's basic foundation program in the form of block grants; requiring the State Superintendent to provide the State Auditor with the required data for use by the searchable budget data website; including public charter schools in the provisions pertaining to an appropriation to serve certain exceptional children; increasing teacher salaries; providing that certain math and special education teachers be considered to have three additional years of experience for the purposes of the salary schedule; providing equivalent amount in teacher's experience exceeds salary schedule maximum years; removing definition of salary equity among the counties; removing requirement that Department of Education include in its budget request a request for funding sufficient to meet the objective of salary equity; adding to exceptions to requirement that county salary schedules be uniform; providing for determination of seniority by random lottery within thirty days of employment for teachers employed on same date; requiring county board to base all decisions on reductions in force and reemployment on seniority, certification, licensure and performance evaluations; listing criteria county board must consider; requiring consideration of performance evaluations; modifying provisions pertaining to the preferred recall list and posting of position openings; removing requirement for county board to annually make available a list of all professional personnel employed, their areas of certification, and their seniority; providing that all personnel in a public charter school accrue seniority for the purpose of employment in noncharter public schools; increasing monthly pay for service personnel; increasing leave without cause days from three to four; requiring a bonus for classroom teachers who have not used more than four days of personal leave during the employment term; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance programs the Underwood-Smith Teaching Scholars Program and the Teacher Education Loan Repayment Program; modifying requirements for Higher Education Policy Commission rules providing for administration of the programs; requiring that Underwood-Smith Teaching Scholars award recipients receive additional academic support and training from mentors in their academic field; continuing the Underwood-Smith Teacher Scholarship and Loan Assistance Fund as the Underwood-Smith

Teaching Scholars Program Fund; requiring each award recipient to be distinguished as an Underwood-Smith Teaching Scholar; establishing uses for moneys in the Underwood-Smith Teaching Scholars Program Fund; providing for continuation of certain terms, conditions, requirements, and agreements; requiring the Vice Chancellor for Administration to appoint a selection panel to select Underwood-Smith Teaching Scholars; modifying eligibility criteria for Underwood-Smith Teaching Scholars; modifying Underwood-Smith Teaching Scholars award agreement requirements; modifying renewal requirements for an Underwood-Smith Teaching Scholars award; modifying conditions under which a recipient is not in violation of the agreement; requiring Underwood-Smith Teaching Scholars award to be used in preparation for becoming a teacher in a critical shortage field in the public schools of this state; increasing the amount of the annual award; requiring as a condition of loan repayment award eligibility an applicant to be currently employed in a public school in this state in a critical teacher shortage field or as a school counselor in a school or geographic area of the state identified as an area of critical need for such field; requiring as a condition of eligibility an applicant to agree to be employed full time for two school years in a critical teacher shortage field or as a school counselor in a school or geographic area of critical need for such field for each year for which a loan repayment assistance award is received; modifying provisions pertaining to the amount of loan assistance and the requirements for eligibility; modifying eligibility requirements for renewal of scholarship award and loan repayment assistance award; removing accumulated limit on loan repayment awards; increasing minimum Board of Risk and Insurance Management coverage; requiring at least annual written notice of Board of Risk and Insurance Management insurance coverages by county boards to employee insureds; allowing public charter schools to obtain insurance coverage from the Board of Risk and Insurance Management; providing effective dates and making technical changes.”

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

On this question, the yeas and nays were taken (**Roll No. 903**), and there were—yeas 75, nays 22, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: N. Brown, S. Brown, Campbell, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hartman, Hornbuckle, Lavender-Bowe, Lovejoy, McGeehan, Pyles, Rodighiero, Staggers, C. Thompson, R. Thompson, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 206) 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.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Barrett, Sponaugle and Cowles.

Delegate McGeehan moved that the House of Delegates adjourn *sine die*.

The question being, “Shall the House adjourn *sine die*?”, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 904**), and there were—yeas 38, nays 58, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff,

Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett, Cowles, Sponaugle and Staggers.

So, a majority of the members present and voting not having voted in the affirmative, the motion to adjourn *sine die* did not prevail.

Miscellaneous Business

Delegate Nelson noted to the Clerk that he was absent when the vote was taken on Roll No. 882, and had he been present, he would have voted “Yea” thereon.

Delegate C. Martin noted to the Clerk that he was absent when the vote was taken on the passage of H. B. 174, and had he been present, he would have voted “Yea” thereon.

Delegate McGeehan announced that he was absent on today when the vote was taken on Roll No. 896, 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 all the remarks of Members during the debate on the passage of H. B. 206 in the Appendix to the Journal.

At 11:21 p.m., Wednesday, June 19, 2019, the House of Delegates adjourned, pursuant to H. C. R. 101, until the call of the Speaker.

Monday, July 22, 2019

ELEVENTH DAY

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

Pursuant to the June 19, 2019 motion to adjourn and the subsequent letter from the Speaker of the House reconvening the First Extraordinary Session on Monday, July 22, 2019 at 12:00 Noon, the House of Delegates 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, June 19, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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 25th day of June, 2019, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 118, Relating to the use of post-criminal conduct in professional and occupational initial licensure decision making.

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 28th day of June, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed

signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 144, West Virginia Business Ready Sites Program,

H. B. 148, Making a supplementary appropriation to the Executive, Governor's Office,

H. B. 149, Making a supplementary appropriation to the Executive, Governor's Office, Civil Contingent Fund,

H. B. 150, Making a supplementary appropriation to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund,

H. B. 151, Making a supplementary appropriation to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund,

H. B. 113, Establishing tax incentive for new business activity in qualified opportunity zones,

H. B. 152, Making a supplementary appropriation by adding a new item and increasing the expenditure to the Department of Revenue, State Budget Office,

H. B. 153, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, Central Office,

H. B. 154, Making a supplementary appropriation to the Department of Transportation, Division of Highways,

Com. Sub. for H. B. 155, Supplementing, amending and increasing an item from the State Road Fund to the Department of Transportation, Division of Highways,

H. B. 156, Making a supplementary appropriation to the Department of Environmental Protection, Division of Environmental Protection,

H. B. 157, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management,

H. B. 146, Establishing and funding of substance use disorder treatment and recovery facilities,

H. B. 206, Relating to public education,

S. B. 1015, Supplemental appropriation to Secretary of State, General Administrative Fees Account,

S. B. 1017, Supplemental appropriation to Department of Arts, Culture, and History, Educational Broadcasting Authority,

S. B. 1020, Supplementing and amending Chapter 31, Acts of the Legislature, 2019, known as Budget Bill,

S. B. 1021, Decreasing existing appropriation and adding appropriation to Department of Veterans' Assistance,

S. B. 1023, Supplementing, amending, increasing, and adding items of appropriations to Attorney General, Consolidated Federal Fund,

S. B. 1024, Supplemental appropriation to Department of Agriculture Capital Improvements Fund,

S. B. 1025, Supplemental appropriation to DHHR, Division of Human Services for fiscal year ending June 30, 2019,

S. B. 1027, Adding new items and increasing existing items to various accounts,

And,

S. B. 1038, Supplemental appropriation to DHHR, Division of Health's Central Office.

Messages from the Executive

The following Proclamation of His Excellency, the Governor, was laid before the House of Delegates and read by the Clerk, as follows:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated the seventh day of March, Two Thousand Nineteen, calling the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, and amended by subsequent Proclamation dated the seventeenth day of May, Two Thousand Nineteen, and amended by subsequent Proclamation dated the twentieth day of May, Two Thousand Nineteen, and amended by subsequent Proclamation dated the thirty-first day of May, Two Thousand Nineteen, and amended by subsequent Proclamation dated the fourteenth day of June, Two Thousand Nineteen, by adding items forty-seven through fifty, as follows:

FORTY-SEVENTH: a bill to exempt from the business and occupation tax certain merchant power plants; and

FORTY-EIGHTH: a bill relating to residency requirements for licenses issued by the West Virginia Alcohol Beverage Control Administration, West Virginia Department of Health and Human Resources, and West Virginia Lottery Commission; and

FORTY-NINTH: a resolution relating to the issuance of State Road Bonds authorized to be issued for fiscal years ending June 30, 2019 and June 30, 2020, in conjunction with the Roads to Prosperity Amendment of 2017; and

FIFTY: a resolution relating to the issuance of State Road Bonds authorized to be issued for fiscal year ending June 30, 2021, in conjunction with the Roads to Prosperity Amendment of 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this nineteenth day of July, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Seventh year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State

At 12:19 p.m., on motion of Delegate Summers, the House of Delegates recessed until 1:15 p.m.

* * * * *

Afternoon Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Messages from the Executive

Mr. Speaker, Mr. Hanshaw, presented communications from His Excellency, the Governor, advising that on June 28, 2019, he approved **H. B. 113, H. B. 118, H. B. 144, H. B. 146, H. B. 148, H. B. 149, H. B. 150, H. B. 151, H. B. 152, H. B. 153, H. B. 154, Com. Sub. for H. B. 155, H. B. 156, H. B. 157, H. B. 206, S. B.**

1015, S. B. 1017, S. B. 1020, S. B. 1021, S. B. 1023, S. B. 1024, S. B. 1025, S. B. 1027 and S. B. 1038.

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. 132, Supplementing and amending existing items of appropriations to the Department of Agriculture.

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:

“That the total appropriation for the fiscal year ending June 30, 2020, to fund 0407, fiscal year 2020, organization 0506, be supplemented and amended by decreasing existing items of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

57 – Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

**Appro-
priation**

**General
Revenue
Fund**

1	Personal Services and Employee Benefits.....	00100\$	251,555
3	Current Expenses	13000	406,155

And, That the total appropriation for the fiscal year ending June 30, 2020, to fund 0131, fiscal year 2020, organization 1400, be supplemented and amended by increasing existing items of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

EXECUTIVE

10 – Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2020 Org 1400

			General Revenue Fund
	Appro- priation		
1	Personnel Services and Employee Benefits.....	00100 \$	251,555
3	Current Expenses	13000	406,155”

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. 905**), and there were—yeas 87, nays none, absent and not voting 13, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Butler, Evans, Fleischauer, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Swartzmiller, Tomblin, Walker and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 132) passed.

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

On this question, the yeas and nays were taken (**Roll No. 906**), and there were—yeas 87, nays none, absent and not voting 13, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Butler, Evans, Fleischauer, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Swartzmiller, Tomblin, Walker and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 132) 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, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 193, Relating to a statewide school personnel job bank,

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. SCHOOL PERSONNEL.

§18A-2-7a. Statewide job bank.

(a) The state board shall establish and maintain a statewide job bank to assist the recruitment and reemployment of experienced

professional personnel. ~~whose employment with county boards has been terminated because of a reduction in force.~~ The job bank shall consist of ~~two parts~~ the following for each county:

(1) A list of the names, qualifications, and contact information of all professional personnel who have been terminated because of a reduction in force, except personnel who have requested in writing that they not be listed in the job bank; ~~and~~

(2) A list of professional positions for which the county is seeking applicants; and

(3) A total compensation statement for each listed position.

(b) The job bank shall be accessible electronically to each county and to individuals on a read only basis, except that each county shall have the capability of editing information for the county and shall be responsible for maintaining current information on the county lists.

(c) The following terms are defined as follows:

(1) 'Direct compensation' means base salary and incentives that are provided regularly and consistently.

(2) 'Indirect compensation' means any noncash benefit provided to an employee, including, but not limited to:

(A) Health insurance;

(B) Dental insurance;

(C) Vision insurance;

(D) Life insurance;

(E) Disability income protection;

(F) Retirement benefits;

(G) Employer student loan contributions or other employee assistance programs;

(H) Educational benefits;

(I) Childcare;

(J) Relocation benefits; and

(K) Vacation leave, sick leave, and any other form of paid time-off.

(3) ‘Total compensation statement’ means a list of direct and indirect compensation provided or offered for a position, including an itemized list of the types of compensation provided or offered and a cumulative total of the value of all compensation provided or offered.’

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 193 - “A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to the statewide school personnel job bank; expanding the purpose of the statewide job bank to include the recruitment and reemployment of professional experienced personnel; requiring that a total compensation statement be contained within a job posting on the statewide job bank; and defining terms.”

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. 907**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 193) 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1056 - “A Bill supplementing and amending items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to Department of Education, State Board of Education, State Aid to Schools, fund 0317, fiscal year 2020, organization 0402, by increasing and decreasing existing items of appropriation for the fiscal year ending June 30, 2020.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1056) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 908**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

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.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 909**), and there were—yeas 84, nays 5, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Bibby, Kump, McGeehan, Toney and Wilson.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1056) passed.

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

On this question, the yeas and nays were taken (**Roll No. 910**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1056) 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

S. B. 1057 - “A Bill supplementing and amending items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the State Department of Education, State Board of Education, fund 0313, fiscal year 2020, organization

0402, by adding a new item of appropriation for the fiscal year ending June 30, 2020.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1057) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 911**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

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.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 912**), and there were—yeas 86, nays 3, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Bibby, McGeehan and Wilson.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1057) passed.

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

On this question, the yeas and nays were taken (**Roll No. 913**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1057) 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

S. B. 1058 - “A Bill supplementing and amending an item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Higher Education Policy Commission, Administration - Control Account, fund 0589, fiscal year 2020, organization 0441, by increasing an existing item of appropriation for the fiscal year ending June 30, 2020.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1058) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 914**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

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.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 915**), and there were—yeas 86, nays 3, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: J. Jeffries, McGeehan and Paynter.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1058) passed.

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

On this question, the yeas and nays were taken (**Roll No. 916**), and there were—yeas 87, nays 2, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1058) 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, without amendment, a bill of the House of Delegates as follows:

H. B. 113, Establishing tax incentive for new business activity in qualified opportunity zones.

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. 144, West Virginia Business Ready Sites Program.

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. 146, Establishing and funding of substance use disorder treatment and recovery facilities.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 148, Making a supplementary appropriation to the Executive, Governor's Office.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 149, Making a supplementary appropriation to the Executive, Governor's Office, Civil Contingent Fund.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 150, Making a supplementary appropriation to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 151, Making a supplementary appropriation to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 152, Making a supplementary appropriation by adding a new item and increasing the expenditure to the Department of Revenue, State Budget Office.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 153, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, Central Office.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 154, Making a supplementary appropriation to the Department of Transportation, Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 155, Supplementing, amending and increasing an item from the State Road Fund to the Department of Transportation, Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 156, Making a supplementary appropriation to the Department of Environmental Protection, Division of Environmental Protection.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 157, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 206, Relating to public 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, to take effect from passage, of

S. B. 1027, Adding new items and increasing existing items to various accounts.

Resolutions Introduced

Resolutions were introduced, pursuant to House Rule 109, and read by their titles, as follows:

Delegates Hanshaw (Mr. Speaker) and Miley offered the following resolution:

H. C. R. 104 - "Providing for the issuance of not to exceed \$600 million of bonds pursuant to the Roads to Prosperity Amendment of 2017 and §17-26A-1 *et seq.* of the Code of West Virginia."

Resolved by the Legislature of West Virginia:

That state road bonds in the principal amount not to exceed \$600 million are authorized to be sold by the Governor during the fiscal year ending June 30, 2020 which includes the \$400 million authorized to be issued in the fiscal year ending June 30, 2019 but not issued and which are hereby carried forward to the fiscal year ending June 30, 2020. The bonds shall be issued in registered form and may be issued by the Governor in such amounts and in one or more series, in such denominations, at such times during that fiscal year and bearing the date or dates as the Governor may determine; and, be it

Further Resolved, That all bonds shall be payable at the Office of the Treasurer of the State of West Virginia or at a paying agent designated by the Treasurer. The bonds shall be dated and mature on dates and at times as the Governor shall determine. The bonds shall bear interest at rates not exceeding six percent (6.00%) per annum, payable semiannually. The Treasurer of the State of West Virginia shall issue his or her check for the interest and principal then due on the same dates each year and mail it to the registered owner at the addresses shown by the record of registration or shall provide the requisite funds by electronic means acceptable to the public municipal finance industry. The bonds may be redeemable on a date or dates prior to maturity as determined by the Governor; and, be it

Further Resolved, That the bonds shall be signed on behalf of the State of West Virginia as provided under §17-26A-2 of the Code of West Virginia; and, be it

Further Resolved, That the Governor shall sell the bonds herein mentioned at a time or times during the fiscal year as he may determine necessary to provide funds for matching available federal funds for highway and bridge construction and for general highway and secondary roads and bridge construction or improvements in this state, as herein provided, upon recommendation of the Commissioner of Highways; and, be it

Further Resolved, That the proceeds of all sales of bonds herein authorized shall be paid into the State Road Fund created by §17-3-1 of the Code of West Virginia, 1931, as amended, and used for the purposes set forth in §17-26A-1 *et seq.* of said code and in the Roads to Prosperity Amendment of 2017; and, be it

Further Resolved, That this resolution constitutes affirmative official intent of the State of West Virginia toward the issuance of the bonds as contemplated herein in accordance with the purposes of the laws of the State of West Virginia and the United States Internal Revenue Code and the regulations issued thereunder. The State of West Virginia reasonably expects, as of the date thereof, to timely reimburse the State Road Fund for certain costs of the highway and bridge projects described above paid from the State Road Fund prior to the issuance of the bonds with the proceeds of the bonds.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 104) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The resolution (H. C. R. 104) was adopted.

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

Delegates Hanshaw (Mr. Speaker) and Miley offered the following resolution:

H. C. R. 105 - “Providing for the issuance of not to exceed \$200 million of bonds after July 1, 2020 pursuant to the Roads to Prosperity Amendment of 2017 and §17-26A-1 *et seq.* of the Code of West Virginia.”

Resolved by the Legislature of West Virginia:

That state road bonds in the principal amount not to exceed \$200 million are authorized to be sold by the Governor during the fiscal year ending June 30, 2021. The bonds shall be issued in registered form and may be issued by the Governor in such amounts and in one or more series, in such denominations, at such times during that fiscal year and bearing the date or dates as the Governor may determine; and, be it

Further Resolved, That all bonds shall be payable at the Office of the Treasurer of the State of West Virginia or at a paying agent designated by the Treasurer. The bonds shall be dated and mature on dates and at times as the Governor shall determine. The bonds shall bear interest at rates not exceeding six and one-half percent (6.50%) per annum, payable semiannually. The Treasurer of the State of West Virginia shall issue his or her check for the interest and principal then due on the same dates each year and mail it to the registered owner at the addresses shown by the record of registration or shall provide the requisite funds by electronic means acceptable to the public municipal finance industry. The bonds may be redeemable on a date or dates prior to maturity as determined by the Governor; and, be it

Further Resolved, That the bonds shall be signed on behalf of the State of West Virginia as provided under §17-26A-2 of the Code of West Virginia; and, be it

Further Resolved, That the Governor shall sell the bonds herein mentioned at a time or times during the fiscal year as he may determine necessary to provide funds for matching available federal funds for highway and bridge construction and for general

highway and secondary roads and bridge construction or improvements in this state, as herein provided, upon recommendation of the Commissioner of Highways; and, be it

Further Resolved, That the proceeds of all sales of bonds herein authorized shall be paid into the State Road Fund created by §17-3-1 of the Code of West Virginia, 1931, as amended, and used for the purposes set forth in §17-26A-1 *et seq.* of said code and in the Roads to Prosperity Amendment of 2017; and, be it

Further Resolved, That this resolution constitutes affirmative official intent of the State of West Virginia toward the issuance of the bonds as contemplated herein in accordance with the purposes of the laws of the State of West Virginia and the United States Internal Revenue Code and the regulations issued thereunder. The State of West Virginia reasonably expects, as of the date thereof, to timely reimburse the State Road Fund for certain costs of the highway and bridge projects described above paid from the State Road Fund prior to the issuance of the bonds with the proceeds of the bonds.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 105) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The resolution (H. C. R. 105) was adopted.

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

Bills Introduced

The following bills were introduced pursuant to House Rule 92:

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

H. B. 207 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13-

2q, relating to exempting from business and occupation tax certain merchant power plants; defining merchant power plant; specifying conditions for exemption from tax; and specifying effective date.”

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 207) was taken up for immediate consideration, read a first time then referred to the Committee on Finance.

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

H. B. 208 - “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 residency, manager, and licensure requirements for West Virginia Alcohol Beverage Control Administration applicants and licensees; removing residency requirements for granting permits under the Medical Cannabis Act; and removing residency requirements for the West Virginia Lottery.”

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 208) was taken up for immediate consideration, read a first time then referred to the Committee on the Judiciary.

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

H. B. 209 - “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to requirements for competitive bidding on government construction contracts; providing that the term ‘construction project’ includes work performed for recovery from a declared state of disaster or state of emergency; providing that such work may be procured through competitive bidding; and updating a reference to other sections of code.”

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 209) was taken up for immediate consideration, read a first time then referred to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 210 - “A Bill supplementing and amending items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to Auditor’s Office, General Administration, fund 0116, fiscal year 2020, organization 1200, by increasing an existing item of appropriation for the fiscal year ending June 30, 2020.”

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 210) was taken up for immediate consideration, read a first time then referred to the Committee on Finance.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Butler, Evans, Fluharty, Foster, Hamrick, Harshbarger, Robinson, Tomblin, Walker and Worrell.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegate Kump during Remarks by Members in the Appendix to the Journal.

Delegate Sponaule noted to the Clerk that he was absent on Wednesday, June 19, 2019, when the vote was taken on Roll No. 902, and that had he been present, he would have voted “Nay” thereon.

At 2:32 p.m., the House of Delegates adjourned until 9:00 a.m., Tuesday, July 23, 2019.

Tuesday, July 23, 2019

TWELFTH DAY

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

The House of Delegates met at 9:00 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, July 22, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 207, Exempting from business and occupation tax certain merchant power plants,

And,

H. B. 210, Supplementing and amending items of appropriation to Auditor's Office, General Administration,

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

At the respective requests of Delegate Summers, and by unanimous consent, **H. B. 207**, Exempting from business and occupation tax certain merchant power plants, was taken up for immediate consideration and read a second time.

Delegate Criss moved to amend the bill on page one, section

two-q, line two, by striking out the word “July” and inserting in lieu thereof the word “January”.

On page one, section two-q, line five, by striking out the word “July” and inserting in lieu thereof the word “January”.

And,

On page one, section two-q, line seven, by striking out the word “July” and inserting in lieu thereof the word “January”.

On the question of adoption of the amendment, the Speaker being in doubt as to the result, the House divided and the Speaker declared the amendment adopted.

Delegate Rowe moved to amend the bill on page one, section two-q, line five, by striking out the period, inserting a colon and the following proviso: “*Provided*, That this exemption expires on June 30, 2025.”

The amendment offered by Delegate Rowe was rejected.

There being no further amendments, the bill was ordered to engrossment and third reading.

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. 917**), and there were, including pairs—yeas 76, nays 7, absent and not voting 17, with the nays and absent and not voting and paired being as follows:

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

Paired:

Yea: Espinosa

Nay: Kump

Nays: Bates, S. Brown, Doyle, Fleischauer, Lavender-Bowe and Pushkin.

Absent and Not Voting: Angelucci, Boggs, N. Brown, Butler, Ellington, Evans, Fluharty, Foster, Hamrick, Harshbarger, Hornbuckle, Rohrbach, Staggers, C. Thompson, Tomblin, Walker and Worrell.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 918**), and there were, including pairs—yeas 77, nays 5, absent and not voting 18, with the nays and absent and not voting and paired being as follows:

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

Paired:

Yea: Angelucci

Nay: Fleischauer

Nays: Doyle, Hansen, Lavender-Bowe and Pushkin.

Absent and Not Voting: Boggs, N. Brown, Butler, Ellington, Espinosa, Evans, Fluharty, Foster, Hamrick, Harshbarger, Hornbuckle, C. Martin, Rohrbach, Staggers, C. Thompson, Tomblin, Walker and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 207) passed.

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

At the respective requests of Delegate Summers, and by unanimous consent, **H. B. 210**, Supplementing and amending items

of appropriation to Auditor's Office, General Administration, was taken up for immediate consideration, read a second time and ordered to engrossment and third reading.

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. 919**), and there were, including pairs—yeas 81, nays 2, absent and not voting 17, with the nays and absent and not voting and paired being as follows:

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

Paired:

Yea: Espinosa

Nay: Kump

Nays: McGeehan.

Absent and Not Voting: Angelucci, Boggs, N. Brown, Butler, Ellington, Evans, Fluharty, Foster, Hamrick, Harshbarger, Hornbuckle, Rohrbach, Staggers, C. Thompson, Tomblin, Walker and Worrell.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 920**), and there were—yeas 79, nays 1, absent and not voting 20, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Angelucci, Boggs, N. Brown, Butler, Ellington, Espinosa, Evans, Fluharty, Foster, Hamrick,

Harshbarger, Hornbuckle, Rohrbach, Staggers, C. Thompson, Tomblin, Toney, Walker, Wilson and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 210) passed.

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

On this question, the yeas and nays were taken (**Roll No. 921**), and there were—yeas 80, nays 1, absent and not voting 19, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Angelucci, Atkinson, Boggs, N. Brown, Butler, Ellington, Espinosa, Evans, Fluharty, Foster, Hamrick, Harshbarger, Hornbuckle, Rohrbach, Staggers, C. Thompson, Tomblin, Walker and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 210) 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 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. 209, Providing that work performed for recovery from a declared state of disaster or emergency is subject to competitive bidding,

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

Com. Sub. for H. B. 209 - “A Bill to amend and reenact §5-

22-1 of the Code of West Virginia, 1931, as amended, relating to requirements for competitive bidding on government construction contracts; providing that the term ‘construction project’ includes certain work performed for recovery from a declared state of emergency declared prior to July 1, 2019; providing that such certain work for residential structures may be procured through competitive bidding on an open-ended basis as to quantity; providing a sunset date of March 1, 2020 for this provision; providing a limitation in value of \$5,000,000 for each such contract; and updating a reference to other sections of code.”

With the recommendation that the committee substitute do pass.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Angelucci, Boggs, N. Brown, Butler, Ellington, Espinosa, Evans, Fluharty, Foster, Hamrick, Harshbarger, Hornbuckle, Rohrbach, Staggers, C. Thompson, Tomblin, Walker and Worrell.

Delegate Linville asked unanimous consent that the remarks of Delegates Kump and Graves during Remarks by Members be printed in the Appendix to the Journal, which consent was not granted, objection being heard.

Delegate Linville then so moved.

On the question of printing the remarks by Delegate Kump, the yeas and nays were taken (**Roll No. 922**), and there were—yeas 67, nays 12, absent and not voting 21, with the nays and absent and not voting being as follows:

Nays: Bibby, Cowles, Hardy, Jennings, Kessinger, Lavender-Bowe, Miller, Porterfield, Steele, Storch, Summers and Wilson.

Absent and Not Voting: Angelucci, Bates, Boggs, N. Brown, Butler, Ellington, Espinosa, Evans, Fluharty, Foster, Hamrick, Harshbarger, Hornbuckle, Maynard, Rodighiero, Rohrbach, Staggers, C. Thompson, Tomblin, Walker and Worrell.

So, two thirds of the members present and voting having voted in the affirmative, the motion to print the remarks of Delegate Kump in the Appendix to the Journal was adopted.

At 10:46 a.m., the House of Delegates recessed until 6:00 p.m.

* * * * *

Evening Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Delegate Summers arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 923**), and 71 members being present, the Speaker declared the absence of a quorum. The absent being as follows:

Absent: Angelucci, Azinger, Boggs, N. Brown, Butler, Canestraro, Cooper, Cowles, Ellington, Espinosa, Evans, Fluharty, Foster, Hamrick, Harshbarger, Hicks, Higginbotham, Longstreth, Nelson, Rodighiero, Sponaugle, Staggers, Storch, R. Thompson, Tomblin, Walker, Westfall, Williams and Worrell.

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. 207, Exempting from business and occupation tax certain merchant power plants.

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. 104, Providing for the issuance of not to exceed \$600 million of bonds pursuant to the Roads to Prosperity Amendment of 2017.

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. 105, Providing for the issuance of not to exceed \$200 million of bonds after July 1, 2020 pursuant to the Roads to Prosperity Amendment of 2017.

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 completed the business of this First Extraordinary Session of the 84th Legislature and was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates Nelson, Wilson and Campbell.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature was ready to adjourn *sine die*.

The Speaker appointed as members of such committee the following:

Delegates Hanna, Queen and Hartman.

Miscellaneous Business

Delegate C. Martin noted to the Clerk that he was absent on today when the vote was taken on Roll No. 918, and that had he been present, he would have voted “Yea” thereon.

Committee Reports

Subsequent to the adjournment *sine die* by the House of Delegates, Delegate Capito, Chair of the Joint Committee on Enrolled Bills, filed the following reports with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the dates listed, 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:

July 24, 2019

H. B. 132, Supplementing and amending existing items of appropriations to the Department of Agriculture,

And,

Com. Sub. for H. B. 193, Relating to a statewide school personnel job bank.

July 24, 2019

H. B. 207, Exempting from business and occupation tax certain merchant power plants.

July 26, 2019

S. B. 1056, Supplementing and amending items of appropriation to State Board of Education, State Aid to Schools,

S. B. 1057, Supplementing and amending items of appropriation to State Board of Education,

And,

S. B. 1058, Supplementing and amending item of appropriation to Higher Education Policy Commission.

Messages from the Executive

Subsequent to the adjournment *sine die* by the House of Delegates, communications were received from His Excellency,

the Governor, advising that on July 29, 2019 he approved **H. B. 132, S. B. 1056, S. B. 1057 and S. B. 1058**; on July 30, 2019, he approved **H. B. 207**; and on August 7, 2019, he approved ***H. B. 193**.

(*Note: Due to H. B. 193 being signed more than five days, Sundays excepted, after presentment, it is considered as having become law without the signature of the Governor.)

There being no further business to come before the House, at 6:47 p.m., on motion of Delegate Summers, the House of Delegates adjourned *sine die*.

We hereby certify that the forgoing record of the proceedings of the House of Delegates, First Extraordinary Session, 2019, is the Official Journal of the House of Delegates for said session.

Roger Hanshaw
Speaker of the House of Delegates

Stephen J. Harrison
Clerk of the House of Delegates



West Virginia Legislature
Journal
of the
House of Delegates

Eighty-Fourth Legislature
Second Extraordinary Session

Charleston, Monday, November 18, 2019

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

Pursuant to the Proclamation of His Excellency, the Governor, issued the fourteenth day of November, 2019, and hereinafter set forth, convening the Legislature in Extraordinary Session on the eighteenth day of November, 2019 at 12:00 noon, the House of Delegates assembled in its Chamber in the Capitol Building in the City of Charleston and was called to order by the Speaker, the Honorable Roger Hanshaw.

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

**Messages from the Executive
and other Communications**

The following communications were laid before the House of Delegates and reported by the Clerk:

HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE
Building 1, Room 205-E
1900 Kanawha BLVD., East
Charleston, WV 25305

August 14, 2019

The Honorable Roger Hanshaw
Speaker, WV House of Delegates
Building 1, Room 228M
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Speaker Hanshaw:

Please accept my resignation from the West Virginia House of Delegates, effective August 30, 2019. After much thought and discussion with my family, I have decided to pursue a private-sector employment opportunity that will unfortunately not allow me to continue my service in the House.

It has been an absolute honor to represent the people of the 7th District these past three years. I have thoroughly enjoyed serving with you and my fellow legislators, and wish you continued success in your efforts to make West Virginia the best place to live, work, and raise a family.

Sincerely,

Delegate Jason S. Harshbarger
7th District

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Jim Justice
Governor of West Virginia

September 17, 2019

The Honorable Mac Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Trenton C. Barnhart, 5 Wolfe Lane, Saint Marys, Pleasants County, West Virginia 26170, as a Delegate representing the Seventh District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable Jason S. Harshbarger.

Sincerely,

Jim Justice,
Governor.

The Clerk announced that Delegate Barnhart had taken the oath of office, as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, on September 23, 2019.

The Speaker then asked the Members to stand for a moment of silence in memory of Delegate Sharon Lewis Malcolm, who died September 30, 2019.

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Jim Justice
Governor of West Virginia

October 21, 2019

The Honorable Mac Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed T. Kevan Bartlett, 5008 Renard Street, Sissonville, Kanawha County, West Virginia 25320, as a Delegate representing the Thirty-Ninth District of the House of Delegates, to fill the vacancy created by the passing of the Honorable Sharon Lewis Malcolm.

Sincerely,

Jim Justice,
Governor.

The Clerk announced that Delegate Bartlett had taken the oath of office, as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, on October 28, 2019.

Delegate Kessinger arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 924**), and 91 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Byrd, Fluharty, Hornbuckle, Hott, Nelson, Rohrbach, Summers, C. Thompson and Wilson.

The Speaker laid before the House of Delegates a Proclamation of His Excellency, the Governor, convening the Legislature in extraordinary session, which was read by the Clerk.

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at Noon on the eighteenth day of November, Two Thousand Nineteen, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

FIRST: A bill amending the West Virginia Tourism Act to extend the availability of the Tourism Development Act Tax Credit Program and to authorize the tourism office, in conjunction with the development office, to participate in reviewing, processing, and approving applications received under the act; and

SECOND: A bill limiting the ability to expunge DUI offenses to those offenses that may be expunged by utilizing the existing process in W. Va. Code §17C-5-2b, to be in accordance with federal law; and

THIRD: A bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020; and

FOURTH: Legislation authorizing and appropriating the expenditure of public funds to pay for the Extraordinary Session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this fourteenth day of November, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Seventh year of the State.

Jim Justice,
Governor

By the Governor

Mac Warner,
Secretary of State

On motion of Delegate Kessinger, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation by which it had been called together.

Whereupon,

The Speaker appointed as members of such committee:

Delegates J. Jeffries, Fast and Byrd.

On motion of Delegate Kessinger, the Speaker was authorized to appoint a committee of three, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Storch, Phillips and Rowe.

Bills Introduced

Pursuant to House Rule 92, bills were introduced, and severally referred as follows:

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

H. B. 211 - "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"; to the Committee on Finance.

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

H. B. 212 - "A Bill to amend and reenact §62-16-5 and §62-16-6 of the Code of West Virginia, 1931, as amended; relating to clarifying provisions of the Military Service Member Court

relating to driving offenses; prohibiting participation in the court if the person has committed violations relating to driving under the influence of alcohol, controlled substances, or drugs with certain exceptions; authorizing Military Service Member Courts to utilize the Test and Lock and expungement process in certain driving under the influence cases; removing the authority to expunge convictions for all motor vehicle violations, except parking tickets for commercial drivers licensees; and removing the authority to expunge convictions for motor vehicle violations”; to the Committee on the Judiciary.

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

H. B. 213 - “A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; to the Committee on Finance.

At 12:18 p.m., on motion of Delegate Kessinger, the House of Delegates recessed until 7:00 p.m.

* * * * *

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 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. 2002 - “A Bill to amend and reenact §62-16-5 and §62-16-6 of the Code of West Virginia, 1931, as amended, all relating

to clarifying provisions of the Military Service Member Court relating to driving offenses; prohibiting participation in the court if the person has committed violations relating to driving under the influence of alcohol, controlled substances, or drugs with certain exceptions; authorizing Military Service Member Courts to utilize the test and lock and expungement process in certain driving under the influence cases; removing the authority to expunge convictions for all motor vehicle violations, except parking tickets, for commercial drivers licensees; and removing the authority to expunge convictions for motor vehicle violations.”

At the respective requests of Delegate Kessinger, and by unanimous consent, reference of the bill (S. B. 2002) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Kessinger 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. 925**), and there were -- yeas 92, nays 2, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Fluharty, Hott, Queen, Rodighiero and Summers.

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.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 926**), and there were—yeas 88, nays 7, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Kump, McGeehan, Paynter, Pushkin, Steele, C. Thompson and Wilson.

Absent and Not Voting: Cooper, Fluharty, Hott, Queen and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 2002) passed.

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

On this question, the yeas and nays were taken (**Roll No. 927**), and there were—yeas 90, nays 5, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Bartlett, McGeehan, Pushkin, Steele and Wilson.

Absent and Not Voting: Cooper, Fluharty, Hott, Queen and Summers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2002) 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

S. B. 2003 - “A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.”

At the respective requests of Delegate Kessinger, and by unanimous consent, reference of the bill (S. B. 2003) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Kessinger 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. 928**), and there were—yeas 84, nays 11, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Canestraro, Diserio, Estep-Burton, Hornbuckle, Kump, Lovejoy, McGeehan, Staggers, C. Thompson, Walker and Zukoff.

Absent and Not Voting: Cooper, Fluharty, Hott, Queen and Summers.

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.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 929**), and there were—yeas 58, nays 37, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Fluharty, Hott, Queen and Summers.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2003) passed.

Delegate Kessinger moved that the bill take effect its passage.

On this question, the yeas and nays were taken (**Roll No. 930**), and there were—yeas 73, nays 22, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Angelucci, S. Brown, Campbell, Canestraro, Caputo, Diserio, Estep-Burton, Evans, Hansen, Hicks, Lavender-Bowe, Longstreth, P. Martin, McGeehan, Paynter, Pyles, Rodighiero, Sponaugle, Staggers, Swartzmiller, C. Thompson and Walker.

Absent and Not Voting: Cooper, Fluharty, Hott, Queen and Summers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2003) 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

S. B. 2001 - “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.”

At the respective requests of Delegate Kessinger, and by unanimous consent, reference of the bill (S. B. 2001) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Kessinger 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. 931**), and there were—yeas 57, nays 38, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hicks, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Fluharty, Hott, Queen and Summers.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

At 8:13 p.m., the House of Delegates recessed for ten minutes.

At the request of Delegate Kessinger, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing a resolution.

Resolutions

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was introduced pursuant to House Rule 109, and reported by the Clerk:

H. C. R. 201 - “Authorizing adjournments of the Senate and House of Delegates.”

Resolved by the Legislature of West Virginia:

That during this Second Extraordinary Session of the Legislature in 2019, both the Senate and House of Delegates are hereby authorized to adjourn, as needed, for more than three days, pursuant to Section 23, Article VI of the Constitution of the State of West Virginia.

At the respective requests of Delegate Kessinger, and by unanimous consent, reference of the resolution (H. C. R. 201) to a committee was dispensed with, and it was taken up for immediate consideration, and adopted.

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

At 8:27 p.m., Monday, November 18, 2019, the House of Delegates adjourned, pursuant to H. C. R. 201, until the call of the Speaker.

Monday, December 16, 2019

THIRD DAY

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

Pursuant to the November 18, 2019 motion to adjourn and the subsequent letter from the Speaker of the House reconvening the Second Extraordinary Session on Monday, December 16, 2019 at 12:00 Noon, the House of Delegates 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, November 18, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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 20th day of November, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 2002, Limiting ability to expunge DUI offenses to those offenses which expungement complies with federal law,

And,

S. B. 2003, Supplementing, amending, decreasing, and increasing existing appropriations to DOH for fiscal year ending June 30, 2020.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on November 20, 2019, he approved **S. B. 2002** and **S. B. 2003**.

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. 201, Authorizing adjournments of the Senate and House of Delegates.

Special Calendar

Second Reading

S. B. 2001, Extending tax credits for certain tourism development projects; on second reading, coming up in regular order, was read a second time.

Delegate Bates moved to amend the bill on page one, following the article heading, by striking out the remainder of the bill and inserting in lieu thereof, the following:

“§5B-2E-11. Termination; conditions on future eligibly for tax credits.

The Development Office may not accept any new project application after December 31, ~~2019~~ 2025 and all applications submitted prior to January 1, ~~2020~~ 2026 that have not been previously approved or not approved, shall be deemed not approved and shall be null and void as of January 1, ~~2020~~2026. Provided; That the following limitations of eligibility for any company applying for a tax credit, effective January 1, 2020:

(1) Any applicant that has previously received a tax credit awarded pursuant to this article is prohibited from receiving further tax credits until the company has fulfilled all requirements and

conditions of prior awarded tax credits, including but not limited to, submission of annual reports as required pursuant to §5B-2E-8 of this article;

(2) Any company applying for tax credits pursuant to this article that owns or is owned by a controlling interest in another company operating in this state that is not in compliance with state and federal laws, rules or regulations as required in §5B-2E-8 (a)(5) is prohibited from being deemed an eligible company until those violations are rectified; or

(3) To avoid the appearance of a conflict of interest and undue influence over receipt of tax credits, no company owned by a state-wide elected or appointed official that oversees, directs or supervises the development office shall be eligible for a tax credit pursuant to this article.”

Delegate Summers arose to a point of order regarding the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the bill.

The Clerk reported another amendment offered by Delegate Bates.

In response to an inquiry by Delegate Bates, the Speaker indicated that the ruling on the additional amendments would be consistent with the previous ruling.

In the absence of objection, Delegate Bates then obtained consent to withdraw the amendment and the other two amendments which had been filed with the Clerk.

The bill was then ordered to third reading.

Delegate Summers moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 932**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bates, Diserio, Evans, Fleischauer, Hansen, Kump, Robinson and Walker.

Absent and Not Voting: Canestraro, Hardy, McGeehan and Rodighiero.

So, four fifths of the members present and voting having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 933**), and there were—yeas 87, nays 9, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bates, Cowles, Diserio, Doyle, Fleischauer, Hansen, Paynter, Pyles and Walker.

Absent and Not Voting: Canestraro, Hardy, McGeehan and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 2001) passed.

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

On this question, the yeas and nays were taken (**Roll No. 934**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Diserio.

Absent and Not Voting: Canestraro, Hardy, McGeehan and Rodighiero.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2001) takes effect from its passage.

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Canestraro, Hardy, McGeehan and Rodighiero.

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 completed the business of this Second Extraordinary Session of the 84th Legislature and was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates J. Jeffries, Fast and Byrd.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to inform His Excellency, the Governor, that the Legislature was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of such committee the following:

Delegates Storch, Phillips and Rowe.

Committee Reports

In accordance with House Rule 68, Delegate Capito, Chair of the Joint Committee on Enrolled Bills, filed the following report with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 18th day of December, 2019, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 2001, Extending tax credits for certain tourism development projects.

Miscellaneous Business

Subsequent to the adjournment of the session, the following bill became law without the signature of the Governor:

S. B. 2001, Extending tax credits for certain tourism development projects.

At 12:35 p.m., on motion of Delegate Summers, the House of Delegates adjourned *sine die*.

We hereby certify that the forgoing record of the proceedings of the House of Delegates, Second Extraordinary Session, 2019, is the Official Journal of the House of Delegates for said session.

Roger Hanshaw
Speaker of the House of Delegates

Stephen J. Harrison
Clerk of the House of Delegates



West Virginia Legislature
Journal
of the
House of Delegates

Eighty-Third Legislature
Second Extraordinary Session

Charleston, Tuesday, June 26, 2018

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

Pursuant to the Proclamation of His Excellency, the Governor, issued the twenty-fifth day of June, 2018, and hereinafter set forth, convening the Legislature in Extraordinary Session on the twenty-sixth day of June, 2018 at 12:00 noon, the House of Delegates assembled in its Chamber in the Capitol Building in the City of Charleston and was called to order by the Speaker, the Honorable Tim Armstead.

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

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 599**), and 87 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Barrett, Blair, Deem, Ellington, Fleischauer, Gearheart, Hanshaw, Hicks, Hornbuckle, Householder, Marcum, C. Miller and C. Romine.

Messages from the Executive

The Speaker laid before the House of Delegates a Proclamation of His Excellency, the Governor, convening the Legislature in extraordinary session, which was read by the Clerk.

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at noon on the twenty-sixth day of June, Two Thousand Eighteen, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

FIRST: Matters relating to the removal of one or more Justices of the Supreme Court of Appeals of West Virginia, including, but not limited to, censure, impeachment, trial, conviction, and disqualification; and

SECOND: Legislation authorizing and appropriating the expenditure of public funds to pay the expenses for the Extraordinary Session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this twenty-fifth day of June, in the year of our Lord, Two Thousand Eighteen, and in the One Hundred Fifty-Sixth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation by which it had been called together.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Ambler, Sypolt and Lynch.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Kelly, Sobonya and Hicks.

Speaker Pro Tempore Overington in the Chair

Resolutions Introduced

Pursuant to House Rule 109, Delegate Overington offered the following resolution which was reported by the Clerk:

H. R. 201 - “Relating to empowering the House Committee on the Judiciary to investigate allegations of impeachable offenses against the Chief Justice and Justices of the West Virginia Supreme Court of Appeals.”

Whereas, The West Virginia Supreme Court of Appeals is composed of one Chief Justice and four Justices. Those positions are currently occupied by the Honorable Chief Justice Margaret L. Workman, the Honorable Justice Robin Jean Davis, the Honorable Justice Allen H. Loughry II, the Honorable Justice Menis E. Ketchum II, and the Honorable Justice Elizabeth D. Walker; and

Whereas, On or about April 16, 2018, a Legislative Audit Report regarding the Supreme Court of Appeals of West Virginia was issued. The initial focus of the report concerned the use of state vehicles and other employer-provided benefits that may have not been treated properly for state and federal tax purposes. The issues discussed in the report raise serious questions about the administration of the Court and the conduct of the Justices; and

Whereas, On or about May 20, 2018, a Legislative Audit Report – Report 2 – regarding the Supreme Court of Appeals of West Virginia was issued. This report focused on the use of state vehicles and purchases of gift cards. The issues discussed in the report raise serious questions about the administration of the Court and the conduct of the Justices; and

Whereas, On June 6, 2018, the West Virginia Judicial Investigation Commission (“Commission”) filed a Formal Statement of Charges against Justice Allen H. Loughry II alleging that probable cause exists to formally charge him with violations of the Code of Judicial Conduct. The Formal Statement of Charges contains thirty-two charges against Justice Loughry that raises

serious questions about the administration of the Court and the conduct of Justice Loughry;

Whereas, On June 19, 2018, Justice Loughry was indicted in the United States District Court for the Southern District of West Virginia. The indictment contains twenty-two counts against Justice Loughry that raise serious questions about the administration of the Court and the conduct of Justice Loughry; and

Whereas, The Court's actions and/or inactions have raised concerns that require further consideration and investigation by this body. Some or all of the five members of the Court may be guilty of maladministration, corruption, incompetency, gross immorality, or high crimes or misdemeanors, and may be unfit to serve as Chief Justice or as Justices of the West Virginia Supreme Court of Appeals; therefore, be it

Resolved by the House of Delegates:

That the House Committee on the Judiciary be, and it is by this resolution, empowered:

(1) To investigate, or cause to be investigated, any allegations or charges related to the maladministration, corruption, incompetency, gross immorality, or high crimes or misdemeanors committed by any Justice of the West Virginia Supreme Court of Appeals;

(2) To meet during the adjournment of the House and to hold a hearing or hearings thereon if deemed necessary in the course of its investigation;

(3) To make findings of fact based upon such investigation and hearing(s);

(4) To report to the House of Delegates its findings of facts and any recommendations consistent with those findings of fact which the Committee may deem proper; and

(5) If the recommendation of the Committee be to impeach any or all of the five members of the West Virginia Supreme Court of

Appeals, then to present to the House of Delegates a proposed resolution of impeachment and proposed articles of impeachment; and, be it

Further Resolved, That in carrying out its duties pursuant to this resolution, the House Committee on the Judiciary is authorized:

(1) To examine witnesses, to send for persons, papers, documents, and other physical or electronic evidence, to order the attendance of any witness(es) or the production of any paper, document, and any other physical or electronic evidence along with any witness(es) necessary to supervise, maintain, or explain that evidence, and to exercise all other powers described under the provisions of §4-1-5 of the Code of West Virginia;

(2) To issue summonses and subpoenas, including subpoenas duces tecum, and to enforce obedience to its summonses and subpoenas in accordance with the provisions of §4-1-5 of the Code of West Virginia or by invoking the aid of the courts of this state;

(3) To determine whether all or any portion of any meeting(s) or hearing(s) should be held in executive session, pursuant to the provisions of the House Rules; and, be it

Further Resolved, That in carrying out his duties pursuant to this resolution, the Chairman of the House Committee on the Judiciary is authorized:

(1) To establish or define rules of procedure for the conduct of any meeting(s) or hearing(s) held pursuant to this resolution;

(2) To issue summonses and subpoenas to accomplish the purpose of this Resolution;

(3) To employ, with the prior approval of the Speaker of the House or the Speaker Pro Tempore of the House, a court reporter or stenographer and such other professional or clerical employees as may be reasonably required;

(4) To designate any subcommittee(s) of the House Committee on the Judiciary to assist the Chairman or Committee in performing their duties pursuant to this resolution; and

(5) To determine the time and place of any meeting(s) or hearing(s) of the Committee and its designated subcommittee(s); and, be it

Further Resolved, That the House Committee on the Judiciary during its inquiry may entertain such procedural and dispositive motions as may be made in the case of any other bill or resolution referred to that Committee, or, in making its recommendations, if any, pursuant to this resolution, may include:

(1) A recommendation that the any or all of the five members of the West Virginia Supreme Court of Appeals not be impeached; or

(2) A recommendation that any or all of the five members of the West Virginia Supreme Court of Appeals be impeached for maladministration, corruption, incompetence, gross immorality, neglect of duty, and/or high crimes or misdemeanors, as set forth in Section 9, Article IV of the West Virginia Constitution; that those members subject to impeachment be removed from office and be thereafter disqualified from holding any office of public trust, honor, or profit in this State; that the House of Delegates adopt a resolution of impeachment and formal articles of impeachment as prepared by the Committee; and that the House of Delegates deliver the same to the Senate in accordance with the procedures of the House of Delegates, for consideration by the Senate according to law; and/or

(3) A recommendation of proposed legislation to correct any perceived statutory or constitutional deficiencies found by the Committee.

Delegate Cowles asked unanimous consent that reference of the resolution (H. R. 201) to a committee be dispensed with, and that it be taken up for immediate consideration and put upon its adoption.

Mr. Speaker, Mr. Armstead, arose from his seat and requested to be excused from voting on questions regarding H. R. 201 and any resolutions related to reconvening under the provisions of House Rule 49.

The Speaker Pro Tempore noted past House precedent and replied that any impact on Mr. Armstead would be as a member of a class of persons possibly to be affected and refused to excuse him from voting.

The Speaker Pro Tempore noted that a letter had been submitted by Delegate Miley regarding the provisions of House Rule 49 as they related to H. R. 201 for Delegates who are attorneys.

The Speaker Pro Tempore asked attorneys who wished to record a request to be excused from voting under the provisions of House Rule 49 to press their recognition button and the following members were recorded:

Delegates Armstead, Byrd, Canestraro, Capito, Fluharty, Fast, Isner, Lane, Lovejoy, Miley, Rowe and Sponaugle.

The Speaker Pro Tempore replied indicating the ruling would be like the ruling for Mr. Armstead, that any impact on the Delegates would be as members of a class of persons possibly to be affected, and refused to excuse the Members from voting.

Delegates Hamilton, Folk and Ambler requested to be excused from voting on H. R. 201 under the provisions of House Rule 49.

The Speaker Pro Tempore replied that any impact on the Delegates would be as members of a class of persons possibly to be affected and refused to excuse the Members from voting.

Delegate Rowe arose to a point of order regarding matters related to the constitutionality of voting on H. R. 201 and then running for the Supreme Court, to which the Speaker Pro Tempore responded ruling that this was a legal question beyond the scope of which could be answered by the Chair.

Delegate Hicks arose to state he was absent when the ruling was made regarding attorneys and requested to be excused from voting on H. R. 201 under the provisions of House Rule 49.

The Speaker Pro Tempore replied indicating that the ruling would be like the ruling for Mr. Armstead, that any impact on the Delegate would be as a member of a class of persons possibly to be affected, and refused to excuse the Member from voting.

On motion of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 201) to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution was then read by the Clerk.

Delegates Sponaugle, Fluharty, Caputo and Bates moved to amend the resolution on page four, line twelve, following the words “the Committee”, by striking out the period, inserting a semicolon, and the following:

“and, be it

Further Resolved, That the House Committee on the Judiciary shall submit its final recommendations on the Committee’s recommendations to the House of Delegates on the impeachment of any Justices of the Supreme Court by on or before July 23, 2018.”

On the adoption of the amendment, Delegate Sponaugle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 600**), and there were--yeas 32, nays 57, absent and not voting 11, with the yeas and absent and not voting being as follows:

Yeas: Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fluharty, Hartman, Hicks, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Barrett, Blair, Deem, Ellington, Fleischauer, Gearheart, Hanshaw, Hornbuckle, Householder, Marcum and C. Romine.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The question now being on the adoption of the resolution, Delegate Caputo demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 601**), and there were--yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Blair, Deem, Ellington, Fleischauer, Gearheart, Hanshaw, Hornbuckle, Householder, Marcum and C. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker Pro Tempore declared the resolution (H. R. 201) adopted.

Petitions

Delegate Pushkin presented a petition signed by more than two thousand residents requesting a special session of the Legislature be held relating to limitations on permits for growers, processors and dispensaries of medical cannabis; which was referred to the Committee on the Judiciary.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by the Clerk:

S. C. R. 201 - "Authorizing adjournments of the Senate and House of Delegates."

Resolved by the Legislature of West Virginia:

That during this Second Extraordinary Session of the Legislature in 2018, both the Senate and House of Delegates are hereby authorized to adjourn, as needed, for more than three days, pursuant to Section 23, Article VI of the Constitution of the State of West Virginia.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 201) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The resolution was then adopted.

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

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Barrett, Blair, Deem, Ellington, Fleischauer, Gearheart, Hanshaw, Hornbuckle, Householder, Marcum and C. Romine.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of all Members during the debate regarding the amendment offered to H. R. 201 in the Appendix to the Journal.

At the request of Delegate Cowles, and by unanimous consent, the applicable provisions of House Rule 83 were suspended relating to the announcement of committee meetings from the floor of the House and the Chair of the Committee was authorized to announce, or have announced, the time and place of the next meeting of the committee.

Pursuant to S. C. R. 201, at 1:39 p.m., the House of Delegates adjourned until called back into session by the Speaker Pro Tempore.

Monday, August 13, 2018

SECOND DAY

[MR. SPEAKER PRO TEMPORE, MR. OVERINGTON, IN THE CHAIR]

Pursuant to the June 26, 2018 motion to adjourn and the August 7, 2018 letter from the Speaker Pro Tempore, the House of Delegates was called to reconvene the Second Extraordinary session on Monday, August 13, 2018 at 10:00 a.m.

The House was called to order by the Honorable John Overington, Speaker Pro Tempore.

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

**Messages from the Executive
and other Communications**

The following communications were laid before the House of Delegates and read by the Clerk:

July 19, 2018

Tim Armstead, Speaker, West Virginia House of Delegates
West Virginia State Capitol
Office of the Speaker of the House
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

Subject: Resignation from the House of Delegates

Mr. Speaker:

It is with profound regret that I must resign from the 16th House District, West Virginia House of Delegates seat to which I was elected in 2016, and that my resignation is effective July 13, 2018. Due to personal and health reasons, Phyllis and I have moved to a retirement community that is outside of the 16th District.

I have been honored and blessed to have served 5 terms in the House over a 50 year period. The people that I have met and worked with over the years have become life long friends. Having the opportunity to be a part of this body has been a privilege that new people in our state get to experience. To serve the people of West Virginia for most of 10 years has been a singular honor.

Serving with you and my fellow Delegates, on and off since 1968, has been some of the most rewarding times of our lives and we are grateful to the people of the 16th District as well as all the staff and other elected officials in the state government for the high privilege of public service.

Sincerely,

C. E. Romine, Jr.

Jim Justice
Governor of the State of West Virginia

August 1, 2018

The Honorable Mac Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code §3-10-5, I have this day appointed Daniel Linville, Post Office Box 475, Milton, Cabell County, West Virginia 25541, as a Delegate representing the Sixteenth District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable C. E. Romine.

Sincerely,

Jim Justice,
Governor.

The Clerk announced that Delegate Linville had taken the oath of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia on August 3, 2018.

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 602**), and 94 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Hamrick, Hornbuckle, Miley, Moye, Phillips and Storch.

The Clerk proceeded to read the Journal of Tuesday, June 26, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At 10:13 a.m., on motion of Delegate Cowles, the House of Delegates recessed until 10:45 a.m.

* * * * *

Morning Session

* * * * *

-continued-

The House of Delegates was called to order by the Honorable John Overington, Speaker Pro Tempore.

Committee Reports

On motion for leave, a resolution was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it be adopted), which was read by its title, as follows:

By Delegate Shott:

H. R. 202 - "Relating to the impeachment of Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, Justices of the Supreme Court of Appeals of West Virginia, for maladministration, corruption,

incompetency, neglect of duty, and high crimes and misdemeanors committed in their capacity and by virtue of their offices as Justices of the Supreme Court of Appeals of West Virginia.”

Resolved by the House of Delegates:

BE IT RESOLVED, That, pursuant to the authority granted by the House of Delegates of West Virginia to the House Committee on the Judiciary in House Resolution 201, dated June 26, 2018, the Committee on the Judiciary recommends to the House of Delegates of West Virginia:

THAT, pursuant to the authority granted to the House of Delegates in Section 9, Article IV of the Constitution of the State of West Virginia, that Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, Justices of the Supreme Court of Appeals of West Virginia, be impeached for maladministration, corruption, incompetency, neglect of duty, and certain high crimes and misdemeanors committed in their capacity and by virtue of their offices as Justices of the Supreme Court of Appeals of West Virginia, and that said Articles of Impeachment, being fourteen in number, be and are hereby adopted by the House of Delegates, and that the same shall be exhibited to the Senate in the following words and figures, to wit:

ARTICLES exhibited by the House of Delegates of the State of West Virginia in the name of themselves and all of the people of the State of West Virginia against:

Margaret Workman, who was at the general election held in November 2008, duly elected to the office of Justice of the Supreme Court of Appeals of West Virginia and on the 29th day of December 2008, after having duly qualified as a Justice by taking the required oath to support the Constitution of the United States and the Constitution of the State of West Virginia and faithfully discharge the duties of that office to the best of her skill and judgment, entered upon the discharge of the duties

thereof; and on the 16th day of February 2018, was elevated to the position of Chief Justice and entered upon the discharge of the duties thereof; and

Allen Loughry, who was at the general election held in November 2012, duly elected to the office of Justice of the Supreme Court of Appeals of West Virginia and on the 14th day of December 2012, after having duly qualified as a Justice by taking the required oath to support the Constitution of the United States and the Constitution of the State of West Virginia and faithfully discharge the duties of that office to the best of his skill and judgment, entered upon the discharge of the duties thereof; and

Robin Davis, who was at the general election held in November 2012 duly elected to the office of Justice of the Supreme Court of Appeals of West Virginia and on the 13th day of January 2013, after having duly qualified as a Justice by taking the required oath to support the Constitution of the United States and the Constitution of the State of West Virginia and faithfully discharge the duties of that office to the best of her skill and judgment, entered upon the discharge of the duties thereof; and

Elizabeth Walker, who was at the general election held in November 2016 duly elected to the office of Justice of the Supreme Court of Appeals of West Virginia and on the 5th day of December 2016, after having duly qualified as a Justice by taking the required oath to support the Constitution of the United States and the Constitution of the State of West Virginia and faithfully discharge the duties of that office to the best of her skill and judgment, entered upon the discharge of the duties thereof; and

In maintenance and support of their impeachment against them Margaret Workman, Allen Loughry, Robin Davis, and Elizabeth Walker for maladministration, corruption, incompetency, neglect of duty, and certain high crimes and misdemeanors.

Article I

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did waste state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and lavish spending in the renovation and remodeling of his personal office, to the sum of approximately \$363,000, which sum included the purchase of a \$31,924 couch, a \$33,750 floor with medallion, and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court, which represents a waste of state funds.

Article II

That the said Justice Robin Davis, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high office, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of her office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did waste state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and lavish spending in the renovation and remodeling of her personal office, to the sum of approximately \$500,000, which sum included, but is not limited to, the purchase of an oval rug that cost approximately \$20,500, a desk chair that cost approximately \$8,000 and over

\$23,000 in design services, and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court, which represents a waste of state funds.

Article III

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did on or about June 20, 2013, cause a certain desk, of a type colloquially known as a “Cass Gilbert” desk, to be transported from the State Capitol to his home, and did maintain possession of such desk in his home, where it remained throughout his term as Justice for approximately four and one-half years, in violation of the provisions of W.Va. Code §29-1-7 (b), prohibiting the removal of original furnishings of the state capitol from the premises; further, the expenditure of state funds to transport the desk to his home, and refusal to return the desk to the state, constitute the use of state resources and property for personal gain in violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial Conduct.

Article IV

That the said Chief Justice Margaret Workman, and Justice Robin Davis, being at all times relevant Justices of the Supreme Court of Appeals of West Virginia, and at various relevant times individually each Chief Justice of the Supreme Court of Appeals of West Virginia unmindful of the duties of their high offices, and contrary to the oaths taken by them to support the Constitution of the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while in the exercise of the functions of the office of Justices, in violation of their oaths of office, then and there, with regard to the discharge of the duties of their offices,

commencing in or about 2012, did knowingly and intentionally act, and each subsequently oversee in their capacity as Chief Justice, and did in that capacity as Chief Justice severally sign and approve the contracts necessary to facilitate, at each such relevant time, to overpay certain Senior Status Judges in violation of the statutory limited maximum salary for such Judges, which overpayment is a violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10, and, in violation of an Administrative Order of the Supreme Court of Appeals, in potential violation of the provisions of W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and in potential violation of the provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia Public Employees Retirement System, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and, all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Article V

That the said Justice Robin Davis, being at all times relevant a Justice of the Supreme Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did in the year 2014, did in her capacity as Chief Justice, sign certain Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in violation of the statutorily limited maximum salary for such Judges, which overpayment is a violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; her authorization of such overpayments was a violation of the clear statutory law of

the state of West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and in potential violation of the provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia Public Employees Retirement System, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Article VI

That the said Justice Margaret Workman, being at all times relevant a Justice of the Supreme Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did in the year 2015, did in her capacity as Chief Justice, sign certain Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in violation of the statutorily limited maximum salary for such Judges, which overpayment is a violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; her authorization of such overpayments was a violation of the clear statutory law of the state of West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and in potential violation of the provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia Public Employees

Retirement System, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Article VII

That the said Justice Allen Loughry, being at all times relevant a Justice of the Supreme Court of Appeals of West Virginia, and at that relevant time individually Chief Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high offices, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justices, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did on or about May 19, 2017, did in his capacity as Chief Justice, draft an Administrative Order of the Supreme Court of Appeals, bearing his signature, authorizing the Supreme Court of Appeals to overpay certain Senior Status Judges in violation of the statutorily limited maximum salary for such Judges, which overpayment is a violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; his authorization of such overpayments was a violation of the clear statutory law of the state of West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and in potential violation of the provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia Public Employees Retirement System, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Article VIII

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did beginning in or about December 2012, and continuing thereafter for a period of years, intentionally acquire and use state government vehicles for personal use; including, but not limited to, using a state vehicle and gasoline purchased utilizing a state issued fuel purchase card to travel to the Greenbrier on one or more occasions for book signings and sales, which such acts enriched his family and which acts constitute the use of state resources and property for personal gain in violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial Conduct.

Article IX

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did beginning in or about December 2012, intentionally acquired and used state government computer equipment and hardware for predominately personal use—including a computer not intended to be connected to the court’s network, utilized state resources to install computer access services at his home for predominately personal use, and utilized state resources to provide maintenance and repair of computer services for his residence resulting from predominately personal use; all of which acts constitute the use of state resources and property for

personal gain in violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial Conduct.

Article X

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, made statements while under oath before the West Virginia House of Delegates Finance Committee, with deliberate intent to deceive, regarding renovations and purchases for his office, asserting that he had no knowledge and involvement in these renovations, where evidence presented clearly demonstrated his in-depth knowledge and participation in those renovations, and, his intentional efforts to deceive members of the Legislature about his participation and knowledge of these acts, while under oath.

Article XI

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, direct that personal pictures and items be placed in customized picture frames and be paid for by state monies, and these items were subsequently removed from his state office and converted to his personal use and benefit, which acts constitute the use of state resources and property for personal gain in violation of the provisions of W.Va. Code §6B-2-5.

Article XII

That the said Justice Elizabeth Walker, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high office, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of her office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did waste state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and lavish spending in the renovation and remodeling of her personal office, which had been largely remodeled less than seven years prior, to the sum of approximately \$131,000, which sum included, but is not limited to, the purchase of approximately \$27,000 in items listed as office furnishings and wallpaper, and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court, which represents a waste of state funds.

Article XIII

That the said Chief Justice Margaret Workman, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high office, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of her office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did waste state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and lavish spending in the renovation and remodeling of her personal office, to the sum of approximately \$111,000, which sum included, but is not limited to, the purchase of wide plank cherry flooring, and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court, which represents a waste of state funds.

Article XIV

That the said Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, being at all times relevant Justices of the Supreme Court of Appeals of West Virginia, unmindful of the duties of their high offices, and contrary to the oaths taken by them to support the Constitution of the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while in the exercise of the functions of the office of Justices, in violation of their oaths of office, then and there, with regard to the discharge of the duties of their offices, did, in the absence of any policy to prevent or control expenditure, waste state funds with little or no concern for the costs to be borne by the tax payers for unnecessary and lavish spending for various purposes including, but without limitation, to certain examples, such as: to remodel state offices, for large increases in travel budgets—including unaccountable personal use of state vehicles, for unneeded computers for home use, for regular lunches from restaurants, and for framing of personal items and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court; and, did fail to provide or prepare reasonable and proper supervisory oversight of the operations of the Court and the subordinate courts by failing to carry out one or more of the following necessary and proper administrative activities:

- A) To prepare and adopt sufficient and effective travel policies prior to October of 2016, and failed thereafter to properly effectuate such policy by excepting the Justices from said policies, and subjected subordinates and employees to a greater burden than the Justices;
- B) To report taxable fringe benefits, such as car use and regular lunches, on Federal W-2s, despite full knowledge of the Internal Revenue Service Regulations, and further subjected subordinates and employees to a greater burden than the Justices, in this regard, and upon notification of such violation, failed to speedily comply with requests to make such reporting consistent with applicable law;

- C) To provide proper supervision, control, and auditing of the use of state purchasing cards leading to multiple violations of state statutes and policies regulating the proper use of such cards, including failing to obtain proper prior approval for large purchases;
- D) To prepare and adopt sufficient and effective home office policies which would govern the Justices' home computer use, and which led to a lack of oversight which encouraged the conversion of property;
- E) To provide effective supervision and control over record keeping with respect to the use of state automobiles, which has already resulted in an executed information upon one former Justice and the indictment of another Justice.
- F) To provide effective supervision and control over inventories of state property owned by the Court and subordinate courts, which led directly to the undetected absence of valuable state property, including, but not limited to, a state-owned desk and a state-owned computer;
- G) To provide effective supervision and control over purchasing procedures which directly led to inadequate cost containment methods, including the rebidding of the purchases of goods and services utilizing a system of large unsupervised change orders, all of which encouraged waste of taxpayer funds.

The failure by the Justices, individually and collectively, to carry out these necessary and proper administrative activities constitute a violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

WHEREFORE, the said Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, Justices of the Supreme Court of Appeals of West Virginia, failed to discharge the duties of their offices, and were and are guilty of

maladministration, corruption, incompetency, neglect of duty, and certain high crimes and misdemeanors.

And the House of Delegates of West Virginia, saving to themselves the liberty and rights of exhibiting at any time hereafter any further Articles of Impeachment against the said Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, Justices of the Supreme Court of Appeals of West Virginia, individually and collectively, as aforesaid, and also of replying to their answers which they may make unto the Articles herein proffered against them, and of offering proof to any all of the Articles herein contained, and every part thereof, and to all an every other Article, accusation, or impeachment, which shall be exhibited by the said House of Delegates as the case may require, do demand that the said Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, Justices of the Supreme Court of Appeals of West Virginia, individually and collectively, as aforesaid, may be put to answer the of maladministration, corruption, incompetency, neglect of duty, and certain high crimes and misdemeanors herein charged against them, and that such proceedings, examinations, trials, and judgments, may be thereupon had, given and taken, as may be agreeable to the Constitution and the laws of the State of West Virginia, and as justice may require.

We, John Overington, Speaker Pro Tempore of the House of Delegates of West Virginia, and Stephen J. Harrison, Clerk thereof, do certify that the above and foregoing Articles of Impeachment proffered by said House of Delegates against Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, Justices of the Supreme Court of Appeals of West Virginia, individually and collectively, as aforesaid, were adopted by the House of Delegates on the ---- day of -----2018.

In Testimony Whereof, we have signed our names hereunto, this the ---- day of -----2018.

At the respective requests of Delegate Cowles, and by unanimous consent, the report of the Committee on the Judiciary preparing Articles of Impeachment and the resolution effectuating the same were taken up for immediate consideration.

Delegate Cowles asked and obtained unanimous consent that the question be divided and that each Article be voted upon separately.

Consideration of Article I

Delegate Fast moved to amend Article I on line ten, after the period, by adding:

“Realizing the West Virginia Supreme Court of Appeals has, pursuant to the West Virginia Constitution, the sole authority as an equal branch of government to operate its own budget, The House of Delegates recommends, upon a conviction under this Article of Impeachment, a public censureship.”

On the adoption of the amendment, Delegate Fast demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 603**), and there--yeas 5, nays 91, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Blair, Ellington, Fast, Graves and Summers.

Absent and Not Voting: Miley, Phillips, Storch and Mr. Speaker (Mr. Armstead).

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Mr. Speaker, Mr. Armstead, arose from his seat and renewed his request to be excused from voting under the provisions of House Rule 49.

The Speaker Pro Tempore replied that, as was determined previously, any impact on Mr. Armstead would be as a member of

a class of persons possibly to be affected and refused to excuse him from voting.

Speaker Pro Tempore Overington further stated that this would also apply to those Delegates who had previously made similar inquiries, for the rest of the impeachment votes today and in the future.

The question being on the adoption of Article I, Delegate Folk demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 604**), and there were--yeas 64, nays 33, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Anderson, Barrett, Bates, Blair, Brewer, Campbell, Caputo, Cowles, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Graves, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Kelly, Longstreth, Love, Lovejoy, Lynch, R. Miller, Moye, Pethtel, Pushkin, Pyles, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Miley, Phillips and Storch.

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

At 1:16 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 2:00 p.m.

* * * * *

Afternoon Session

* * * * *

The House of Delegates was called to order by the Honorable John Overington, Speaker Pro Tempore.

Consideration of Article II

Delegate Fast moved to amend Article II on line eleven, after the period by adding:

“Realizing the West Virginia Supreme Court of Appeals has, pursuant to the West Virginia Constitution, the sole authority as an equal branch of government to operate its own budget, The House of Delegates recommends, upon a conviction under this Article of Impeachment, a public censureship.”

Delegate Robinson was addressing the House when Delegate Howell arose to a point of order regarding the content of the remarks by the Delegate.

Speaker Pro Tempore Overington replied cautioning the Delegate to be respectful in his observations.

Delegate Frich had been recognized to ask questions when Delegate Marcum arose to a point of order regarding the content of the remarks by the Delegate.

The Speaker Pro Tempore reminded the Delegate to confine remarks to the question before the House.

The question being on the adoption of Article II, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 605**), and there were--yeas 56, nays 41, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Anderson, Barrett, Bates, Blair, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Cowles, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Graves, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Kelly, Longstreth, Love, Lovejoy, Lynch, Marcum, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rowe, Sponaugle, Thompson, White and Williams.

Absent and Not Voting: Miley, Phillips and Storch.

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

Consideration of Article III

The question being on the adoption of Article III, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been demanded, they were taken **(Roll No. 606)**, 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: Miley, Phillips and Storch.

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

Consideration of Article IV

On motion of Delegate Shott, Article IV was amended on line twelve, after the words "violation of", by inserting "Article VIII, § 7 of the West Virginia Constitution, stating that Judges 'shall receive the salaries fixed by law' and".

And,

On line fifteen, immediately following the words "not entitled," by deleting "and in potential violation of the provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia Public Employees Retirement System,".

The question being on the adoption of Article IV, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been demanded, they were taken **(Roll No. 607)**, and there were--yeas 62, nays 34, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rohrbach, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem, Miley, Phillips and Storch.

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

Consideration of Article V

On motion of Delegate Shott, Article 5 was amended on line ten, after the words “violation of”, by inserting “Article VIII, § 7 of the West Virginia Constitution, stating that Judges ‘shall receive the salaries fixed by law’ and”.

On line fifteen, immediately following the words “not entitled,” by deleting “and in potential violation of the provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia Public Employees Retirement System,”.

The question now being on the adoption of Article V, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been demanded, they were taken **(Roll No. 608)**, and there were --yeas 61, nays 35, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rohrbach, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem, Miley, Phillips and Storch.

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

Consideration of Article VI

On motion of Delegate Shott, Article 6 was amended on line eleven, after the words “violation of”, by inserting “Article VIII, § 7 of the West Virginia Constitution, stating that Judges ‘shall receive the salaries fixed by law’ and”.

And,

On line fifteen, immediately following the words “not entitled,” by deleting “and in potential violation of the provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia Public Employees Retirement System,”.

The question being on the adoption of Article VI, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been demanded, they were taken **(Roll No. 609)**, and there were--yeas 63, nays 33, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rohrbach, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem, Miley, Phillips and Storch.

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

Consideration of Article VII

On motion of Delegate Shott, Article 7, was amended on line ten, after the words “violation of”, by inserting “Article VIII, § 7 of the West Virginia Constitution, stating that Judges ‘shall receive the salaries fixed by law’ and”.

And,

On line fifteen, immediately following the words “not entitled,” by “and in potential violation of the provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia Public Employees Retirement System,”.

The question being on the adoption of Article VII, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been demanded, they were taken **(Roll No. 610)**, and there were --yeas 51, nays 45, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Anderson, Barrett, Bates, Blair, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Cowles, Diserio, Eldridge, Ellington, E. Evans, Fast, Ferro, Fleischauer, Fluharty, Hartman, Hornbuckle, Iaquinta, Isner, Kelly, Linville, Longstreth, Love, Lovejoy, Lynch, R. Miller, Moye, Pack, Pethtel, Pushkin, Pyles, Robinson, Rohrbach, Rowe, Sobonya, Sponaugle, Statler, Summers, Thompson, White and Williams.

Absent and Not Voting: Deem, Miley, Phillips and Storch.

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

Consideration of Article VIII

The question being on the adoption of Article VIII, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been demanded, they were taken **(Roll No. 611)**, 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: Deem, Miley, Phillips and Storch.

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

Consideration of Article IX

The question being on the adoption of Article IX, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been demanded, they were taken **(Roll No. 612)**, 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: Deem, Miley, Phillips and Storch.

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

Consideration of Article X

The question being on the adoption of Article X, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been demanded, they were taken (**Roll No. 613**), and there were--yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Blair and Fast.

Absent and Not Voting: Deem, Miley, Phillips and Storch.

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

Consideration of Article XI

Delegate Hanshaw asked and obtained unanimous consent to withdraw Article XI.

At 7:16 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 8:15 p.m.

* * * * *

Evening Session

* * * * *

The House of Delegates was called to order by the Honorable John Overington, Speaker Pro Tempore.

Consideration of Article XII

Delegate Fast moved to amend Article XII on line twelve, after the period, by adding "Realizing the West Virginia Supreme Court of Appeals has, pursuant to the West Virginia Constitution, the sole authority as an equal branch of government to operate its own

budget, The House of Delegates recommends, upon a conviction under this Article of Impeachment, a public censureship.”

Delegate Kelly requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegate would be as a member of a class and refused to excuse the Member from voting.

The amendment offered by Delegate Fast was then rejected.

The question being on the adoption of Article XII, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been demanded, they were taken **(Roll No. 614)**, and there were--yeas 44, nays 51, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Speaker Armstead, Adkins, Ambler, Atkinson, Butler, Cooper, Criss, Dean, Espinosa, A. Evans, Folk, Foster, Frich, Hanshaw, Harshbarger, Higginbotham, Hill, Hollen, Householder, Howell, Kessinger, Linville, Malcolm, Martin, Maynard, McGeehan, C. Miller, Moore, Overington, Pack, Paynter, Pyles, Queen, Rodighiero, R. Romine, Rowan, Shott, Sobonya, Summers, Sypolt, Upson, Wagner, Ward and Wilson.

Absent and Not Voting: Deem, Ferro, Miley, Phillips and Storch.

So, a majority of the members present and voting not having voted in the affirmative, Article XII was rejected.

Consideration of Article XIII

Delegate Shott asked unanimous consent to withdraw Article XIII, which consent was not given, objection being heard.

Delegate Shott then so moved.

On the motion to withdraw Article XIII, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 615**), and there were--yeas 56, nays 39, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Adkins, Butler, Campbell, Canestraro, Criss, Dean, Eldridge, Espinosa, Folk, Foster, Frich, Hamrick, Hanshaw, Harshbarger, Hill, Hollen, Hornbuckle, Howell, Kessinger, Linville, Malcolm, Marcum, Martin, Maynard, McGeehan, C. Miller, R. Miller, Moore, Overington, Paynter, Queen, Rodighiero, Sobonya, Summers, Sypolt, Wagner, Ward, Wilson and Mr. Speaker (Mr. Armstead).

Absent and Not Voting: Deem, Ferro, Miley, Phillips and Storch.

So, a majority of the members present and voting having voted in the affirmative, the motion to withdraw Article XIII was adopted.

Consideration of Article XIV

Delegate Gearheart moved to amend Article XIV on line one, after the following: "Loughry," by striking out "Justice Robin Davis, and Justice Elizabeth Walker," and inserting in lieu thereof "and Justice Robin Davis,".

Delegate Fluharty was addressing the House when Delegate Butler arose to a point of order regarding the content of the remarks by the Delegate.

The Speaker Pro Tempore replied that the point was well taken and instructed the Gentleman to focus on the question before the House.

On the adoption of the amendment, Delegate Gearheart demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 616**), and there were--yeas 12, nays 83, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Capito, Cowles, Ellington, Fast, Gearheart, Graves, Hamilton, Jennings, Lane, Nelson, Overington and Westfall.

Absent and Not Voting: Deem, Ferro, Miley, Phillips and Storch.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The question being on the adoption of Article XIV, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been demanded, they were taken **(Roll No. 617)**, and there were--yeas 51, nays 44, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Anderson, Barrett, Bates, Brewer, Byrd, Campbell, Canestraro, Capito, Caputo, Cowles, Diserio, Eldridge, Fast, Fleischauer, Fluharty, Graves, Hamilton, Hartman, Hicks, Higginbotham, Hornbuckle, Iaquina, Isner, Kelly, Lane, Longstreth, Love, Lovejoy, Lynch, R. Miller, Moye, Nelson, Pack, Pethel, Pushkin, Robinson, Rohrbach, Rowe, Sponaugle, Statler, Thompson, Westfall, White and Williams.

Absent and Not Voting: Deem, Ferro, Miley, Phillips and Storch.

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

At 11:49 p.m., the House of Delegates adjourned until 12:15 a.m., Tuesday, August 14, 2018.

Tuesday, August 14, 2018

THIRD DAY

[MR. SPEAKER PRO TEMPORE, MR. OVERINGTON, IN THE CHAIR]

The House of Delegates met at 12:15 a.m., and was called to order by the Honorable John Overington, Speaker Pro Tempore.

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

The reading of the Journal of Monday, August 13, 2018, being the first order of business, such reading, on motion of Delegate Graves, and by unanimous consent, was postponed one day.

At the request of Delegate Cowles, and in the absence of objection, the House proceeded to further consideration of the Articles of Impeachment.

Delegate Folk moved to add a new Article fifteen to read as follows:

“Article XV

That the said Justice Elizabeth Walker, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high office, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of her office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did waste state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and lavish spending in that she hired outside counsel to craft a legal opinion of the Court, in the case styled Quicken Loans, Inc. v. Walters, 801 S.E.2d 509, 239 W. Va. 494 (2017), and for which competent assistance in the form of personal clerks was provided to facilitate the execution of the same; such action constitutes a wasteful

expenditure not necessary for the administration of justice and the execution of the duties of the Court, which represents a waste of state funds.”

Mr. Speaker, Mr. Armstead, arose from his seat to inquire whether the ruling yesterday regarding his request to be excused from voting applied to this and other questions relating to impeachment.

The Speaker Pro Tempore replied that any impact on Mr. Armstead would be as a member of a class of persons possibly to be affected and refused to excuse him from voting.

On the adoption of the proposed Article XV, Delegate Folk demanded the yeas and nays, which demand was sustained.

The yeas and nays having been demanded, they were taken **(Roll No. 618)**, and there were--yeas 26, nays 70, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Adkins, Boggs, Campbell, Criss, Dean, Folk, Foster, Hanshaw, Hollen, Howell, Linville, Malcolm, Marcum, Maynard, McGeehan, R. Miller, Moore, Overington, Paynter, Pushkin, Pyles, Rodighiero, Sobonya, Summers, Ward and Wilson.

Absent and Not Voting: Deem, Miley, Phillips and Storch.

So, a majority of the members present and voting not having voted in the affirmative, the proposed Article XV was rejected.

Consideration of the Articles of Impeachment having been concluded, the adopted articles were as follows:

Article I

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his

oath of office, then and there, with regard to the discharge of the duties of his office, did waste state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and lavish spending in the renovation and remodeling of his personal office, to the sum of approximately \$363,000, which sum included the purchase of a \$31,924 couch, a \$33,750 floor with medallion, and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court, which represents a waste of state funds.

Article II

That the said Justice Robin Davis, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high office, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of her office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did waste state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and lavish spending in the renovation and remodeling of her personal office, to the sum of approximately \$500,000, which sum included, but is not limited to, the purchase of an oval rug that cost approximately \$20,500, a desk chair that cost approximately \$8,000 and over \$23,000 in design services, and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court, which represents a waste of state funds.

Article III

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did on or about June 20, 2013, cause a certain desk, of a type colloquially known as a “Cass Gilbert” desk, to be

transported from the State Capitol to his home, and did maintain possession of such desk in his home, where it remained throughout his term as Justice for approximately four and one-half years, in violation of the provisions of W.Va. Code §29-1-7 (b), prohibiting the removal of original furnishings of the state capitol from the premises; further, the expenditure of state funds to transport the desk to his home, and refusal to return the desk to the state, constitute the use of state resources and property for personal gain in violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial Conduct.

Article IV

That the said Chief Justice Margaret Workman, and Justice Robin Davis, being at all times relevant Justices of the Supreme Court of Appeals of West Virginia, and at various relevant times individually each Chief Justice of the Supreme Court of Appeals of West Virginia unmindful of the duties of their high offices, and contrary to the oaths taken by them to support the Constitution of the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while in the exercise of the functions of the office of Justices, in violation of their oaths of office, then and there, with regard to the discharge of the duties of their offices, commencing in or about 2012, did knowingly and intentionally act, and each subsequently oversee in their capacity as Chief Justice, and did in that capacity as Chief Justice severally sign and approve the contracts necessary to facilitate, at each such relevant time, to overpay certain Senior Status Judges in violation of the statutory limited maximum salary for such Judges, which overpayment is a violation of Article VIII, §7 of the West Virginia Constitution, stating that Judges “shall receive the salaries fixed by law” and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10, and, in violation of an Administrative Order of the Supreme Court of Appeals, in potential violation of the provisions of W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and, in potential violation of the provisions set

forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and, all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Article V

That the said Justice Robin Davis, being at all times relevant a Justice of the Supreme Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did in the year 2014, did in her capacity as Chief Justice, sign certain Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in violation of Article VIII, § 7 of the West Virginia Constitution, stating that Judges “shall receive the salaries fixed by law” and the statutorily limited maximum salary for such Judges, which overpayment is a violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; her authorization of such overpayments was a violation of the clear statutory law of the state of West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Article VI

That the said Justice Margaret Workman, being at all times relevant a Justice of the Supreme Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did in the year 2015, did in her capacity as Chief Justice, sign certain Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in violation of the statutorily limited maximum salary for such Judges, which overpayment is a violation of Article VIII, § 7 of the West Virginia Constitution, stating that Judges “shall receive the salaries fixed by law” and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; her authorization of such overpayments was a violation of the clear statutory law of the state of West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Article VII

That the said Justice Allen Loughry, being at all times relevant a Justice of the Supreme Court of Appeals of West Virginia, and at that relevant time individually Chief Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high offices, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justices, while in the exercise of the

functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did on or about May 19, 2017, did in his capacity as Chief Justice, draft an Administrative Order of the Supreme Court of Appeals, bearing his signature, authorizing the Supreme Court of Appeals to overpay certain Senior Status Judges in violation of the statutorily limited maximum salary for such Judges, which overpayment is a violation of Article VIII, § 7 of the West Virginia Constitution, stating that Judges “shall receive the salaries fixed by law” and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; his authorization of such overpayments was a violation of the clear statutory law of the state of West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Article VIII

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did beginning in or about December 2012, and continuing thereafter for a period of years, intentionally acquire and use state government vehicles for personal use; including, but not limited to, using a state vehicle and gasoline purchased utilizing a state issued fuel purchase card to travel to the Greenbrier on one or more occasions for book signings and sales, which such acts enriched his family and which acts constitute the use of state resources and property for personal gain in violation of the

provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial Conduct.

Article IX

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did beginning in or about December 2012, intentionally acquired and used state government computer equipment and hardware for predominately personal use—including a computer not intended to be connected to the court’s network, utilized state resources to install computer access services at his home for predominately personal use, and utilized state resources to provide maintenance and repair of computer services for his residence resulting from predominately personal use; all of which acts constitute the use of state resources and property for personal gain in violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial Conduct.

Article X

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, made statements while under oath before the West Virginia House of Delegates Finance Committee, with deliberate intent to deceive, regarding renovations and purchases

for his office, asserting that he had no knowledge and involvement in these renovations, where evidence presented clearly demonstrated his in-depth knowledge and participation in those renovations, and, his intentional efforts to deceive members of the Legislature about his participation and knowledge of these acts, while under oath.

Article XIV

That the said Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, being at all times relevant Justices of the Supreme Court of Appeals of West Virginia, unmindful of the duties of their high offices, and contrary to the oaths taken by them to support the Constitution of the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while in the exercise of the functions of the office of Justices, in violation of their oaths of office, then and there, with regard to the discharge of the duties of their offices, did, in the absence of any policy to prevent or control expenditure, waste state funds with little or no concern for the costs to be borne by the tax payers for unnecessary and lavish spending for various purposes including, but without limitation, to certain examples, such as: to remodel state offices, for large increases in travel budgets—including unaccountable personal use of state vehicles, for unneeded computers for home use, for regular lunches from restaurants, and for framing of personal items and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court; and, did fail to provide or prepare reasonable and proper supervisory oversight of the operations of the Court and the subordinate courts by failing to carry out one or more of the following necessary and proper administrative activities:

- A) To prepare and adopt sufficient and effective travel policies prior to October of 2016, and failed thereafter to properly effectuate such policy by excepting the Justices from said policies, and subjected subordinates and employees to a greater burden than the Justices;

- B) To report taxable fringe benefits, such as car use and regular lunches, on Federal W-2s, despite full knowledge of the Internal Revenue Service Regulations, and further subjected subordinates and employees to a greater burden than the Justices, in this regard, and upon notification of such violation, failed to speedily comply with requests to make such reporting consistent with applicable law;
- C) To provide proper supervision, control, and auditing of the use of state purchasing cards leading to multiple violations of state statutes and policies regulating the proper use of such cards, including failing to obtain proper prior approval for large purchases;
- D) To prepare and adopt sufficient and effective home office policies which would govern the Justices' home computer use, and which led to a lack of oversight which encouraged the conversion of property;
- E) To provide effective supervision and control over record keeping with respect to the use of state automobiles, which has already resulted in an executed information upon one former Justice and the indictment of another Justice.
- F) To provide effective supervision and control over inventories of state property owned by the Court and subordinate courts, which led directly to the undetected absence of valuable state property, including, but not limited to, a state-owned desk and a state-owned computer;
- G) To provide effective supervision and control over purchasing procedures which directly led to inadequate cost containment methods, including the rebidding of the purchases of goods and services utilizing a system of large unsupervised change orders, all of which encouraged waste of taxpayer funds.

The failure by the Justices, individually and collectively, to carry out these necessary and proper administrative activities constitute a violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

Resolutions Introduced

Resolutions were introduced, pursuant to House Rule 109, as follows:

Delegates Sponaugle, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Maynard, Moye, Pethel, Pushkin, Pyles, Rodighiero, Rowe and Williams offered the following resolution, which was read by its title as follows:

H. R. 203 - “Recommending the public reprimand and censure of Supreme Court Justice Allen Loughry, II, Supreme Court Justice Robin Davis, Supreme Court Justice Margaret Workman, and Supreme Court Justice Elizabeth Walker.”

Whereas, Supreme Court Justice Allen Loughry, II, unmindful of his duties of his high office, and concurrent with other Justices of the Supreme Court, has exhibited a pattern and practice of wasteful spending on his personal office at the state Capitol, undertaking renovations that were unnecessary and lavish, with a total cost in excess of \$363,000, to personalize the office to his personal tastes, including a \$31,924 couch and a \$33,750 customized floor; further, these renovations were undertaken without consideration to the fact that all state officers are tenants of their offices, not owners thereof, and although it is appropriate to update and modernize these spaces when needed, the citizens of this state expect reasonableness and frugality with the use of government funds; further, that the costs of these renovations, during difficult financial times in our great state, when so many citizens are struggling to earn a living, showed a true loss of perspective of his role as a steward of government resources and the Supreme Court, and his spending was wasteful, excessive, and

outrageous, and although not unlawful, exhibited extremely poor judgement; and

Whereas, Supreme Court Justice Robin Davis, unmindful of her duties of her high office, and concurrent with other Justices of the Supreme Court, has exhibited a pattern and practice of wasteful spending on her personal office at the state Capitol, undertaking renovations that were unnecessary and lavish, with a total cost in excess of \$500,000, to personalize the office to her personal tastes, inconsistent with the historical design and dignity of our beautiful state Capitol; further, these renovations were undertaken without consideration to the fact that all state officers are tenants of their offices, not owners thereof, and although it is appropriate to update and modernize these spaces when needed, the citizens of this state expect reasonableness and frugality with the use of government funds; further, that the costs of these renovations, during difficult financial times in our great state, when so many citizens are struggling to earn a living, showed a true loss of perspective of her role as a steward of government resources and the Supreme Court, and her spending was wasteful, excessive, and although not unlawful, exhibited extremely poor judgement; and

Whereas, Supreme Court Justice Margaret Workman, unmindful of her duties of her high office, and concurrent with other Justices of the Supreme Court, has exhibited a pattern and practice of wasteful spending on her personal office at the state Capitol, undertaking renovations that were unnecessary and lavish, with a total cost in excess of \$111,000; further, these renovations were undertaken without consideration to the fact that all state officers are tenants of their offices, not owners thereof, and although it is appropriate to update and modernize these spaces when needed, the citizens of this state expect reasonableness and frugality with the use of government funds; further, that the costs of these renovations, during difficult financial times in our great state, when so many citizens are struggling to earn a living, showed a true loss of perspective of her role as a steward of government resources and the Supreme Court, and her spending was wasteful, excessive, and although not unlawful, exhibited extremely poor judgement; and

Whereas, Supreme Court Justice Elizabeth Walker, unmindful of her duties of her high office, and concurrent with other Justices of the Supreme Court, has exhibited a pattern and practice of wasteful spending on her personal office at the state Capitol, undertaking renovations that were unnecessary and lavish, with a total cost in excess of \$131,000; further, these renovations were undertaken without consideration to the fact that all state officers are tenants of their offices, not owners thereof, and although it is appropriate to update and modernize these spaces when needed, the citizens of this state expect reasonableness and frugality with the use of government funds; further, that the costs of these renovations, during difficult financial times in our great state, when so many citizens are struggling to earn a living, showed a true loss of perspective of her role as a steward of government resources and the Supreme Court, and her spending was wasteful, excessive, and although not unlawful, exhibited extremely poor judgement; and

Whereas, Justice Allen Loughry, II, Justice Robin Davis, Justice Margaret Workman, and Justice Elizabeth Walker, being at all times relevant Justices of the Supreme Court of Appeals of West Virginia, unmindful of the duties of their high offices, and contrary to the oaths taken by them to support the Constitution of the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while in the exercise of the functions of the office of Justices, in violation of their oaths of office, then and there, with regard to the discharge of the duties of their offices, did, in the absence of any policy to prevent or control expenditure, waste state funds with little or no concern for the costs to be borne by the tax payers for unnecessary and lavish spending for various purposes including, but without limitation, to certain examples, such as: to remodel state offices, for large increases in travel budgets—including unaccountable personal use of state vehicles, for unneeded computers for home use, for regular lunches from restaurants, for framing of personal items, and other such wasteful expenditures not necessary for the administration of justice and the execution of the duties of the Court; and, did fail to provide or prepare reasonable and proper supervisory oversight of the operations of the Court and the subordinate courts by failing to

carry out one or more of the following necessary and proper administrative activities:

A) To prepare and adopt sufficient and effective travel policies prior to October of 2016, and failed thereafter to properly effectuate such policy by excepting the Justices from said policies, and subjected subordinates and employees to a greater burden than the Justices;

B) To report taxable fringe benefits, such as car use and regular lunches, on Federal W- 2 forms, despite full knowledge of the Internal Revenue Service Regulations, and further subjected subordinates and employees to a greater burden than the Justices in this regard, and upon notification of such violation, failed to speedily comply with requests to make such reporting consistent with applicable law;

C) To provide proper supervision, control, and auditing of the use of state purchasing cards leading to multiple violations of state statutes and policies regulating the proper use of such cards, including failing to obtain proper prior approval for large purchases;

D) To prepare and adopt sufficient and effective home office policies which would govern the Justices' home computer use, and which led to a lack of oversight, which encouraged the conversion of property;

E) To provide effective supervision and control over record keeping with respect to the use of state automobiles, which has already resulted in an executed information upon one former Justice and the indictment of another Justice;

F) To provide effective supervision and control over inventories of state property owned by the Court and subordinate courts, which led directly to the undetected absence of valuable state property, including, but not limited to, a state-owned desk and a state-owned computer; and

G) To provide effective supervision and control over purchasing procedures which directly lead to inadequate cost

containment methods, including the rebidding of the purchases of goods and services utilizing a system of large unsupervised change orders, all of which encouraged waste of taxpayer funds.

Whereas, The failure by the Justices, individually and collectively, to carry out these necessary and proper administrative activities constitute a violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct; therefore, be it

Resolved by the House of Delegates:

That Supreme Court Justice Allen Loughry, II, Supreme Court Justice Robin Davis, Supreme Court Justice Margaret Workman, and Supreme Court Justice Elizabeth Walker be hereby publicly reprimanded and censured for and because of this aforementioned conduct; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Supreme Court Justice Allen Loughry, II, Supreme Court Justice Robin Davis, Supreme Court Justice Margaret Workman, and Supreme Court Justice Elizabeth Walker.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 203) to a committee was dispensed with, and it was taken up for immediate consideration.

The question now being on the adoption of the resolution, Delegate Sponaule demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 619**), and there were--yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Deem, Miley, Phillips and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 203) adopted.

Delegate Folk offered the following resolution, which was read by its title and referred to the Committee on the Judiciary:

H. R. 204 - "Recommending the public reprimand and censure of Menis Ketchum and Brent Benjamin, former Justices of the Supreme Court of Appeals of the State of West Virginia."

WHEREAS, On the twenty-sixth of June, two thousand eighteen, House Resolution 201 was presented to the House of Delegates, authorizing the investigation of the Justices of the Supreme Court of Appeals of the State of West Virginia; and

WHEREAS, when that resolution was adopted by the House of Delegates it empowered the Committee on the Judiciary to, among other things, "report to the House of Delegates its findings of facts and any recommendations which the Committee on the Judiciary may deem proper" respecting the matters raised in the said House Resolution; and

WHEREAS, During the course of its proceedings pursuant to said House Resolution 201, the Committee on the Judiciary heard testimony and reviewed documentary evidence concerning the official conduct of Justices of the Supreme Court of Appeals of the State of West Virginia, including the official conduct of Menis Ketchum and Brent Benjamin, former Justices of that Court; and

WHEREAS, The Committee on the Judiciary has concluded its proceedings with respect to the said House Resolution 201 and, in addition to other recommendations otherwise dealt with, has submitted its findings and recommendation; and

WHEREAS, as a result of the aforementioned proceedings, the Committee has heard testimony and reviewed documentary evidence presented that the aforesaid Menis Ketchum and Brent Benjamin, former Justices of that Court; were at various relevant times individually each Chief Justice of the Supreme Court of Appeals of West Virginia, and unmindful of the duties of their high

offices, and contrary to the oaths taken by them to support the Constitution of the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while in the exercise of the functions of the office of Justices, in violation of their oaths of office, then and there, with regard to the discharge of the duties of their offices, commencing in or about 2012, did knowingly and intentionally act, and each subsequently oversee in their capacity as Chief Justice, and did in that capacity as Chief Justice severally sign and approve the contracts necessary to facilitate, at each such relevant time, to overpay certain Senior Status Judges in violation of the statutory limited maximum salary for such Judges, which overpayment is a violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10, and, in violation of an Administrative Order of the Supreme Court of Appeals, in potential violation of the provisions of W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and in potential violation of the provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia Public Employees Retirement System, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and, all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct; and

WHEREAS, The House of Delegates is of the opinion that the said Menis Ketchum and Brent Benjamin, former Justices of the Supreme Court of Appeals of West Virginia should be publicly reprimanded and censured for and because of their aforementioned conduct; therefore, be it

Resolved by the House of Delegates:

That Menis Ketchum and Brent Benjamin, former Justices of the Supreme Court of Appeals of West Virginia are hereby publicly reprimanded and censured for and because of this aforementioned conduct; and, be it

Further Resolved, That the Clerk of the House of Delegates be and he is hereby directed to forward a copy of this resolution to the

said Menis Ketchum and Brent Benjamin, former Justices of the Supreme Court of Appeals of West Virginia.

Delegate Cowles offered the following resolution, which was read by its title as follows:

H. R. 205 - "Providing for the appointment of a committee of five on the part of the House of Delegates to go before the Senate to impeach Robin Davis, Allen Loughry, Elizabeth Walker and Margaret Workman, Justices of the Supreme Court of the State of West Virginia, for maladministration, incompetence, corruption, neglect of duty, and high crimes and misdemeanors, and, as managers on the part of the House of Delegates, to deliver to the Senate articles of impeachment, and to conduct the impeachment against Justices Davis, Loughry, Walker, and Workman."

Whereas, Pursuant to the authority granted to the House of Delegates in Section 9, Article IV of the Constitution of the State of West Virginia, the House of Delegates has adopted 11 Articles of Impeachment against the various justices of the Supreme Court of Appeals of West Virginia, including Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, for maladministration, corruption, incompetency, neglect of duty, and certain high crimes and misdemeanors committed in their capacity and by virtue of their offices as Justices of the Supreme Court of Appeals of West Virginia; and

Whereas, The House of Delegates, saving to themselves the liberty and rights of exhibiting at any time hereafter any further Articles of Impeachment against the said Chief Justice Workman, Justice Allen Loughry, Justice Robin Davis and Justice Elizabeth Walker, Justices of the Supreme Court of Appeals of West Virginia, individually and collectively, as aforesaid, and also of replying to their answers which they may make unto the Articles herein proffered against them, and of offering proof to any and all of the Articles of Impeachment, and every part thereof, and to all and every other Article, accusation, or impeachment, which shall be exhibited by the said House of Delegates as the case may require, do demand that the said Chief Justice Margaret Workman,

Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, Justices of the Supreme Court of Appeals of West Virginia, individually and collectively, as aforesaid, may be put to answer the maladministration, corruption, incompetency, neglect of duty, and certain high crimes and misdemeanors charged against them, and that such proceedings, examinations, trials and judgments, may be thereupon had, given and taken, as may be agreeable to the Constitution and the laws of the State of West Virginia, as justice may require; therefore, be it

Resolved by the House of Delegates:

That, a committee of five members of the House of Delegates be appointed by the Speaker Pro Tempore, and that such committee be and is hereby directed to go before the Senate, and deliver to the Clerk of the Senate a message whereby the said committee, in the name of the House of Delegates and the people of the State of West Virginia, impeaches Robin Davis, Allen Loughry, Elizabeth Walker, and Margaret Workman, Justices of the West Virginia Supreme Court of Appeals, for maladministration, incompetence, corruption, neglect of duty, and high crimes and misdemeanors in their office, and acquaint the Senate that the House of Delegates will exhibit particular articles of impeachment against them, Robin Davis, Allen Loughry, Elizabeth Walker, and Margaret Workman, the said Justices of the West Virginia Supreme Court of Appeals, as aforesaid, and make good the same, and that said committee demand that the Senate cause to be served upon the said Robin Davis, Allen Loughry, Elizabeth Walker, and Margaret Workman a true copy of the articles of impeachment and take order for the appearance of the said Robin Davis, Allen Loughry, Elizabeth Walker and Margaret Workman to answer to said impeachment; and, be it

Further Resolved, That said committee of five members of the House of Delegates be and is hereby directed to act as managers on part of the House of Delegates to carry and deliver to the Clerk of the Senate the said articles of impeachment; and, be it

Further Resolved, That said committee of five, as managers, be and is hereby directed to conduct the impeachment against the said

Robin Davis, Allen Loughry, Elizabeth Walker, and Margaret Workman, Justices of the West Virginia Supreme Court of Appeals, before the Senate, in accordance with procedural rules adopted by the Senate, with all necessary assistance as may be required and provided by employees of the House or Senate and by such professional, clerical and stenographic assistants as may be engaged by the House or Senate for such purposes.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 205) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Bills Introduced

A bill was introduced, pursuant to House Rule 92, and referred as follows:

By Delegates Fluharty, Brewer, E. Evans, Ferro, Hartman, Iaquina, Longstreth, Lynch, Miller, Sponaule, and Williams:

H. B. 201 - "A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to providing for a special election for State Supreme Court Justice when a vacancy has occurred as the result of impeachment; and providing that any member of the legislature is prohibited from running for vacated seat"; to the Committee on the Judiciary.

Delegate Sponaule asked unanimous consent that the House rules be suspended and the bill be taken up for immediate consideration and read a first time.

Delegate Cowles moved that the motion be tabled.

Mr. Speaker, Mr. Armstead requested to be excused from voting under the provisions of House Rule 49.

The Speaker Pro Temp replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the amendment and refused to excuse the Delegate from voting.

On the motion to table, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 620**), and there were--yeas 60, nays 35, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Lovejoy, Lynch, Marcum, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem, Love, Miley, Phillips and Storch.

So, a majority of the members present and voting having voted in the affirmative, the motion by Delegate Sponaugle was tabled.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Deem, Miley, Phillips and Storch.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print all remarks of Members on August 13 and August 14, 2018 in the Appendix to the Journal.

Pursuant to S. C. R. 201, at 1:43 a.m., the House of Delegates adjourned until called back into session by the Speaker Pro Tempore.

Wednesday, August 29, 2018

FIFTH DAY

Pursuant to the August 14, 2018 motion to adjourn and the August 22, 2018 letter from the Speaker Pro Tempore, the House of Delegates was called to reconvene the Second Extraordinary session on Wednesday, August 29, 2018 at 9:00 a.m.

There being a vacancy in the office of Speaker, the Honorable Stephen J. Harrison, Clerk, announced that the Honorable John Overington, the Delegate from the 62nd Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the House of Delegates until a Speaker was chosen and shall have taken his seat.

Delegate Overington then assumed the Chair and called the House of Delegates to order.

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

**Messages from the Executive
and other Communications**

The following communication was laid before the House of Delegates and read by the Clerk:

West Virginia House of Delegates
OFFICE OF THE SPEAKER
Building 1, Room M-228
1900 Kanawha Blvd., East
Charleston, WV 25305

April 21, 2018

The Honorable Stephen J. Harrison
Clerk
West Virginia House of Delegates

Building 1, Room 212-M
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

Dear Mr. Clerk:

With mixed emotions, I hereby resign as Speaker of the House of Delegates and as a Delegate representing the 40th District of Kanawha County effective as of 12:00 Noon today.

It has been a tremendous honor to serve in this Legislature and as Speaker, and I thank the citizens of the Elk River area of the 40th District for the extraordinary opportunity to have served. It has also been an honor to have served with my fellow legislators in building a greater state for our people. I will leave the House with many fond memories and deep gratitude for the opportunity to serve.

Sincerely,

Tim Armstead

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 621**), and 95 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Isner, C. Miller, Sponaugle and White.

Election of Speaker

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

* * * * *

Majority Nomination

* * * * *

Delegate Shott, a Delegate from the 27th Delegate District, nominated the Honorable Roger Hanshaw from the 33rd District, as follows:

DELEGATE SHOTT. Good morning. Thank you, Mr. Speaker Pro Tempore. Although it doesn't always seem that way, there are many advantages of serving in this House. And, among those advantages is the opportunity to get to know some really remarkable people, on both sides of the aisle. And, among the most remarkable person that I have met here is the person who I have the honor and the pleasure of nominating to be our Speaker, Roger Hanshaw.

As I told the members of our caucus last night, sometimes during these nomination speeches, you have to rely a lot on the representations of the person that's making the nomination speech. But, in this instance, we've all had, or at least most of us, unless we're a new appointee, have had the opportunity to basically observe those who are going to be nominated. And, you can rely on your own observations, more so, than ordinarily, and certainly more so, than my representations.

Roger is one of the most intelligent people that I've met, not just here, but throughout my life time. He has all of the degrees that come along with the mark of intelligence. He's got a BS in JD or Law Degree from West Virginia, a PhD from Chemistry from Notre Dame, but in my experience, all those letters after a name don't amount to much unless you couple that with an abundant supply of common sense and that's what I've seen in Roger and that's one of the things that I admire most about Roger, is that he couples the extreme intelligence that he has with an extraordinary amount of common sense. And, I think you've all had the opportunity to observe that.

Another thing that has really impressed me about Roger is how direct he is. There are not going to be any games played with Roger. You'll know exactly where you stand, and pretty quickly, when you're . . . when you're dealing with Roger. He's decisive and for all of us, that's important as we operate the floor sessions. Each of us has a limited amount of time, and believe you me, as you enter your 70th decade, you start realizing just how little time is left, and how important it is to grasp each minute. So, we're not going to witness any of these occasional podium paralysis episodes that sometimes we have. You will get a decisive, quick decision from Roger.

His grasp of parliamentary procedures is going to give him the ability to give us quick, decisive decisions upon which we can rely, and which we can move on and move to a . . . through our business in an expeditious, efficient,

effective manner, and spare us the loss of needless loss of time.

Also, one thing...one thing that has impressed me about Roger is his ability to withstand any pressure. As I told the members of our caucus last night, in case you haven't noticed, and I hoped this was a secret, but I had to let it out of the bag last night, whenever in the Judiciary Committee we had a very difficult or complicated issue, especially rules issues involving the environment and other things, Roger always was assigned those presentations and the defense of those issues on the floor. He never wilted, he always handled the pressure beautifully. And, in this environment where we have to make numerous decisions that, that are sometimes painful, certainly often complicated, the ability to withstand that pressure is extremely important.

One other thing I think is, is obvious for those of you who have dealt with Roger, is the high integrity that he demonstrates whenever he deals with you. As I indicated, he's always direct. No games playing with him. You'll know where you stand with, with Roger, and you'll know, you'll know quickly. I'm going to give you one recent example, very recent example. I could give you numerous examples of his character and integrity but last night, we were engaged in a very hotly contested race for the Speaker position from our caucus. It was very close. On the last ballot I happened to look to my left to see what Roger was doing with his ballot, and he voted for his opponent. This was a very close race. I asked Roger after the election was over, "Why?", because I was a little bit puzzled. Because it was a close race, and he just simply said, "It was the right thing to do." It was the right thing to do.

And that speaks volumes about the person I think is the right person to lead our caucus. As I said, there's not going be any games played. This is going be all about opportunity. Opportunity for you, opportunity for your children, opportunity for your grandchildren, to find those opportunities they need to be able to stay in this beautiful state, to continue being part of your family, my family, that's what it's all about. And, that's the direction, that's the goal, that's the vision that Roger will bring as Speaker. So, without any type of reservation at all, I heartily endorse Roger as, and nominate him as our next Speaker, and urge you to vote with me. Thank you.

* * * * *

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

DELEGATE SUMMERS. Thank you, Mr. Speaker. And, thank you, Chairman Shott. Please excuse me for some of the redundancy from my speech last night, but we got done late. You know the feeling you get when you meet somebody and you think they have it all? This is the feeling I get when I met Roger Hanshaw. He's smart. He's matter-of-fact. He's not easily flustered or riled up. He's calm, cool and collected and he's not a game player. And most importantly, he's one of the most humble people that I have met.

In the Legislature, we develop relationships with people through our committee process and all through ... also through where we sit, and spend many, many hours together. I had the pleasure of serving with Delegate Hanshaw on the House Judiciary Committee, Political Subdivisions, and Agriculture and Natural Resources. He was always the go-to person for me and for many committee members. If you needed to know how to ask a question, to make a motion, to form an argument, he was the person to ask. This asset not only was valuable in our committee, but it was also ... will also be valuable in the Speaker's chair.

One of the biggest responsibilities of the Speaker is running the session and the floor proceedings. When I was handed this manual four years ago, and I looked at the hundred pages that the rules of the House had to follow, I was a little bit worried. In my profession as a nurse, we follow algorithms. If the blood pressure is low, you do this. If there's no heartbeat, you start CPR. I started reading these words about pairings and divisions, and motions for this, and motions for that, and I didn't even know how to spell the word germane, but all I had to do was ask Delegate Hanshaw and he made it clear to me. This isn't that hard. It's a process and we can do it. And when he explained that to me, he has a way, with his intelligence but he doesn't make you feel stupid. Even though, I did feel stupid.

When I think about the degrees that he has, that Chairman Shott eluded to, the Bio-Chemistry, the Chemistry, the Law Degrees, and the one I favor most, hard knocks in farming, I realize that Roger Hanshaw could do anything. He could live anywhere. But he chooses us. And, he chooses to serve West Virginia as a public servant.

He also represents a small community, which I can relate to. For those of us for ... with these ... that come from small towns, that don't even have stop lights, where the possibilities of no water, no sewage, no Internet, and frankly, no jobs, we have somebody that understands this reality, and that can empathize with us. He understands that one policy change can make a difference in a community. In discussions we had last night, I noticed there were concerns that he's very busy and maybe doesn't have the time to serve as Speaker. But, I thought to myself, he has a full-time job. He has a wife and two children. He's run the flood recovery. He's on the impeachment hearings. He's on the PEIA Task Force. He's doing it all. A friend of mine recently said to me, and she quoted Lucille Ball, "If you want something done, ask a busy person, because they'll get it done."

The last thing I'd like to say, is that Roger's heart and his motives are in the right place. He's a principled policymaker who will empower the body to fundamentally reform and restructure our government where the status quo is no longer acceptable and, we will continue the transformation of West Virginia. Therefore, I second the nomination of Roger Hanshaw for Speaker of the West Virginia House of Delegates.

* * * * *

Minority Nomination

* * * * *

Delegate Pushkin, 37th Delegate District, then nominated the Honorable Tim Miley, the Delegate from the 48th Delegate District, as follows:

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Good morning everyone. I promise to be very brief. As, I'm sure I probably won't be swaying a whole lot of votes, except for possibly one, after what I've just heard.

Mr. Speaker, one thing that I've learned in my short time here, quite frankly, it's something that you, Mr. Speaker, have exemplified in your long career here, and that is to be a good Delegate one must first be a good listener. We are supposed to go out and listen to the folks who sent us here. We're supposed to meet them where they are, and bring their conscience to this building and act accordingly. Now the same can be said of a great Speaker. A great

Speaker does not take the gavel to further their own agenda. A great Speaker does not take the gavel and tell us what they plan to do. A great Speaker will listen to us, and listen to the people of West Virginia, and act accordingly.

Now, in the time that I spent serving with Minority Leader Miley, that's the kind of leadership that that we've all seen. When we have a caucus, he listens to us. He meets us where we are, and he carries our conscience to the floor, and he also fights like hell for our position. That's the kind of Speaker that Tim Miley will be. Tim Miley is not going to be the type of Speaker that takes the podium with an agenda. Quite...very often, I have seen Tim Miley put the will of our caucus ahead of his own agenda. And, that's what he will do as Speaker. And it won't just be listening to this side of the aisle or that side of the aisle, he will listen to the entire body. And, more important than that, Tim Miley will listen to the will of the people of West Virginia, and that's the kind of leader he has been, that's the kind of leader he will be. So, without hesitation today, I nominate Tim Miley as Speaker of the House of West Virginia. And, I urge your vote.

The nomination of Delegate Miley was seconded by Delegate Hornbuckle of the 16th Delegate District, with the following remarks:

DELEGATE HORNBUCKLE. Good morning everyone. I am here today to second the nomination by my fellow Delegate..., Delegate Pushkin. I find it very important that we all know that Delegate Tim Miley is a team player. He puts everyone else before himself. The first time I was actually able to meet Tim, he traveled, back in 2012, all the way from Clarksburg to see little ole me in Huntington, in my first ever, fundraiser. And what that meant to me was, I wasn't on the map, wasn't no commodity, but he was all about the team, that he wanted to take out his time to not just come support me but also to evaluate me, to assess me, to make sure that we were putting someone to be a part of this body that could do a good job. Being a stand-up guy is huge to me.

And Tim is a person who is well-traveled. Graduating undergrad in Finance from SMU, getting a Law Degree from Duquesne. And what that means is, he's far reaching, well-traveled. Being able to see all sides of the world and bring those experiences here to West Virginia. Knowledgeable and wise is Tim Miley. Being the former Chair of Judiciary, but also being the former Speaker of the House. And, what he

brings, knowing the rules of the House is just invaluable in our quest to push West Virginia forward.

Many times, also, as Delegate Pushkin mentioned, in our caucus, he will put the group's efforts ahead of his own. And there are also times where there might be a disagreement, but he's always willing to seek out the other person's opinions and values, because he knows that everybody together will be stronger. I also feel that whether it is five years, ten years, next year or even eighty years, Tim has always stressed the importance of being fair. And that while, at some point, we don't know when, the pendulum can swing the other way, it's always the most important thing out to reach out to one another. That's why I think Tim Miley is the best fit to lead this House as we break down barriers, again, and try to move together, in unison, to push us forward. So again, I would like to second the nomination by Delegate Pushkin, as saying that Delegate Tim Miley would be the best choice for us and I urge your yes vote.

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

* * * * *

The Clerk then called the roll (**Roll No. 622**), the result of which was as follows:

Delegates voting for Delegate Hanshaw - 62, as follows:

Adkins	Folk	Lane	Romine, R.
Ambler	Foster	Linville	Rowan
Anderson	Frich	Malcomb	Shott
Atkinson	Gearheart	Marcum	Sobonya
Blair	Graves	Martin	Statler
Butler	Hamilton	Maynard	Storch
Capito	Hamrick	McGeehan	Summers
Cooper	Harshbarger	Miley	Sypolt

Cowles	Higginbotham	Moore	Upson
Criss	Hill	Nelson	Wagner
Dean	Hollen	Overington	Ward
Deem	Householder	Pack	Westfall
Ellington	Howell	Paynter	Wilson
Espinosa	Jennings	Phillips	Zatezalo
Evans, A.	Kelly	Queen	
Fast	Kessinger	Rohrbach	

Delegates voting for Delegate Miley - 34, as follows:

Barrett	Eldridge	Iaquinta	Pushkin
Bates	Evans, E.	Isner	Pyles
Boggs	Ferro	Longstreth	Robinson
Brewer	Fleischauer	Love	Rodighiero
Byrd	Fluharty	Lovejoy	Rowe
Campbell	Hanshaw	Lynch	Thompson
Canestraro	Hartman	Miller, R.	Williams
Caputo	Hicks	Moye	
Diserio	Hornbuckle	Pethtel	

The Presiding Officer stated that the total number of votes cast was 96, of which the Honorable Roger Hanshaw of the 33rd Delegate District received 62, and the Honorable Tim Miley of the 48th Delegate District received 34, and declared that the Honorable Roger Hanshaw, having received the majority of the votes cast, was duly elected Speaker of the House of Delegates. (Applause, the members rising)

Whereupon,

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

The committee then escorted the Speaker-elect to the Clerk's Desk.

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

DELEGATE MILEY. Before we begin I want to congratulate Roger Hanshaw on being elected Speaker of this Legislative Session. I can't contradict anything that was said about him with regard to the qualities he possesses. In the four years that I've known Roger, he exemplifies all of those that he was described with.

And so, Roger, I wish you the best of success in what time remains for you as Speaker. I'm hoping it's short lived, obviously. I'd be lying if I wasn't. But the fact remains that you are the Speaker and will be from here until the end of the year. And even if you remain Speaker in the next Legislative Session, I look forward to working with you in a very bipartisan unified manner to move this state forward where we all know it needs to go. So, thank you.

Speaker-elect Hanshaw then took the oath of office as prescribed for the Speaker, which oath of office was administered by the Honorable Dan Greear, Judge, Thirteenth Judicial Circuit.

The Speaker then addressed the House:

MR. SPEAKER, MR. HANSHAW. Friends please, please be seated. I was reflecting last night as we all left this Capitol and walked to the car why it is that anybody would run for the House of Delegates? Why do each of us place our names on the ballot, go through the process of a campaign and do all that we do to seek membership in this body? And, I reflected on that all the way home last night. And, the answer, the answer to me is found in my family, there by the door. I'm pleased to have with me this morning, my wife Kirsten and our two daughters. She's holding our oldest little daughter, Kathryn. By the door is my mother-in-law, Mary Kathryn King, she's holding our youngest daughter, Rebecca and that family, my family, is why I ran for this House the first time, in 2016, not unlike why I expect many of you ran for the House the first time.

We need opportunity, as a state. We need our state to be a place where we can raise families. Where we can stay together. Where we can do the things that families do. Where we can grow and pass along small family owned businesses. Where we can provide opportunity not for ourselves but for our children, for our grandchildren, for our great grandchildren.

Our service in this House gives us an opportunity to make a contribution to our state, to our chosen home in a way that other citizens of our communities will never have. I've remarked often to people with whom I've had the privilege to serve, many of you, for the last four years that, on many, many days I've left this Capitol mad and frustrated, as I imagine many of you have. But I cannot think of a day, I cannot think of a single day when I have entered the Capitol that way. And I felt that way again this morning. I park on California Avenue and this morning I entered the East Wing and paused for just a moment to see the sun coming up over the Capitol dome there, and I thought to myself, we have an opportunity as the 100 members of this House to effect change here in a way that the citizens of the rest of West Virginia not only need, but require, and will never have themselves. And, that's an obligation we have to take seriously.

We'll do this process again in just four months, so over the coming weeks we'll no doubt, as members of this body, be engaged in debates about matters of public policy in a very public way, often a very heated way. But I hope during that process and during these weeks to come, we remember that we are one of the 100 people who have the privilege to walk through that door. We are one of only 100 West Virginians who have the opportunity to sit here in this House and debate the future of families like mine, and families like yours. And it's that reality that frames my decision to be in this House. It's that reality that framed my decision to be back on the ballot again this fall not unlike what I'm sure framed your decision to be back on the ballot this fall, too.

Now as Chairman Shott said, I became a student of parliamentary procedure many years ago, but I did so because I was a FFA member, Clay County High School, back in the 90s. And, I say that to say this, on my desk upstairs, sits a small little plow, the emblem of a plow. And, if you know the FFA organization, you know that at some point during the opening ceremonies for what those members do, the vice president of that organization says, "The plow is a symbol of labor and tillage of the soil. Without labor neither knowledge nor wisdom can accomplish much." And, while we are likely not to be together again as a body to meet and make decisions and deliberate, perhaps until the end of this Legislature, we do have an opportunity to work together every day to actually work and implement those policy positions that we

championed here on the floor of this House. We do have an opportunity to represent our constituents and make change, and make meaningful, impactful contributions to our communities as Delegates, in a way that members of our community will never have.

I cherish that privilege and I hope you do as well. Never, never, enter the doors of this Capitol mad. Enter the doors of this Capitol grateful for the chance to be one of the 100 members who get the chance to be here and chart the future for our state. From the bottom of my heart I thank you for the confidence you've shown in me this morning. I can't express it enough. Thank you, Mr. Speaker. (Applause, the members rising in ovation.)

* * * * *

Delegate Overington then presented the gavel to the Speaker and he assumed the Chair.

The Clerk proceeded to read the Journals of Monday, August 13, 2018, and Tuesday, August 14, 2018, when the further reading of each was dispensed with and the same approved.

There being no further business to come before the House, at 9:59 a.m., on motion of Delegate Cowles, the House of Delegates adjourned *sine die*.



We hereby certify that the forgoing record of the proceedings of the House of Delegates, Second Extraordinary Session, 2018, is the Official Journal of the House of Delegates for said session.

Roger Hanshaw
Speaker of the House of Delegates

Stephen J. Harrison
Clerk of the House of Delegates

ACTS OF THE LEGISLATURE:

Printing and distribution of
 Resolution authorizing (HR3)..... 111

AMBLER, GEORGE “BOOGIE”, a Republican from the Forty-second Delegate District (83rd Legislature):
 Appointed on a special committee to notify the Senate that the
 House had assembled in extraordinary session 4457
 Excused from voting, requested 4462

ANDERSON, EVERETTE, W., JR., a Republican from the Eighth Delegate District:
 Assumed the Chair 2
 Bills introduced by 138, 139, 247, 330, 333,
 354, 465, 488, 490, 538, 539, 571, 572, 574, 582, 583, 633, 634, 667, 784, 787, 905, 909, 981, 1848
 Called House to order..... 2
 Cosponsor, added as 793
 Excused from voting, requested..... 4373
 Reports by, as Chair of the Committee on Energy 344, 557, 558, 618, 768,
 830, 1020, 1021, 1724, 2123, 2443
 Resolutions offered by 117, 321, 400, 406, 427,
 501, 649, 664, 769, 937, 1481, 3288

ANNUAL REPORTS:
 Annual reports submitted 3533

ANGELUCCI, MICHAEL, a Democrat from the Fiftieth Delegate District:
 Bills introduced by 223, 251, 278, 330, 352,
 381, 386, 387, 456, 464, 528, 568, 571, 573, 577, 636, 786, 787, 807, 810, 814, 854, 855, 904, 908,
 952, 956, 964, 966, 967, 969, 973, 979, 989, 4189
 Cosponsor, added as 284, 551, 877
 Excused from voting, requested..... 1441, 4346
 Leave of absence granted to 2266, 4430
 Motions by 1472
 Paired 4427
 Remarks by, ordered printed 646, 2165
 Resolutions offered by 243, 269, 312, 359, 400,
 402, 427, 449, 482, 501, 508, 512, 561, 628, 649, 664, 937, 938, 1481, 1978, 1979, 1982, 2465, 3653

ARMSTEAD, TIM, a Republican from the Fortieth Delegate District (83rd Legislature):
 Called House to order..... 4456
 Excused from voting, requested..... 4462, 4483, 4496, 4514
 Resignation from the House..... 4517

ATKINSON, MARTIN, III, a Republican from the Eleventh Delegate District:
 Appointed on a special committee to inform the
 Governor that the Legislature had assembled..... 23
 Bills introduced by 223, 227, 259, 262, 272,
 278, 279, 281, 295, 323, 330, 333, 352, 353, 385, 455, 457, 461, 462, 491, 534, 536, 537, 539, 579,
 581, 608, 617, 638, 640, 666, 781, 782, 783, 813, 856, 906, 952, 958, 980, 1021, 1887
 Cosponsor, added as 1753
 Remarks by, ordered printed 793
 Resolutions offered by 243, 373, 399, 400, 427,
 446, 501, 508, 565, 649, 664, 769, 803, 940, 1027, 1438, 1481, 1982, 3104, 3105, 3288

AZINGER, TOM, a Republican from the Tenth Delegate District:
 Bills introduced by 274, 282, 323, 324, 325,
 330, 352, 354, 381, 411, 458, 465, 490, 491, 516, 517, 538, 578, 579, 605, 636, 783, 855, 905, 991
 Excused from voting, requested..... 1441, 1862
 Resolutions offered by 117, 243, 359, 400, 427,
 501, 514, 649, 664, 769, 841, 946, 1481, 1982, 2159, 2160, 2161, 3276, 3288, 3529
 Seconded nomination of Stephen Harrison for Clerk 19

BARNHART, TRENTON, a Republican from the Seventh Delegate District:
 Appointed to the House..... 4437
 Oath of office administered to..... 4437

BARRETT, JASON, a Democrat from the Sixty-first Delegate District:	
Appointed on a Conference Committee as to Com. Sub. for S. B. 522.....	3835
Bills introduced by	205, 354, 382, 384, 389, 517, 573, 576, 580, 640, 666, 668, 782, 787, 811, 813, 846, 847, 848, 850, 854, 857, 907, 959, 964, 966, 977, 982, 1741, 1851, 1883, 1903, 4192
Cosponsor:	
Added as.....	285, 342, 528
Removed as.....	794
Leave of absence granted to.....	4399, 4465
Nominated Tim Miley for Speaker	12
Paired.....	4392
Remarks by, ordered printed	1457
Resolutions offered by	243, 400, 406, 427, 449, 482, 501, 508, 561, 628, 649, 774, 841, 937, 946, 1481, 1978, 1981, 1982, 2351, 3529, 4505
BARTLETT, T. KEVAN, a Republican from the Thirty-ninth Delegate District:	
Appointed to the House.....	4438
Oath of office administered to.....	4438
BATES, MICK, a Democrat from the Thirtieth Delegate District:	
Announcement concerning vote.....	2033, 3526
Bills introduced by	135, 153, 155, 231, 234, 274, 278, 280, 281, 384, 409, 411, 463, 464, 514, 517, 636, 637, 638, 640, 669, 787, 807, 829, 830, 846, 849, 850, 851, 855, 908, 909, 910, 914, 977, 979, 1851, 1903, 4305
Cosponsor, added as	616, 1721
Motions by.....	2342, 4241, 4243, 4261
Remarks by, ordered printed	471, 1959, 4290
Resolutions offered by	120, 243, 400, 427, 441, 482, 501, 508, 649, 774, 841, 902, 1481, 1978, 1979, 2465, 3529, 3653, 4505
BIBBY, TOM, a Republican from the Sixty-second Delegate District:	
Appointed on a Conference Committee as to Com. Sub. for S. B. 405.....	3887
Bills introduced by	134, 331, 352, 353, 382, 388, 406, 410, 455, 458, 463, 464, 488, 490, 492, 494, 516, 540, 571, 575, 576, 577, 579, 581, 636, 669, 781, 785, 807, 815, 847, 906, 907, 909, 912, 913, 958, 967, 970, 4256, 4257, 4264, 4275, 4305
Cosponsor, added as	551, 761
Paired.....	1863
Previous question demanded by.....	4385
Resolutions offered by	312, 359, 400, 427, 449, 450, 453, 501, 513, 649, 664, 769, 774, 939, 940, 947, 1481, 1981, 1982, 2159, 2160, 2161, 3104, 3105, 3276, 3279, 4244, 4245
BILLS:	
Approval by Governor of, passed by both houses	886, 929, 1476, 1726, 1967, 2095, 2133, 2168, 2646, 3109, 3286, 4139, 4231, 4405, 4434, 4450
Became law without the signature of the Governor	4434, 4454
Budget Bill:	
Approved with deletions and reductions	4102
Communication from Governor introducing.....	190
Estimates of revenue	2570
Introduced:	
H. B. 2020.....	190
Disposition of bills enacted, showing bill number and assigned chapter number.....	
Originating in House. For title and number of each House Bill introduced and proceedings thereon, <i>See</i> Tabular Indices of House Bills.	4809
Banking and Insurance	
Resolutions	3529
Education	
Resolutions	437, 1886 3104
Finance	
1882, 1883, 1902, 1903	1741, 1755, 1756, 1848, 1851,
Government Organization.....	
Resolutions	359, 883, 1896 2159

Health and Human Resources.....	223, 829, 1021
Judiciary.....	1711, 1811, 1843, 1885
Resolutions.....	440, 4469
Prevention and Treatment of Substance Abuse.....	345, 506, 829, 1466
Select Committee on Education Reform – C.....	4275
Senior, Children, and Family Issues	
Resolutions.....	653
Senate bills passed by the Senate and reported to the House. For title and number of such bill and proceedings thereon, <i>See</i> Tabular Indices for Senate Bills.	
Topical Index to all House Bills introduced.....	4755
Vetoed by Governor:	
H. B. 2079.....	4105
H. B. 2363.....	4106
H. B. 2412.....	4107
H. B. 2486.....	4109
H. B. 2503.....	4110
H. B. 2530.....	4111
H. B. 2531.....	4113
H. B. 2579.....	4114
H. B. 2661.....	4115
H. B. 2673.....	4116
H. B. 2674.....	4118
H. B. 2703.....	4119
H. B. 2734.....	4120
H. B. 2807.....	4121
H. B. 2828.....	4122
H. B. 2933.....	4123
H. B. 2992.....	4125
H. B. 3024.....	4126
H. B. 3044.....	4127
H. B. 3148.....	4104
S. B. 61.....	2463
S. B. 147.....	4128
S. B. 190.....	4130
S. B. 272.....	1813
S. B. 440.....	4131
S. B. 487.....	4132
S. B. 522.....	4134
S. B. 624.....	4135
S. B. 633.....	4137
S. B. 676.....	4138
 BILLS, ORIGINATING:	
<i>See</i> BILLS.	
 BLAIR, SAIRA, a Republican from the Fifty-ninth Delegate District (83 rd Legislature):	
Leave of absence granted to.....	4465
 BOGGS, BRENT, a Democrat from the Thirty-fourth Delegate District:	
Announcement concerning vote.....	2322, 3283
Appointed on special committees:	
To notify the Senate that the House had assembled in extraordinary session.....	4144
To notify the Senate that the House was ready to adjourn <i>sine die</i>	4074
Bills introduced by.....	259, 278, 330, 409, 432, 433, 456, 515, 516, 536, 538, 582, 637, 666, 811, 812, 816, 847, 854, 856, 908, 964, 966, 967, 977, 982, 4189, 4192
Cosponsor, added as.....	1425
Excused from voting, requested.....	1441, 1862
Leave of absence granted to.....	471, 1479, 1753, 1841, 2606, 4424, 4430
Petitions presented by.....	246
Resolutions offered by.....	243, 269, 400, 427, 482, 486, 501, 508, 561, 628, 649, 654, 769, 778, 779, 937, 938, 941, 1481, 1728, 1978, 1979, 1982, 1984, 2351, 2465, 3655, 3656, 3657, 3661, 4505

BREWER, SCOTT, a Democrat from the Thirteenth Delegate District (83 rd Legislature):	
Resolutions offered by	4505
BROWN, NATHAN, a Democrat from the Twentieth Delegate District:	
Appointed on a Conference Committee as to Com. Sub. for S. B. 481.....	3086
Bills introduced by	381, 384, 388, 409, 413, 456, 461, 636, 667, 784, 787, 810, 811, 812, 814, 964, 968, 4189, 4192
Cosponsor, added as	357, 393, 616, 1425
Leave of absence granted to	760, 4430
Resolutions offered by	243, 399, 400, 427, 482, 483, 485, 486, 501, 508, 561, 628, 649, 899, 938, 941, 1481, 1978, 1979, 1982, 3529
BROWN, SAMMI, a Democrat from the Sixty-fifth Delegate District:	
Bills introduced by	228, 277, 332, 386, 389, 390, 409, 413, 456, 460, 464, 518, 535, 571, 576, 583, 607, 669, 786, 787, 813, 814, 815, 846, 847, 848, 850, 904, 906, 908, 952, 955, 956, 964, 965, 966, 988, 989, 992, 993, 4192, 4262
Cosponsor, added as	393, 394, 436, 1457
Remarks by, ordered printed	823
Resolutions offered by	243, 400, 427, 441, 449, 482, 501, 508, 513, 561, 628, 649, 902, 937, 938 1481, 1496, 1978, 1979, 1982, 1984, 2465, 3653
BUDGET BILL:	
Approved with deletions and reductions.....	4102
Communications from Governor introducing.....	189
Estimates of revenue	2570, 4156
Introduced –	
H. B. 2020	190
BUTLER, JIM, a Republican from the Fourteenth Delegate District:	
Bills introduced by	227, 271, 278, 330, 351, 352, 353, 384, 387, 409, 410, 411, 454, 457, 461, 488, 490, 571, 576, 579, 605, 635, 636, 666, 813, 903, 905, 906, 908, 956, 960, 970, 980, 1755, 1887
Leave of absence granted to.....	4223, 4424, 4430
Paired.....	2053
Point of order raised by.....	4492
Remarks by, ordered printed	4290
Reports by, as Chair of the Committee on Technology and Infrastructure.....	306, 554, 555, 596, 597, 686, 687, 923, 924, 926, 1961, 1962, 1964, 2264, 2329, 2332, 2333
Resolutions offered by	244, 400, 406, 427, 446, 449, 453, 501, 630, 649, 664, 769, 802, 841, 1481, 1982, 2351, 3279, 3288
BYRD, ANDREW D., a Democrat from the Thirty-fifth Delegate District:	
Appointed on special committees:	
To inform the Governor that the House was ready to adjourn <i>sine die</i>	4075
To inform the Governor that the Legislature had assembled in extraordinary session	4144
To notify the Senate that the House had assembled in extraordinary session	4440
To notify the Senate that the House was ready to adjourn <i>sine die</i>	4453
To wait upon the Governor	24
Bills introduced by	165, 205, 206, 251, 273, 328, 332, 382, 385, 409, 456, 514, 518, 576, 580, 606, 607, 635, 638, 781, 784, 816, 855, 906, 907, 953, 965, 967, 974, 975, 988, 990, 993, 1843, 4262
Cosponsor, added as	342, 394, 471, 528, 1425
Excused from voting, requested.....	434, 2000, 3478, 3479, 4210, 4462
Leave of absence granted to	680, 823, 876, 1479
Motions by.....	1956, 2442, 3395, 4053
Paired.....	1474, 1768, 2053, 2116
Resolutions offered by	400, 427, 449, 501, 562, 566, 629, 649, 664, 774, 836, 902, 1481, 1982, 2465, 3653, 4505

CADLE, SCOTT, a Republican from the Thirteenth Delegate District:
 Announcement concerning vote..... 3526
 Bills introduced by 227, 248, 249, 250, 252,
 271, 272, 274, 276, 283, 298, 301, 330, 349, 351, 352, 380, 384, 410, 411, 412, 454, 457, 458, 461, 464,
 488, 490, 491, 492, 514, 515, 516, 517, 518, 534, 536, 537, 539, 577, 579, 581, 582, 606, 607, 608,
 673, 787, 848, 855, 856, 857, 909, 912, 963
 Cosponsor:
 Added as..... 304
 Removed as 417, 1841
 Excused from voting, requested..... 1502, 2060
 Resolutions offered by 317, 319, 359, 366, 373,
 375, 399, 400, 427, 446, 449, 501, 649, 664, 769, 774, 802, 946, 1481, 2159, 2160, 2161, 3279

CALENDAR:
 Reordering..... 395, 1017, 1724, 1755, 1901,
 2016, 2052, 2066, 2093, 2450, 2607, 3285, 4321

CAMPBELL, JEFF, a Democrat from the Forty-second Delegate District:
 Appointed on a special committee to notify the Senate that the
 House was ready to adjourn *sine die* 4432
 Bills introduced by 251, 278, 279, 295, 298,
 380, 382, 385, 437, 459, 514, 535, 536, 573, 582, 634, 637, 638, 639, 640, 666, 781, 782, 786, 787,
 809, 813, 814, 816, 846, 847, 904, 908, 963, 964, 966, 969, 983, 993, 994, 995
 Excused from voting, requested..... 1441, 1862, 2060
 Remarks by, ordered printed 1753
 Resolutions offered by 224, 269, 320, 400, 402,
 427, 501, 508, 513, 561, 649, 664, 774, 779, 1481, 1978, 1979, 1982, 2260, 4505

CANESTRARO, JOE, a Democrat from the Fourth Delegate District:
 Bills introduced by 128, 129, 144, 157, 158, 159,
 160, 161, 205, 232, 233, 251, 258, 273, 281, 283, 295, 328, 351, 352, 380, 381, 383, 388, 409, 413,
 455, 456, 460, 491, 493, 516, 573, 580, 605, 607, 634, 637, 638, 640, 667, 668, 786, 787, 808, 810,
 816, 847, 848, 854, 908, 960, 963, 964, 969, 979, 993, 1711, 4191, 4192, 4262
 Cosponsor:
 Added as..... 240, 357, 394, 500, 1425
 Removed as 1721
 Excused from voting, requested..... 4462
 Leave of absence granted to..... 4453
 Point of order raised by 3211
 Resolutions offered by 399, 400, 427, 482, 501,
 508, 565, 649, 654, 664, 803, 902, 1027, 1481, 1978, 1982, 2465, 4505

CAPITO, MOORE, a Republican from the Thirty-fifth Delegate District:
 Appointed on a Conference Committee as to Com. Sub. for S. B 487..... 3653
 Report from 4051
 Bills introduced by 157, 281, 322, 332, 384,
 454, 455, 456, 463, 577, 638, 809, 955, 974, 1811
 Excused from voting, requested..... 917, 1423, 1446, 1999, 2002,
 4462
 Nominated Robert Stewart for Doorkeeper 21
 Reports by, as Chair of the Committee on Enrolled Bills..... 765, 882, 1462, 1483, 1708,
 1709, 1805, 1846, 1847, 1882, 1958, 2035, 2036, 2121, 2131, 2132, 2334, 2564, 2565, 3286, 3522,
 3523, 3524, 4081, 4225, 4226, 4401, 4433, 4449, 4453
 Resolutions offered by 400, 402, 427, 501, 566,
 629, 649, 664, 769, 774, 1481, 1484, 3276, 3529

CAPUTO, MIKE, a Democrat from the Fiftieth Delegate District:
 Announcement concerning vote..... 3283
 Bills introduced by 125, 126, 129, 131, 132,
 142, 143, 144, 148, 149, 150, 151, 234, 235, 254, 259, 260, 271, 276, 278, 283, 301, 328, 330, 350,
 354, 380, 381, 383, 385, 387, 409, 460, 539, 573, 582, 636, 637, 638, 667, 786, 787, 811, 815, 816,
 846, 847, 850, 854, 855, 908, 911, 964, 966, 969, 991, 4189, 4190, 4191, 4192, 4262
 Leave of absence granted to..... 876
 Motions by..... 1669, 4243

Paired.....	1863
Point of order raised by.....	1173, 4355
Remarks by, ordered printed.....	823, 2165
Resolutions offered by.....	119, 244, 269, 312, 400, 427, 482, 501, 508, 512, 561, 628, 629, 649, 779, 937, 941, 1481, 1978, 2351
CASEY, JAMES MICHAEL:	
Memorial resolution.....	650
CLAY, MARSHALL:	
Elected Sergeant-at-Arms.....	4292
Acclamation.....	4292
Nomination.....	4291
Oath of office administered to.....	4292
CLERK OF THE HOUSE OF DELEGATES:	
Communications read by –	
From Governor –	
Appointment to fill vacancy in House.....	4148, 4437, 4438
Approval of bills.....	886, 929, 1467, 1726, 1967, 2095, 2133, 2168, 2646, 3109, 3286, 4139, 4231, 4405, 4434, 4450
Budget Bill	
Approved with objections and reductions.....	4103
Submitted.....	190
Estimates of revenues.....	2570, 4156, 4297
Executive messages.....	189, 2570, 3533, 3539, 4156, 4297
Proclamation of, convening extraordinary session.....	3109, 4438, 4456
Amended.....	4149, 4155, 4227, 4228, 4404
Proclamation of, extending session.....	2568
Reports, annual.	
<i>See</i> REPORTS, ANNUAL.	
Revenue estimates	
Revisions.....	2570
Vetoed by Governor:	
H. B. 2079.....	4105
H. B. 2363.....	4106
H. B. 2412.....	4107
H. B. 2486.....	4109
H. B. 2503.....	4110
H. B. 2530.....	4111
H. B. 2531.....	4113
H. B. 2579.....	4114
H. B. 2661.....	4115
H. B. 2673.....	4116
H. B. 2674.....	4118
H. B. 2703.....	4119
H. B. 2734.....	4120
H. B. 2807.....	4121
H. B. 2828.....	4122
H. B. 2933.....	4123
H. B. 2992.....	4125
H. B. 3024.....	4126
H. B. 3044.....	4127
H. B. 3148.....	4104
S. B. 61.....	2463
S. B. 147.....	4128
S. B. 190.....	4130
S. B. 272.....	1813
S. B. 440.....	4131
S. B. 487.....	4132
S. B. 522.....	4134
S. B. 624.....	4135
S. B. 633.....	4137
S. B. 676.....	4138

COMMITTEES:

Conference, House Bills

Regular Session, 2019:
 On H. B. 2351..... 887
 Report on..... 1673
 Availability announced..... 1512

Conference, Senate Bills

Regular Session, 2019:
 On S. B. 241..... 3519
 Report on..... 4027
 Availability announced..... 3833
 On S. B. 295..... 2350
 Report on..... 3869
 Availability announced..... 3522
 On S. B. 317..... 3520
 Report on..... 4029
 Availability announced..... 3854
 On S. B. 405..... 3877
 Report on..... 4059
 Availability announced..... 3883
 On S. B. 481..... 3068
 Report on..... 4048
 Availability announced..... 3529
 On S. B. 487..... 3653
 Report on..... 4051
 Availability announced..... 3886
 On S. B. 522..... 3854
 Report on..... 4055
 Availability announced..... 3883
 On S. B. 596..... 3555
 Report on..... 4057
 Availability announced..... 3881

Discharge, motion to 806, 902, 948, 1028, 1472,
 1855, 1912, 2440

Joint:

Enrolled Bills

Report by 765, 882, 1462, 1483, 1708,
 1709, 1805, 1846, 1847, 1882, 1958, 2035, 2036, 2121, 2131, 2132, 2334, 2564, 2565,
 3286, 3522, 3523, 3524, 4081, 4225, 4226, 4401, 4433, 4449, 4453

Special:

To inform Governor that the Legislature had assembled 23
 To inform Governor that the Legislature had
 assembled in extraordinary session 4144, 4440, 4457
 To inform Governor that the Legislature was ready to
 adjourn *sine die* 4075, 4432, 4453
 To notify Senate that the House had assembled 22
 To notify Senate that the House had assembled in extraordinary session..... 4144, 4440
 To notify Senate that the House was ready to
 adjourn *sine die*..... 4074, 4432, 4453
 To wait upon the Governor..... 24

Reports by:

Agriculture and Natural Resource 421, 422, 423, 553, 554,
 690, 764, 1017, 1018, 1019, 2039, 2040, 2093, 2094, 2127
 Banking and Insurance..... 474, 529, 619, 620, 652,
 658, 830, 884, 885, 1464, 1465, 1492, 2128, 3529
 Education 343, 361, 362, 395, 437,
 530, 594, 595, 691, 879, 1486, 1487, 1510, 1515, 1516, 1517, 1707, 1708, 1811, 1877, 1883,
 1887, 2120, 2164, 2167, 2272, 2325, 2326
 Energy 344, 557, 558, 618, 768,
 830, 1020, 1021, 1724, 2123, 2443
 Finance 439, 440, 506, 531, 594,
 685, 686, 763, 795, 797, 879, 882, 929, 1488, 1489, 1490, 1517, 1709, 1710, 1725, 1726, 1741,
 1742, 1748, 1755, 1756, 1808, 1847, 1848, 1849, 1881, 1882, 1883, 1884, 1897, 1902, 1904,
 2095, 2123, 2164, 2165, 2168, 2267, 2268, 2327, 2328, 2241, 2443, 2449, 2564, 4193, 4268,
 4292, 4294, 4296, 4425
 Government Organization..... 241, 242, 265, 266, 288,

359, 360, 438, 477, 478, 529, 593, 619, 683, 797, 798, 883, 884, 921, 1427, 1428, 1429, 1484, 1485, 1492, 1510, 1511, 1741, 1743, 1744, 1745, 1878, 1879, 1880, 1887, 1888, 1889, 1896, 1898, 1899, 1957, 2159, 2163, 2268, 2269, 2270, 2271, 2273	
Health and Human Resources.....	223, 288, 346, 423, 475, 476, 532, 558, 559, 621, 767, 828, 829, 1021, 1022, 1431, 1725, 1806, 1807, 1808, 2037, 2038, 2122, 2265, 2266, 2326
Industry and Labor.....	422, 556, 596, 764, 765, 1020
Judiciary.....	223, 243, 265, 266, 287, 305, 306, 307, 344, 362, 363, 395, 396, 424, 442, 443, 504, 505, 530, 618, 652, 653, 655, 656, 688, 689, 766, 825, 826, 827, 885, 926, 927, 928, 929, 1460, 1467, 1487, 1488, 1490, 1492, 1509, 1510, 1706, 1707, 1711, 1723, 1740, 1745, 1746, 1747, 1756, 1757, 1811, 1812, 1843, 1844, 1845, 1884, 1885, 1901, 1957, 1958, 2123, 2127, 2129, 2130, 2131, 2264, 2268, 2269, 2273, 2328, 2329, 2440, 2442, 2565, 3107, 3285, 4429
Pensions and Retirement.....	766, 767, 1429, 1430, 2039, 2040, 2441
Political Subdivisions.....	423, 556, 557, 1462, 2036, 2037
Prevention and Treatment of Substance Abuse.....	621, 622, 828, 1466
Rules.....	1430, 1805, 2121, 2566, 3107, 3524, 3532
Senior, Children, and Family Issues.....	344, 473, 653, 831
Small Business, Entrepreneurship and Economic Development.....	444, 617, 1459
Technology and Infrastructure.....	306, 554, 555, 596, 597, 686, 687, 923, 924, 926, 1961, 1962, 1964, 2264, 2329, 2332, 2333
Veterans' Affairs and Homeland Security.....	419, 420, 439, 474, 619, 620, 1463, 1464
Votes, missed due to Conference Committees.....	1029
COMPTON, MARY PEARL:	
Memorial resolution.....	1842
COOPER, ROY, a Republican from the Twenty-eighth Delegate District:	
Bills introduced by.....	125, 148, 153, 154, 164, 166, 202, 232, 256, 262, 271, 272, 274, 279, 282, 283, 294, 295, 298, 299, 301, 323, 352, 353, 354, 380, 382, 384, 385, 411, 412, 454, 457, 459, 488, 490, 517, 518, 534, 536, 537, 581, 606, 607, 608, 634, 666, 673, 781, 848, 855, 857, 904, 952, 963, 967, 970, 983, 4192, 4251, 4252, 4254, 4256, 4257, 4264
Cosponsor, added as.....	681
Leave of absence granted to.....	499, 646, 2266, 4145
Reports by, as Chair of the Committee on Agriculture and Natural Resources.....	421, 422, 553, 690, 764, 1017, 1018, 2039, 2040, 2093, 2094
Resolutions offered by.....	117, 267, 268, 317, 321, 399, 400, 405, 427, 501, 649, 664, 939, 1481, 1978, 1982, 2260, 3104, 3105, 3276
Seconded nomination of Anne Lieberman for Sergeant-at-Arms.....	20
COWLES, DARYL E., a Republican from the Fifty-eighth Delegate District:	
Bills introduced by.....	139, 260, 271, 459, 461, 489, 493, 494, 538, 578, 580, 666, 850, 853, 907, 966, 980, 983, 986, 1741, 1848, 4256, 4257
Cosponsor, added as.....	304, 417, 1479, 1841
Excused from voting, requested.....	609, 1423, 1450, 3330, 3670
Leave of absence granted to.....	341, 4290, 4319, 4399
Presided.....	2152, 3387
Remarks by, ordered printed.....	615, 1457
Resolutions offered by.....	310, 400, 427, 501, 649, 664, 1481, 4244, 4245, 4512
CRISS, VERNON, a Republican from the Tenth Delegate District:	
Appointed on a Conference Committee as to Com. Sub. for S. B. 522.....	3855
Report from.....	4055
Bills introduced by.....	205, 262, 270, 271, 323, 324, 325, 333, 349, 350, 381, 407, 430, 455, 457, 490, 491, 515, 516, 517, 539, 572, 574, 576, 579, 631, 633, 636, 637, 639, 666, 669, 670, 784, 785, 787, 808, 811, 813, 846, 850, 851, 856, 904, 907, 908, 909, 949, 969, 970, 975, 980, 983, 1741, 1755, 1851, 1882, 1902, 1903
Excused from voting, requested.....	1441, 1862, 4293, 4346, 4386

Resolutions offered by 117, 321, 373, 400, 427,
449, 501, 649, 664, 769, 774, 841, 946, 1481, 1982, 3529

DEAN, MARK, a Republican from the Twenty-first Delegate District:

Bills introduced by 140, 246, 260, 261, 271,
278, 279, 295, 298, 322, 330, 334, 350, 351, 353, 381, 383, 385, 387, 437, 455, 457, 459, 464, 514,
515, 516, 517, 535, 536, 537, 571, 575, 579, 581, 582, 605, 606, 607, 637, 638, 639, 640, 666, 669,
670, 671, 672, 781, 782, 783, 784, 786, 807, 808, 812, 814, 847, 853, 856, 903, 906, 911, 993, 994,
995, 4251, 4264
Cosponsor, removed as 794
Excused from voting, requested 1441, 1862, 4346
Leave of absence granted to 1479
Resolutions offered by 400, 427, 449, 453, 501,
649, 664, 774, 802, 1481, 1978, 1982, 2260, 3104, 3105, 3276, 3288

DEEM, FRANK, a Republican from the Tenth Delegate District (83rd Legislature):

Leave of absence granted to 4465, 4515

DISCHARGE, MOTION TO:

H. B. 2732 1855
H. B. 2733 806, 902, 948, 1028, 1472
H. B. 3127 1912
S. B. 153 2440

DISERIO, PHILLIP W., a Democrat from the Second Delegate District:

Bills introduced by 354, 380, 383, 388, 460,
573, 850, 904, 908, 961, 962, 963, 968, 969, 4191
Cosponsor, added as 393, 877
Remarks by, ordered printed 1457
Resolutions offered by 244, 400, 427, 449, 482,
483, 501, 508, 561, 628, 649, 902, 947, 1481, 1978, 1982, 2159, 2160, 2161, 2465, 4505

DOORKEEPER:

Stewart, Robert
Elected 22
 Acclamation 22
Nomination 21
Oath of office administered to 21

DOYLE, JOHN, a Democrat from the Sixty-seventh Delegate District:

Announcement concerning vote 3283
Bills introduced by 351, 383, 384, 386, 389,
390, 408, 413, 464, 518, 535, 571, 576, 577, 607, 617, 638, 787, 815, 847, 962, 963, 966, 968, 974, 975,
980, 992, 993, 4189, 4190, 4191, 4192
Cosponsor:
 Added as 877
 Removed as 647
Paired 2064
Petitions presented by 2051
Remarks by, ordered printed 646, 823, 1900, 4224
Resolutions offered by 244, 400, 427, 449, 486,
501, 513, 649, 664, 902, 947, 1481, 1496, 1979, 1982, 3104, 3105, 3653

ELDRIDGE, JEFF, a Democrat from the Twenty-second Delegate District (83rd Legislature):

Resolutions offered by 4505

ELECTION RESULTS:

Declaration by Speaker 5

ELLINGTON, JR., JOE C., a Republican from the Twenty-seventh Delegate District:

Announcement concerning vote 1959
Appointed on a Conference Committee as to H. B. 2351 887
 Report from 1673
Bills introduced by 200, 223, 251, 270, 271,

272, 278, 281, 322, 330, 345, 350, 351, 384, 387, 408, 410, 463, 506, 518, 580, 635, 666, 671, 807, 808, 809, 811, 815, 829, 830, 846, 857, 910, 958, 977, 994, 1021, 1741, 1756, 1848, 1851, 1903, 4255, 4262, 4264	
Cosponsor, added as	304, 793
Excused from voting, requested.....	3319
Leave of absence granted to.....	393, 499, 646, 876, 1479, 1896, 4430, 4465
Motions by.....	1912
Reports by, as Chair of the Committee on Health and Human Resources	223, 288, 346, 423, 475, 476, 532, 558, 559, 621, 767, 828, 829, 1021, 1022, 1431, 1725, 1806, 1807, 1808, 2037, 2038, 2122, 2265, 2266, 2326
Reports by, as Chair of the Committee on Prevention and Treatment of Substance Abuse.....	345, 506
Reports by, as Chair of the Select Committee on Education Reform – B	4269, 4270, 4271, 4272
Resolutions offered by	117, 244, 400, 427, 501, 649, 664, 774, 841, 944, 1481, 1978, 1982, 3276, 3288, 4244, 4245
EMPLOYEES:	
Resolution authorizing appointment of (HR4).....	112
Adopted.....	117
ESPINOSA, PAUL, a Republican from the Sixty-sixth Delegate District:	
Bills introduced by	164, 227, 246, 248, 257, 271, 352, 539, 635, 668, 669, 784, 785, 907, 958, 967, 970, 983, 986, 987, 1741, 1755, 1756, 1848, 1883, 4251, 4252, 4253, 4254, 4256, 4259, 4261, 4275
Cosponsor, added as	471, 616, 647, 824
Excused from voting, requested.....	1441, 1862, 4346
Leave of absence granted to.....	4430
Paired.....	4426, 4428
Point of order raised by	4243
Remarks by, ordered printed.....	646, 1900
Reports by, as Chair of the Select Committee on Education Reform – C	4281
Resolutions offered by	400, 427, 501, 649, 664, 774, 1481, 3279, 3529, 4244, 4245
ESTEP-BURTON, AMANDA, a Democrat from the Thirty-sixth Delegate District:	
Bills introduced by	298, 332, 350, 352, 386, 413, 455, 535, 571, 573, 577, 781, 786, 787, 811, 812, 813, 816, 849, 855, 904, 953, 955, 956, 964, 968, 974, 975, 979, 983
Cosponsor, added as	761, 877
Motions by.....	902
Petitions presented by.....	844
Remarks by, ordered printed.....	920
Resolutions offered by	289, 291, 367, 400, 402, 427, 449, 482, 501, 562, 629, 649, 654, 664, 902, 1481, 1854, 1979, 1982, 1984, 2465, 3104, 3105, 3529, 3653
EVANS, ED, a Democrat from the Twenty-sixth Delegate District:	
Bills introduced by	330, 380, 383, 386, 389, 390, 410, 411, 413, 432, 437, 514, 518, 535, 572, 574, 576, 577, 579, 582, 583, 637, 638, 640, 667, 782, 786, 787, 810, 812, 814, 815, 846, 847, 849, 853, 980, 981, 993, 994, 995, 4192
Cosponsor, added as	793
Excused from voting, requested.....	1862, 2060, 4346, 4373, 4386
Leave of absence granted to.....	4424, 4430
Remarks by, ordered printed.....	646, 1457, 1753, 4224
Resolutions offered by	243, 400, 427, 449, 482, 501, 513, 649, 664, 769, 805, 947, 1481, 1496, 1979, 1982, 2465, 3104, 3105, 4505
FAST, TOM, a Republican from the Thirty-second Delegate District:	
Appointed on special committees:	
To notify the Senate that the House had assembled in extraordinary session.....	4440
To notify the Senate that the House was ready to adjourn <i>sine die</i>	4453

Bills introduced by	121, 122, 123, 124, 125, 133, 160, 165, 166, 202, 203, 204, 205, 227, 231, 246, 247, 251, 252, 261, 276, 277, 278, 279, 283, 301, 322, 331, 351, 381, 387, 388, 412, 458, 515, 535, 571, 577, 578, 581, 635, 671, 781, 785, 812, 845, 905, 958, 967, 994, 1843
Cosponsor, added as	394, 471, 1841
Excused from voting, requested	2000, 3294, 3478, 3479, 4462
Nominated Stephen Harrison for Clerk	18
Paired	1472
Reports by, as Chair of the Committee on Industry and Labor	422, 556, 596, 764, 765, 1020
Resolutions offered by	244, 321, 400, 427, 449, 454, 501, 649, 664, 769, 774, 1481, 1982, 3276, 3279
 FERRO, MICHAEL T., a Democrat from the Fourth Delegate District (83rd Legislature):	
Resolutions offered by	4505
 FLEISCHAUER, BARBARA EVANS, a Democrat from the Fifty-first Delegate District:	
Bills introduced by	128, 129, 130, 131, 142, 150, 151, 157, 164, 228, 235, 236, 237, 239, 257, 259, 261, 272, 277, 278, 328, 330, 332, 351, 352, 353, 383, 385, 388, 408, 409, 410, 431, 518, 576, 669, 786, 787, 815, 816, 855, 904, 908, 952, 955, 958, 962, 963, 965, 966, 968, 973, 974, 980, 993, 4189, 4190, 4191, 4258
Cosponsor, added as	240, 264, 304, 393, 394, 1425
Leave of absence granted to	393, 4465
Motions by	4358
Paired	4427
Petitions presented by	348
Remarks by, ordered printed	499, 528, 823, 1015, 2606
Resolutions offered by	400, 427, 441, 482, 501, 508, 649, 664, 774, 902, 1481, 1982, 2465, 3653, 4505
 FLUHARTY, SHAWN, a Democrat from the Third Delegate District:	
Bills introduced by	130, 132, 160, 161, 164, 228, 237, 278, 382, 383, 385, 388, 409, 456, 460, 518, 578, 606, 782, 787, 811, 813, 816, 851, 906, 963, 977, 983, 993
Cosponsor, added as	264, 304, 342, 393, 500
Excused from voting, requested	1441, 1862, 4462
Leave of absence granted to	4319, 4424, 4430
Motions by	806, 1476
Paired	2116
Remarks by, ordered printed	499, 615, 823, 1015
Resolutions offered by	269, 400, 427, 449, 482, 501, 508, 649, 654, 664, 947, 1481, 1982, 2465, 3653, 4505
 FOLK, MICHAEL “MIKE”, a Republican from the Sixty-third Delegate District (83rd Legislature):	
Excused from voting, requested	4462
Resolutions offered by	4510
 FOSTER, GEOFF, the Republican from the Fifteenth Delegate District:	
Appointed on a Conference Committee as to S. B. 487	3652
Appointed on special committees:	
To notify the Senate that the House had assembled in extraordinary session	4144
To notify the Senate that the House was ready to adjourn <i>sine die</i>	4074
Bills introduced by	126, 127, 128, 163, 166, 201, 202, 203, 208-221, 227, 230, 246, 252, 270, 276, 277, 283, 322, 326, 333, 334, 351, 352, 354, 382, 406, 412, 454, 459, 460, 461, 491, 492, 516, 518, 519, 535, 539, 576, 578, 607, 633, 636, 637, 666, 673, 784, 785, 850, 856, 905, 909, 910, 949, 957, 965, 974, 4251, 4252, 4253, 4254, 4255, 4257, 4264, 4275
Cosponsor, added as	357, 394, 436
Excused from voting, requested	4293
Leave of absence granted to	4424, 4430
Remarks by, ordered printed	1959
Resolutions offered by	224, 246, 320, 321, 400, 427, 449, 450, 501, 649, 769, 1481, 2467, 3276, 3279, 4244

GEARHEART, MARTY, a Republican from the 27th Delegate District (83rd Legislature):

Leave of absence granted to 4465

GOVERNOR:

Addressed Joint Assembly 168

Appointment to fill vacancies in House 4148, 4437, 4438, 4468

Communications from:

Action on bills 886, 929, 1467, 1726, 1967,
2095, 2133, 2168, 2646, 3109, 3286, 4139, 4231, 4405, 4434, 4450

Annual reports received 3533

Budget Bill –

Approved with deletions and reductions 4103

Submitted 190

Estimates of revenues 2570, 4156, 4297

Executive messages 189, 2570, 3533, 3539, 4297

Proclamation of, convening extraordinary session 3109, 4438, 4456

Amended 4149, 4155, 4227, 4228, 4404

Proclamation of, extending session 2568

Veto messages –

H. B. 2079, Removing certain limitations on
medical cannabis grower, processor and dispensary licenses 4105

H. B. 2363, Relating to the Upper Kanawha Valley
Resiliency and Revitalization Program 4107

H. B. 2412, Relating to criminal acts concerning
government procurement of commodities
and services 4108

H. B. 2486, Using records of criminal conviction to
disqualify a person from receiving a license
for a profession or occupation 4109

H. B. 2503, Relating to court actions 4111

H. B. 2530, Creating a voluntary certification for
recovery residences 4112

H. B. 2531, Permitting trained nurses to provide
mental health services in a medication-assisted
treatment program 4113

H. B. 2579, Relating to the collection of tax and the
priority of distribution of an estate or property
in receivership 4114

H. B. 2661, Relating to natural gas utilities 4115

H. B. 2673, Creating the Oil and Gas Abandoned
Well Plugging Fund 4117

H. B. 2674, Creating a student loan repayment
program for a mental health provider 4118

H. B. 2703, Relating to refunds of excise taxes
collected from dealers of petroleum products 4120

H. B. 2734, Relating to reduced rates for low-income
residential customers of privately-owned sewer
and combined water and sewer utilities 4121

H. B. 2807, Creating an additional modification to the
West Virginia adjusted gross income of
shareholders of S corporations engaged in banking 4122

H. B. 2828, Relating to Qualified Opportunity Zones 4123

H. B. 2933, Modifying the criminal penalties
imposed on a parent, guardian or custodian
for child abuse resulting in injury 4124

H. B. 2992, Relating to governmental websites 4125

H. B. 3024, West Virginia Business Ready Sites Program 4127

H. B. 3044, Requiring the Commissioner of Highways
to develop a formula for allocating road funds 4128

H. B. 3148, Making a supplementary appropriation
to the Department of Health and Human Resources,
Division of Human Services 4104

S. B. 61, Adding certain crimes for which prosecutor
may apply for court order authorizing
interception of communications 2463

S. B. 147. Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities..... 4129

S. B. 190. DOH promulgate legislative rule relating to employment procedures 4130

S. B. 272. Updating code relating to Commission on Special Investigations..... 1813

S. B. 440. Relating to Antihazing Law..... 4132

S. B. 487. Relating to admissibility of health care staffing requirements in litigation 4133

S. B. 522. Creating Special Road Repair Fund 4134

S. B. 624. Allowing county boards of education use alternative assessment provided in Every Student Succeeds Act..... 4136

S. B. 633. Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses 4138

S. B. 676. Relating to off-road vehicle recreation..... 4139

GRAVES, DIANNA, a Republican from the Thirty-eighth Delegate District:

Announcement concerning vote..... 3526

Bills introduced by 227, 228, 246, 252, 301, 322, 323, 324, 325, 330, 332, 333, 334, 350, 351, 354, 409, 411, 433, 454, 457, 459, 460, 463, 464, 515, 517, 536, 572, 574, 576, 581, 582, 637, 640, 669, 781, 785, 809, 811, 812, 813, 848, 849, 851, 854, 908, 909, 960, 981, 1756, 1883, 4251, 4252, 4253, 4254, 4257, 4264, 4305

Cosponsor, added as 500, 1425

Previous question demanded by 4375

Remarks by, ordered printed 680, 4330

Resolutions offered by 244, 400, 402, 427, 450, 501, 629, 630, 649, 654, 664, 774, 841, 946, 1481, 1982, 3288, 3529, 3656, 3657, 3659, 3660, 3661, 3662

HAMILTON, BILL, a Republican from the Forty-fifth Delegate District (83rd Legislature):

Excused from voting, requested..... 4462

HAMRICK, DANNY, a Republican from the Forty-eighth Delegate District:

Bills introduced by 227, 246, 270, 271, 278, 322, 323, 328, 330, 349, 350, 351, 383, 385, 386, 387, 454, 459, 514, 515, 516, 517, 605, 606, 666, 670, 671, 672, 783, 784, 787, 814, 816, 849, 850, 855, 903, 906, 912, 967, 968, 987, 988, 1887, 4251, 4252, 4254, 4264

Excused from voting, requested 2060

Leave of absence granted to 4424, 4430

Petitions presented by 2051

Reports by, as Chair of the Committee on Education 343, 361, 362, 395, 437, 530, 594, 595, 691, 879, 1486, 1487, 1510, 1515, 1516, 1517, 1707, 1708, 1811, 1877, 1878, 1883, 1887, 2120, 2164, 2167, 2272, 2325, 2326

Resolutions offered by 243, 315, 369, 400, 427, 449, 453, 501, 649, 664, 769, 774, 802, 902, 1481, 1510, 1982, 3104, 3105

HANNA, CALEB, a Republican from the Forty-fourth Delegate District:

Appointed on a special committee to inform the Governor that the Legislature was ready to adjourn *sine die*..... 4432

Bills introduced by 228, 246, 247, 249, 250, 270, 274, 278, 279, 301, 322, 345, 352, 353, 380, 382, 388, 409, 410, 455, 457, 463, 488, 492, 494, 506, 571, 578, 579, 607, 636, 782, 784, 785, 814, 848, 853, 903, 905, 908, 955, 970, 989

Cosponsor, added as 264, 436

Excused from voting, requested 2421, 4346, 4386

Motions by 1937

Paired 4314

Previous question demanded by 3387

Resolutions offered by 244, 319, 366, 375, 400, 427, 449, 454, 501, 649, 664, 769, 774, 838, 1481, 1982, 2350, 3104, 3105, 3279

HANSEN, EVAN, a Democrat from the Fifty-first Delegate District:

Appointed on a Conference Committee as to Com. Sub. for S. B. 317.....	3520
Bills introduced by	328, 330, 351, 352, 383, 386, 389, 410, 411, 492, 535, 576, 582, 640, 815, 850, 855, 857, 883, 910, 962, 965, 966, 977, 992, 4189, 4191
Cosponsor, added as	417, 877, 1841
Excused from voting, requested.....	673, 3151
Petitions presented by.....	348
Remarks by, ordered printed	646, 680, 823
Resolutions offered by	244, 359, 400, 427, 501, 649, 664, 802, 902, 1481, 1982, 2159, 2160, 2161, 2465, 3653

HANSHAW, ROGER, a Republican from the Thirty-third Delegate District:

Addressed House	16, 2152, 4526
Bills introduced by	190, 252, 274, 275, 280, 281, 295, 298, 326, 327, 386, 387, 388, 389, 408, 412, 413, 459, 488, 489, 517, 570, 604, 605, 608, 809, 845, 903, 910, 911, 949, 951, 959, 967, 977, 978, 979, 981, 990, 4163, 4164, 4166, 4167, 4168, 4169, 4171, 4172, 4174, 4176, 4177, 4182, 4183, 4184, 4185, 4186, 4187, 4246, 4247, 4248, 4249, 4250, 4251, 4255, 4257, 4258, 4259, 4261, 4263, 4264, 4265, 4266, 4267, 4422, 4423, 4424, 4440, 4441
Called House to order.....	4143, 4435
Cosponsor, added as	1457, 2125
Elected Speaker	15, 4525
Leave of absence granted to	4465
Nominated for Speaker.....	7, 4518
Remarks by, ordered printed	1959, 2092, 2165
Reports by, as Chair of the Committee on Rules	1430, 1805, 2121, 2566, 3107, 3524, 3532
Resolutions offered by	23, 25, 110, 112, 117, 377, 400, 427, 449, 501, 604, 649, 664, 769, 774, 1481, 1986, 3286, 4144, 4162, 4419, 4421, 4446

HARDY, JOHN, a Republican from the Sixty-third Delegate District:

Bills introduced by	349, 351, 406, 461, 464, 571, 572, 581, 636, 638, 666, 669, 785, 807, 815, 848, 855, 857, 906, 907, 908, 910, 967, 970, 1741, 1755, 1756, 1848, 1903, 4255, 4275
Cosponsor, added as	1753, 1841
Leave of absence granted to	499, 4453
Paired.....	4392
Resolutions offered by	312, 400, 427, 449, 501, 649, 664, 769, 774, 939, 1481, 1981, 2351, 3279, 4244, 4245

HARRISON, STEPHEN J.:

Elected Clerk of the House.....	20
Acclamation	20
Nomination.....	18
Oath of office administered to	20

HARSHBARGER, JASON, a Republican from the Seventh Delegate District:

Appointed on a Conference Committee as to S. B. 596	3555
Report from	4057
Appointed on a special committee to wait upon the Governor.....	24
Bills introduced by	227, 246, 262, 270, 271, 322, 330, 333, 334, 352, 353, 354, 381, 382, 388, 411, 412, 463, 464, 465, 491, 492, 515, 516, 518, 536, 537, 538, 539, 576, 577, 578, 580, 581, 605, 606, 607, 608, 667, 785, 787, 807, 845, 856, 857, 907, 909, 912, 952, 955, 963, 968, 969, 4251, 4252, 4253, 4254, 4255, 4256, 4264
Cosponsor, added as	240, 264, 285, 342, 394, 591, 761, 793
Excused from voting, requested	917, 1446, 2002
Leave of absence granted to	4424, 4430
Reports by, as Chair of the Committee on Agriculture and Natural Resources	421, 423, 554, 690, 764, 1018, 1019, 2094, 2127
Resignation from the House.....	4436
Resolutions offered by	310, 399, 400, 427, 449, 450, 501, 513, 630, 649, 664, 769, 774, 802, 946, 1438, 1481, 1982, 3276, 3279, 3288, 3665

HARTMAN, WILLIAM G., a Democrat from the Forty-third Delegate District:	
Announcement concerning vote.....	3526
Appointed on a Conference Committee as to S. B. 596	3555
Appointed on special committee:	
To inform the Governor that the Legislature was ready to adjourn <i>sine die</i>	4432
To notify the Senate that the House had assembled	22
Bills introduced by	251, 260, 278, 282, 301, 380, 462, 576, 617, 666, 809, 811, 812, 813, 854, 964, 968, 970, 1741, 1848, 1851, 1883, 1903, 4191, 4192
Cosponsor:	
Added as.....	1425
Removed as.....	647
Motions by.....	1028
Resolutions offered by	244, 269, 400, 406, 427, 482, 483, 485, 486, 501, 508, 561, 628, 649, 769, 778, 841, 899, 937, 938, 941, 946, 1437, 1481, 1978, 1979, 1982, 1989, 2351, 3529, 4505
HICKS, KENNETH P., a Democrat from the Nineteenth Delegate District:	
Appointed on a Conference Committee as to Com. Sub. for S. B. 241.....	3519
Appointed on special committee to inform the Governor that the Legislature had assembled in extraordinary session.....	
Bills introduced by	383, 432, 461, 579, 638, 667, 782, 810, 812, 814, 969
Excused from voting, requested.....	2173, 3294, 4346, 4463
Resolutions offered by	347, 374, 400, 427, 448, 449, 501, 649, 664, 769, 776, 805, 902, 1481, 1499, 1982, 2159, 2160, 2162, 4505
HIGGINBOTHAM, JOSHUA, a Republican from the Thirteenth Delegate District:	
Bills introduced by	227, 230, 238, 246, 248, 252, 257, 262, 273, 276, 277, 283, 322, 323, 330, 333, 350, 351, 352, 385, 386, 409, 454, 461, 490, 491, 492, 517, 518, 535, 539, 571, 582, 606, 617, 634, 638, 781, 782, 784, 785, 786, 811, 816, 854, 857, 903, 905, 908, 910, 950, 952, 964, 969, 970, 993, 994
Cosponsor, removed as	1959
Excused from voting, requested.....	1862, 4346
Leave of absence granted to.....	4290, 4319
Paired.....	4314
Reports by, as Chair of the Committee on Small Business, Entrepreneurship and Economic Development	
Resolutions offered by	224, 310, 320, 373, 399, 400, 427, 446, 449, 450, 501, 630, 649, 664, 769, 774, 803, 841, 946, 1481, 2011, 3104, 3105, 3288
HILL, JORDAN, a Republican from the Forty-first Delegate District:	
Bills introduced by	135, 223, 228, 249, 250, 252, 270, 271, 272, 274, 278, 281, 301, 322, 330, 333, 353, 408, 430, 431, 454, 463, 576, 583, 666, 807, 808, 853, 856, 857, 906, 908, 910, 955, 968, 1021, 1756, 1883, 4255, 4264
Cosponsor, added as.....	1479, 1721, 1841
Leave of absence granted to	393
Resolutions offered by	319, 366, 375, 400, 406, 427, 454, 501, 649, 664, 841, 1481, 1978, 1982, 2351, 3276, 3288
HOLLEN, RAY, a Republican from the Ninth District:	
Appointed on Conference Committees as to:	
H. B. 2351	887
Com. Sub. for S. B. 295	2350
Report from	3869
Appointed on a special committee to notify the Senate that the House had assembled	
Bills introduced by	133, 227, 247, 270, 272, 281, 282, 294, 300, 330, 332, 345, 353, 381, 387, 390, 413, 490, 491, 506, 515, 516, 518, 572, 574, 583, 639, 666, 787, 807, 809, 810, 845, 905, 949, 966, 968, 980, 981, 1021, 1711
Cosponsor, added as	647, 793
Leave of absence granted to	417, 499, 1896
Reports by, as Chair of the Committee on Pensions and Retirement	
1429, 1430, 2039, 2040, 2441	766, 767,
Resignation from the House.....	4147
Resolutions offered by	117, 373, 400, 427, 449, 501, 649, 664, 769, 803, 841, 1027, 1438, 1481, 1982, 3276, 3279, 3288

HORNBUCKLE, SEAN, a Democrat from the Sixteenth Delegate District:	
Bills introduced by	141, 142, 158, 206, 251, 256, 258, 273, 322, 323, 345, 382, 383, 384, 386, 389, 390, 460, 506, 518, 535, 578, 579, 582, 607, 617, 638, 639, 668, 671, 782, 783, 786, 787, 811, 812, 815, 816, 846, 847, 853, 906, 908, 953, 955, 956, 960, 961, 964, 968, 969, 977, 988, 993, 994, 995, 4189, 4190, 4191, 4192, 4254, 4258, 4260, 4262
Cosponsor:	
Added as	342, 528, 1425, 4332
Removed as	647, 1480
Leave of absence granted to	4430, 4465
Motions by	844
Remarks by, ordered printed	680, 823, 1959, 4224
Resolutions offered by	244, 401, 427, 482, 501, 513, 649, 664, 769, 947, 1481, 1496, 1498, 1979, 1982, 2465, 3104, 3105, 3653, 4505
Seconded nomination of Tim Miley for Speaker	4523
HOTT, JOHN PAUL, a Republican from the Fifty-fourth Delegate District:	
Appointed on a Conference Committee as to Com. Sub. for S. B. 317	3520
Bills introduced by	228, 249, 250, 274, 324, 325, 330, 350, 351, 387, 410, 432, 461, 514, 515, 516, 517, 577, 578, 608, 782, 786, 883, 912, 962, 963, 964, 968
Cosponsor, added as	551, 793
Excused from voting requested	3211, 3312, 3314
Resolutions offered by	319, 359, 366, 399, 401, 427, 449, 501, 561, 649, 664, 769, 774, 778, 1481, 1982, 2159, 2160, 2161, 2260, 3276, 3279, 3288, 3529
HOUSEHOLDER, ERIC L., a Republican from the Sixty-fourth Delegate District:	
Bills introduced by	270, 271, 276, 279, 294, 299, 323, 324, 332, 350, 352, 382, 384, 406, 411, 457, 490, 519, 572, 574, 631, 635, 637, 639, 666, 668, 669, 670, 781, 782, 785, 813, 846, 847, 850, 851, 855, 857, 907, 949, 967, 983, 986, 987, 1755, 1756, 1882, 1902, 4255, 4256, 4257, 4275
Excused from voting, requested	1441, 1862, 2357, 4346
Leave of absence granted to	4465
Reports by, as Chair of the Committee on Finance	439, 440, 506, 531, 594, 685, 686, 763, 795, 797, 879, 882, 929, 1488, 1489, 1490, 1517, 1709, 1710, 1725, 1726, 1741, 1742, 1748, 1755, 1756, 1808, 1847, 1848, 1849, 1881, 1882, 1883, 1884, 1897, 1902, 1904, 2095, 2123, 2164, 2165, 2168, 2267, 2268, 2327, 2328, 2441, 2443, 2449, 2564, 4193, 4268, 4292, 4294, 4296, 4425
Resolutions offered by	312, 321, 401, 427, 449, 501, 649, 664, 769, 774, 1481, 1981, 3529, 4244, 4245
HOWELL, GARY G., a Republican from the Fifty-sixth Delegate District:	
Announcement concerning vote	4224
Appointed on a Conference Committee as to Com. Sub. for S. B. 317	3520
Report from	4029
Bills introduced by	125, 145, 146, 151, 152, 157, 161, 162, 203, 228, 229, 234, 236, 238, 246, 249, 250, 254, 270, 274, 283, 301, 322, 330, 331, 334, 349, 350, 351, 354, 383, 386, 387, 410, 430, 431, 454, 456, 457, 459, 464, 465, 492, 514, 515, 516, 517, 519, 538, 540, 568, 577, 578, 606, 666, 667, 670, 671, 672, 781, 785, 807, 809, 849, 850, 854, 855, 857, 883, 905, 909, 910, 912, 949, 950, 962, 963, 967, 968, 988, 1897, 4256, 4257, 4264
Cosponsor, added as	528, 1425, 4322
Excused from voting, requested	2060, 4333
Nominated Anne Lieberman for Sergeant-at-Arms	20
Point of order raised by	1930, 4485
Reports by, as Chair of the Committee on Government Organization	241, 242, 265, 266, 288, 359, 360, 438, 477, 478, 529, 593, 619, 683, 797, 798, 883, 884, 921, 1427, 1428, 1429, 1484, 1485, 1492, 1510, 1511, 1741, 1743, 1744, 1745, 1878, 1879, 1880, 1887, 1888, 1889, 1896, 1898, 1899, 1957, 2159, 2163, 2268, 2269, 2270, 2271, 2273
Resolutions offered by	226, 244, 319, 359, 366, 375, 401, 406, 427, 449, 453, 501, 630, 649, 664, 774, 902, 938, 1481, 1982, 2159, 2160, 2161, 3276, 3279
Seconded nomination of Marshall Clay for Sergeant-at-Arms	4291

IAQUINTA, RICHARD, a Democrat from the Forty-eighth Delegate District (83rd Legislature):
 Resolutions offered by 4505

ISNER, PHIL, a Democrat from the Forty-third Delegate District (83rd Legislature):
 Excused from voting, requested..... 4462
 Resolutions offered by 4505

JEFFRIES, DEAN, a Republican from the Fortieth Delegate District:
 Bills introduced by 227, 247, 281, 321, 324,
 325, 330, 349, 353, 409, 410, 411, 430, 432, 457, 460, 463, 491, 514, 515, 516, 517, 571, 576, 577,
 578, 670, 671, 672, 782, 807, 808, 809, 811, 812, 857, 907, 909, 910, 958, 965, 967, 980, 1021, 4255,
 4256, 4257, 4275, 4305
 Excused from voting, requested..... 1450, 3330
 Resolutions offered by 244, 321, 359, 401, 427,
 501, 565, 649, 664, 774, 940, 1027, 1481, 1978, 1982, 2159, 2160, 2161, 3276, 3279, 3288, 3529

JEFFRIES, JOE, a Republican from the Twenty-second Delegate District:
 Appointed on special committees:
 To notify the Senate that the House had assembled
 in extraordinary session..... 4440
 To notify the Senate that the House was ready to adjourn *sine die*..... 4453
 Bills introduced by 146, 227, 322, 323, 333,
 334, 354, 406, 410, 411, 412, 457, 458, 460, 464, 488, 491, 492, 494, 514, 516, 517, 539, 568, 571,
 576, 577, 579, 581, 606, 608, 637, 667, 671, 673, 782, 787, 812, 813, 814, 848, 883, 904, 909, 966, 967
 Cosponsor:
 Added as..... 221, 417, 3290
 Removed as..... 551
 Excused from voting, requested..... 1423, 2301, 3911
 Resolutions offered by 224, 310, 320, 359, 399,
 401, 427, 446, 449, 454, 501, 649, 664, 769, 774, 939, 1481, 1498, 1978, 1982, 2159, 2160, 2161, 3276,
 3279

JENNINGS, D. ROLLAND, a Republican from the Fifty-third Delegate District:
 Announcement concerning vote..... 4075
 Bills introduced by 160, 239, 259, 260, 270,
 271, 274, 282, 304, 323, 324, 325, 328, 330, 349, 351, 388, 409, 411, 458, 464, 488, 491, 494, 516,
 537, 568, 570, 579, 635, 640, 666, 669, 781, 782, 807, 848, 855, 903, 904, 966, 967, 980, 991, 994,
 4251, 4252, 4253
 Cosponsor, added as..... 357, 551, 1900
 Remarks by, ordered printed 1900
 Reports by, as Chair of the Committee on Veterans’ Affairs
 and Homeland Security..... 439, 619, 620
 Resolutions offered by 244, 315, 321, 401, 427,
 449, 450, 501, 649, 769, 774, 940, 1438, 1481, 1978, 1982, 3104, 3105, 3279, 3288

JOINT ASSEMBLY:
 Proceedings of:
 To hear an address by the Governor..... 167
 Resolution authorizing (HCR1)..... 23

JOINT RULES:
 Adopted 24

JOURNAL OF HOUSE:
 Authorized printed (HR3) 111

KELLY, DAVID, a Republican from the Sixth Delegate District:
 Announcement concerning vote..... 3526
 Appointed on a Conference Committee as to Com. Sub. for S. B. 295..... 2350
 Bills introduced by 164, 246, 279, 324, 345,
 349, 352, 353, 390, 406, 409, 410, 413, 454, 465, 491, 506, 515, 516, 537, 538, 577, 578, 580, 605,
 606, 607, 636, 639, 666, 671, 783, 787, 788, 808, 810, 845, 854, 855, 856, 857, 909, 968, 1843
 Cosponsor, added as..... 304, 357, 394
 Excused from voting, requested..... 1441
 Motions by..... 845, 1168

Resolutions offered by 244, 373, 401, 427, 501,
649, 664, 769, 774, 802, 841, 940, 946, 1481, 3276, 3288

KELLY, JOHN, a Republican from the Tenth Delegate District:

Announcement concerning vote..... 3283, 3526

Appointed on special committees:

To inform the Governor that the Legislature has assembled

in extraordinary session..... 4144, 4457

To inform the Governor that the Legislature was

ready to adjourn *sine die*..... 4075

Bills introduced by 123, 124, 133, 134, 139,
141, 157, 162, 166, 202, 227, 238, 255, 262, 279, 330, 333, 433, 437, 465, 490, 491, 518, 538, 539,
579, 581, 582, 606, 607, 633, 636, 638, 640, 667, 781, 782, 783, 784, 787, 848, 856, 903, 908, 909,
971, 980

Cosponsor, added as 824

Excused from voting, requested..... 1475, 2060, 2543, 2626, 3561,
4491

Leave of absence granted to..... 920

Resolutions offered by 117, 244, 310, 401, 402,
427, 449, 501, 565, 649, 664, 769, 803, 841, 1438, 1481, 1982, 2260, 3104, 3105, 3279, 3288

KESSINGER, KAYLA, a Republican from the Thirty-second Delegate District:

Appointed on a special committee to inform the Governor that

the Legislature had assembled 23

Bills introduced by 227, 246, 251, 252, 270,
276, 277, 283, 322, 326, 331, 332, 333, 334, 345, 350, 351, 354, 382, 388, 406, 409, 410, 412, 455,
458, 459, 463, 464, 490, 491, 492, 493, 494, 506, 514, 518, 519, 534, 536, 537, 539, 571, 572, 605,
606, 607, 633, 634, 635, 637, 640, 669, 673, 781, 788, 808, 814, 815, 845, 848, 854, 904, 906, 913,
950, 952, 955, 957, 965, 970, 994, 4264

Cosponsor, added as 357, 394, 500, 1841

Leave of absence granted to..... 393, 2033

Nominated Marshall Clay for Sergeant-at-Arms 4291

Remarks by, ordered printed 2092

Resolutions offered by 243, 310, 401, 427, 449,
453, 454, 501, 649, 664, 769, 774, 946, 1481, 1982, 2111, 2467, 3276, 3279, 4244, 4245

KUMP, LARRY D., a Republican from the Fifty-ninth Delegate District:

Appointed on a Conference Committee as to Com. Sub. for S. B. 481..... 3068

Report from 4048

Bills introduced by 246, 271, 279, 294, 299,
328, 331, 332, 349, 351, 388, 409, 410, 411, 413, 457, 458, 460, 463, 631, 915, 4251, 4252, 4253, 4254,
4264

Cosponsor, added as 264, 285, 304

Leave of absence granted to..... 550, 591, 615, 646, 680,
760, 793, 823, 876, 920, 1015, 1424, 1720, 4424

Paired..... 2177, 4426, 4428, 4430

Previous question demanded by..... 1440, 2062, 2064, 3325

Remarks by, ordered printed 3527, 4075

Resolutions offered by 244, 312, 321, 401, 427,
441, 449, 453, 501, 649, 774, 1481, 1981, 1982, 3276

LANE, CHARLOTTE R., a Republican from the Thirty-fifth Delegate District (83rd Legislature):

Excused from voting, requested..... 4462

LAVENDER-BOWE, CINDY, a Democrat from the Forty-second Delegate District:

Bills introduced by 135, 332, 354, 413, 459,
514, 535, 576, 577, 580, 582, 634, 638, 640, 781, 782, 786, 787, 812, 813, 816, 846, 847, 854, 855,
904, 906, 908, 955, 963, 964, 966, 968, 969, 973, 974, 975, 979, 983, 992, 993, 4190, 4191, 4192, 4262

Cosponsor:

Added as..... 342, 357, 394, 417, 436,
616, 647, 793, 1016, 1721

Removed as 2052

Excused from voting, requested..... 2060

Resolutions offered by 244, 401, 402, 427, 482,
501, 508, 513, 561, 649, 664, 774, 902, 937, 1481, 1978, 1979, 1982, 2260, 2465

LEGISLATIVE MANUAL:

Publication of
 Resolution authorizing (H. R. 2)..... 110

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE:

Report of..... 191

LETTER FROM THE GOVERNOR:

Reports received..... 3533

LIEBERMAN, ANNE:

Elected Sergeant-at-Arms 21
 Nominated 21
 Oath of office administered to 21
 Resignation from the House..... 2158

LINVILLE, DANIEL, a Republican from the Sixteenth Delegate District:

Announcement concerning vote..... 2322
 Appointed on a Conference Committee as to Com. Sub. for S. B 522..... 3855
 Appointed to the House..... 4468
 Oath of office administered to 4469
 Bills introduced by 227, 228, 247, 249, 250,
 252, 273, 274, 277, 298, 301, 323, 349, 350, 351, 384, 390, 409, 454, 463, 491, 539, 635, 639, 640,
 667, 673, 782, 784, 785, 807, 809, 857, 904, 907, 908, 910, 949, 955, 956, 963, 966, 993, 1756, 1882
 Cosponsor:
 Added as 4332
 Removed as 3526
 Excused from voting, requested..... 1441, 1862, 4346
 Remarks by, ordered printed 528, 823
 Resolutions offered by 224, 244, 310, 319, 320,
 347, 366, 375, 400, 427, 449, 501, 649, 654, 664, 769, 774, 841, 946, 1481, 1498, 1851, 1982, 3276,
 3279, 3286, 3288, 3655

LITTLE, CHARLES, a Republican from the Ninth Delegate District:

Appointed to the House..... 4148
 Oath of office administered to 4149
 Bills introduced by 4275

LONGSTRETH, LINDA, a Democrat from the Fiftieth Delegate District:

Bills introduced by 129, 206, 228, 231, 235,
 236, 278, 332, 352, 387, 433, 460, 573, 636, 666, 669, 787, 811, 847, 849, 850, 854, 904, 962, 963,
 964, 968, 969, 977, 980, 1741, 1883, 4189, 4191, 4192
 Cosponsor, added as 500, 528, 824, 877
 Leave of absence granted to 680, 2266
 Paired 2177
 Resolutions offered by 244, 269, 312, 401, 427,
 482, 501, 512, 649, 654, 664, 841, 902, 946, 947, 1481, 1982, 2465, 3653, 3655, 3656, 3657, 3661,
 3662, 4505

LOVE, SHIRLEY, a Democrat from the Thirty-second Delegate District (83rd Legislature):

Resolutions offered by 4505

LOVEJOY, CHAD, a Democrat from the Seventeenth Delegate District:

Appointed on a Conference Committee as to S. B. 487 3653
 Bills introduced by 153, 159, 162, 232, 233,
 234, 251, 273, 274, 282, 295, 323, 331, 354, 381, 383, 384, 390, 409, 410, 413, 433, 455, 456, 457,
 460, 464, 493, 514, 538, 568, 571, 580, 606, 607, 634, 639, 640, 667, 668, 669, 781, 784, 786, 787, 788
 808, 809, 810, 854, 906, 908, 963, 964, 966, 969, 977, 993, 995, 4262
 Cosponsor, added as 240, 264, 285, 304, 342,
 393, 436, 500, 528, 551, 591, 877, 920, 1425, 2060, 3795
 Excused from voting, requested 4462
 Remarks by, ordered printed 528, 2447

Resolutions offered by	347, 399, 401, 427, 449, 482, 501, 508, 649, 654, 664, 774, 902, 1481, 1498, 1978, 3529, 3655, 3656, 3657, 3659, 3660, 3661, 3662, 4505
LYNCH, DANA, a Democrat from the Forty-fourth Delegate District (83 rd Legislature):	
Appointed on a special committee to notify the Senate that the House had assembled in extraordinary session	4457
Resolutions offered by	4505
MALCOLM, SHARON LEWIS, a Republican from the Thirty-ninth Delegate District:	
Bills introduced by	227, 270, 299, 323, 350, 409, 410, 411, 412, 454, 458, 460, 463, 488, 494, 572, 574, 583, 671, 781, 811, 812, 904, 909, 953, 958, 965, 981, 4275
Moment of silence observed for	4437
Remarks by, ordered printed	2092
Resolutions offered by	244, 401, 427, 450, 501, 629, 649, 654, 774, 940, 1481, 1982, 3276, 3279, 3656, 3657, 3661, 3662
MANDT, JOHN, a Republican from the Sixteenth Delegate District:	
Bills introduced by	227, 273, 323, 324, 325, 333, 334, 345, 349, 352, 353, 354, 390, 406, 409, 410, 433, 454, 463, 491, 506, 537, 539, 577, 579, 581, 605, 639, 783, 784, 785, 787, 845, 848, 905, 907, 949, 968, 4251, 4255, 4256
Cosponsor, added as	394, 417, 528, 647, 761, 793, 1425, 4332
Excused from voting, requested	1441, 1862, 4346, 4386
Remarks by, ordered printed	793
Resolutions offered by	224, 310, 320, 373, 401, 427, 449, 450, 501, 649, 654, 664, 769, 774, 802, 940, 946, 1481, 1498, 3276, 3288
MARCUM, JUSTIN J., a Democrat from the Twentieth Delegate District (83 rd Legislature):	
Leave of absence granted to	4465
Point of order raised by	4485
MARTIN, CARL, a Republican from the Forty-fifth Delegate District:	
Announcement concerning vote	4400, 4432
Appointed on a Conference Committee on Com. Sub. for S. B. 241	3519
Report from	4027
Bills introduced by	227, 278, 298, 301, 333, 410, 432, 433, 514, 515, 516, 517, 539, 577, 581, 617, 635, 636, 670, 671, 672, 787, 788, 807, 809, 849, 850, 853, 857, 883, 905, 910, 912, 962, 967, 968, 988, 4305
Cosponsor, added as	284, 500, 1900
Excused from voting, requested	1924, 2637
Resolutions offered by	244, 359, 401, 427, 449, 454, 501, 649, 769, 774, 838, 902, 940, 947, 1481, 1978, 1982, 2159, 2160, 2161, 3276, 3279, 3655, 3656, 3657, 3659, 3661, 3662
MARTIN, PATRICK S., a Republican from the Forty-sixth Delegate District:	
Bills introduced by	227, 295, 333, 380, 388, 457, 491, 538, 581, 606, 636, 788, 814, 850, 955, 980, 4305
Cosponsor, added as	591
Resolutions offered by	401, 427, 449, 454, 501, 649, 769, 774, 838, 947, 1481, 3279, 3529, 3655, 3656, 3657, 3661, 3662
MAYNARD, ZACK, a Republican from the Twenty-second Delegate District:	
Bills introduced by	227, 247, 251, 252, 260, 274, 278, 282, 298, 323, 349, 351, 352, 380, 381, 384, 385, 406, 409, 411, 412, 433, 459, 460, 462, 464, 514, 516, 537, 539, 580, 581, 582, 606, 607, 634, 640, 667, 669, 782, 787, 788, 809, 812, 815, 854, 904, 905, 906, 908, 910, 911, 952, 955, 960, 964, 965, 966, 967, 977, 982, 995, 1756, 1882, 1883
Cosponsor:	
Added as	436, 528, 1015
Removed as	616, 920
Previous question demanded by	3394
Remarks by, ordered printed	646

Reports by, as Chair of the Committee on Fire Departments
and Emergency Medical Services..... 555, 687, 688, 922, 923,
2039

Resolutions offered by 310, 347, 401, 406, 427,
448, 449, 501, 599, 601, 630, 649, 654, 664, 769, 774, 776, 805, 841, 946, 1481, 1498, 1499, 1978,
1982, 2050, 3276, 3279, 4505

McGEEHAN, PAT, a Republican from the First Delegate District:

Announcement concerning vote..... 4400

Bills introduced by 134, 140, 141, 158, 227,
255, 256, 263, 270, 279, 294, 298, 299, 328, 351, 352, 354, 382, 384, 388, 408, 410, 454, 457, 458,
460, 461, 488, 490, 492, 494, 515, 516, 518, 534, 536, 537, 571, 575, 583, 670, 785, 813, 815, 849,
907, 950, 965, 4266

Cosponsor:

 Added as..... 761

 Removed as 647

Excused from voting, requested..... 610, 4346

Leave of absence granted to 4453

Motions by..... 1216, 1855, 1914

Previous question demanded by..... 4355

Remarks by, ordered printed 1900

Reports by, as Chair of the Committee on Veterans’ Affairs
and Homeland Security..... 419, 420, 474, 1463, 1465

Resolutions offered by 117, 119, 244, 321, 373,
401, 427, 453, 454, 501, 630, 649, 664, 802, 947, 1481, 1978, 3529

McKOWN, PAUL:

Memorial resolution 502

MEMBERS:

Voting:

 Requests under Rule 49 434, 609, 610, 673, 819,
869, 916, 917, 1378, 1404, 1423, 1441, 1446, 1447, 1450, 1475, 1502, 1862, 1924, 1999, 2000,
2002, 2020, 2060, 2081, 2173, 2301, 2357, 2421, 2542, 3294, 3314, 3319, 3330, 3561, 4210,
4293, 4311, 4333, 4346, 4373, 4386, 4462, 4463, 4491

MEMORIAL RESOLUTIONS:

Casey, James Michael 650

Compton, Mary Pearl..... 1842

McKown, Paul. 502

MILEY, TIM, a Democrat from the Forty-eighth Delegate District:

Addressed House..... 15, 4526

Bills introduced by 131, 159, 190, 230, 237, 239,
251, 254, 259, 274, 275, 276, 278, 281, 295, 298, 326, 327, 328, 330, 354, 386, 387, 388, 389, 408,
409, 410, 412, 413, 460, 488, 489, 517, 518, 570, 571, 604, 605, 606, 608, 638, 640, 784, 811, 816,
846, 850, 853, 855, 906, 908, 958, 964, 966, 967, 968, 977, 978, 979, 982, 993, 4163, 4164, 4166, 4167,
4168, 4169, 4171, 4172, 4174, 4176, 4177, 4182, 4183, 4184, 4185, 4186, 4187, 4189, 4190, 4191,
4192, 4246, 4247, 4248, 4249, 4250, 4251, 4255, 4259, 4263, 4264, 4265, 4266, 4267, 4422, 4423,
4424, 4440, 4441

Cosponsor:

 Added as..... 240

 Removed as 1480

Excused from voting, requested..... 4462

Leave of absence granted to 2125, 2165, 4515

Motions by..... 3291

Nominated for Speaker of the House 10, 4422

Petitions presented by..... 2051

Remarks by, ordered printed 680

Resolutions offered by 244, 269, 315, 369, 371,
401, 427, 482, 501, 508, 604, 628, 649, 769, 902, 937, 1481, 1978, 1982, 4419, 4421

MILLER, RODNEY, a Democrat from the Twenty-third Delegate District:	
Appointed on a Conference Committee as to Com. Sub. for S. B. 295.....	2350
Bills introduced by	126, 132, 136, 142, 157, 158, 159, 166, 232, 236, 251, 258, 262, 273, 274, 278, 282, 295, 322, 328, 350, 354, 380, 383, 409, 410, 413, 456, 464, 493, 514, 515, 516, 534, 536, 537, 539, 568, 573, 577, 578, 579, 580, 605, 607, 638, 640, 666, 667, 671, 787, 788, 807, 808, 809, 810, 815, 816, 849, 854, 904, 909, 911, 960, 963, 964, 966, 979, 1843, 4262
Cosponsor, added as	471
Excused from voting, requested.....	1441, 1862, 4346
Nominated Tim Miley for Speaker	10
Remarks by, ordered printed	646, 877
Resolutions offered by	269, 373, 401, 427, 446, 449, 482, 501, 599, 601, 649, 664, 776, 805, 902, 946, 1481, 1499, 1982, 3653

MOTIONS:

Discharge Committee.....	806, 902, 948, 1028, 1472, 1855, 1912, 2440
Limit debate	2067
Previous question	1173, 1440, 1861, 2062, 2064, 2077, 3151, 3325, 3387, 3394, 3561
Reconsideration.....	1168, 1937, 2066, 2342, 3396, 3982, 4025

MOYE, RICKY, a Democrat from the Twenty-ninth Delegate District (83rd Legislature):

Resolutions offered by	4505
------------------------------	------

NELSON, ERIC, a Delegate from the Thirty-fifth Delegate District:

Announcement concerning vote.....	528, 3283, 4400
Appointed on a special committee to notify the Senate that the House was ready to adjourn <i>sine die</i>	4432
Bills introduced by	256, 274, 280, 281, 323, 324, 325, 330, 333, 381, 382, 386, 387, 388, 407, 412, 413, 430, 455, 465, 518, 572, 578, 617, 633, 636, 640, 666, 783, 809, 813, 855, 883, 905, 907, 952, 962, 969, 970, 980
Cosponsor:	
Added as.....	436, 471, 920, 1015, 1425, 1753, 1900
Removed as	1457, 1754, 1900, 2092
Reports by, as Chair of the Committee on Banking and Insurance	620, 652, 884, 885, 1465, 1492
Resolutions offered by	244, 321, 401, 402, 427, 501, 514, 566, 629, 649, 769, 774, 947, 1481, 2159, 2160, 2161, 3276, 3529

ORDER, QUESTIONS OF AND DECISIONS THEREON:

Amendment	
Germaneness	1731, 1930, 2028, 2621, 3256, 4342, 4349, 4358, 4451
Motion improper.....	1173

OVERINGTON, JOHN, a Republican from the Sixty-third Delegate District (83rd Legislature):

Presided	4458, 4467, 4495, 4517
Resolutions offered by	4458
Ruling of the Chair.....	4462, 4463, 4483, 4485, 4492, 4496, 4514

PACK, JEFFREY M., a Republican from the Twenty-eighth Delegate District:

Appointed on a Conference Committee as to Com. Sub. for S. B. 405.....	3877
Report from	4059
Bills introduced by	125, 205, 227, 228, 249, 250, 252, 272, 274, 276, 277, 278, 281, 283, 295, 301, 322, 324, 330, 331, 332, 333, 334, 350, 351, 353, 354, 383, 387, 388, 410, 411, 454, 457, 459, 460, 461, 463, 464, 494, 514, 515, 516, 517, 536, 537, 539, 568, 572, 576, 577, 578, 581, 582, 606, 633, 634, 636, 637, 638, 640, 666, 669, 670, 671, 672, 785, 807, 809, 816, 846, 849, 850, 855, 856, 857, 883, 904, 909, 910, 912, 949, 952, 958, 964, 966, 967, 968, 969, 981, 995, 1021, 4251
Cosponsor:	
Added as.....	824
Removed as	551

Excused from voting, requested..... 1378, 1423, 1441, 1450, 3330
 Motions by..... 3982
 Resolutions offered by 224, 244, 267, 268, 317,
 319, 320, 321, 359, 366, 375, 399, 401, 405, 427, 450, 501, 630, 649, 664, 774, 896, 939, 1481, 1982,
 2159, 2160, 2161, 2260, 3276

PAIRS:

H. B. 2020 2177
 H. B. 2079 2053
 H. B. 2538 1474
 H. B. 2730 1863
 H. B. 3039 1768
 H. B. 3142 2064
 S. B. 510 2116
 H. B. 113 (1st Extraordinary Session) 4314
 H. B. 206 (1st Extraordinary Session) 4392
 H. B. 207 (1st Extraordinary Session) 4426

PAYNTER, TONY, a Republican from the Twenty-fifth Delegate District:

Bills introduced by 146, 227, 235, 259, 278,
 298, 301, 328, 334, 350, 352, 353, 381, 382, 383, 388, 409, 411, 412, 456, 457, 459, 464, 491, 514,
 536, 537, 539, 571, 581, 582, 607, 608, 634, 637, 640, 667, 669, 671, 673, 781, 787, 809, 813, 814,
 846, 855, 857, 904, 906, 911, 962, 964, 966, 967, 994, 995
 Cosponsor:
 Added as..... 417, 647, 793, 1425
 Removed as 681, 824, 1016, 1425
 Resolutions offered by 268, 321, 359, 401, 427,
 450, 453, 454, 501, 649, 664, 769, 947, 1481, 1498, 1978, 1982, 2159, 2160, 2161, 2260

PETHTEL, DAVE, a Democrat from the Fifth Delegate District:

Bills introduced by 239, 273, 276, 328, 330,
 351, 388, 460, 465, 536, 538, 572, 574, 576, 582, 583, 637, 666, 784, 816, 854, 969, 981, 1848
 Cosponsor, added as 393, 528
 Excused from voting, requested..... 1441, 4346, 4373
 Resolutions offered by 244, 401, 427, 482, 483,
 485, 501, 649, 654, 769, 938, 1481, 1978, 1982, 2465, 3664, 4505

PETITIONS PRESENTED BY:

Boggs..... 246
 Doyle 2051
 Estep-Burton..... 844
 Fleischauer..... 348
 Hamrick 2051
 Hansen 348
 Miley 2051
 Pushkin 4464
 Pyles 348
 Queen..... 2051
 Robinson..... 844
 Rowe..... 293, 844
 Shott..... 349
 Walker 348
 Waxman..... 2051
 Williams 348

PHILLIPS, CHRIS, a Republican from the Forty-seventh Delegate District:

Appointed on a Conference Committee as to S. B. 596 3555
 Appointed on special committees:
 To inform the Governor that the
 Legislature had assembled in extraordinary session 4144, 4440
 To inform the Governor that the
 Legislature was ready to adjourn *sine die* 4075, 4453
 Bills introduced by 228, 247, 249, 250, 252,

271, 274, 276, 277, 301, 322, 328, 349, 409, 410, 463, 488, 492, 494, 514, 515, 516, 517, 537, 540, 577, 582, 608, 637, 640, 669, 781, 782, 809, 856, 883, 965, 968, 995, 4252, 4253, 4254, 4255, 4275, 4305	
Cosponsor, added as	221, 551, 591, 761, 1457
Excused from voting, requested	819, 2081
Resolutions offered by	224, 244, 319, 320, 359, 366, 375, 401, 427, 450, 501, 649, 664, 769, 774, 940, 1481, 1982, 2159, 2160, 2161, 3276, 3279, 3288
PHILLIPS, RUPERT, a Republican from the Twenty-fourth Delegate District (83 rd Legislature):	
Leave of absence granted to	4515
PORTERFIELD, ERIC, a Republican from the Twenty-seventh Delegate District:	
Announcement concerning vote	4075
Bills introduced by	248, 271, 277, 409, 410, 412, 457, 535, 577, 635, 636, 671, 673, 812, 814, 904, 909, 912, 913, 970, 994, 4251, 4252, 4257, 4264
Cosponsor, added as	357, 471, 528, 793, 823, 877, 1425, 1479, 1512, 1753
Excused from voting, requested	1404, 1423, 1441, 1447
Leave of absence granted to	2125, 2165, 2266
Motions by	3396
Point of order raised by	2064
Previous question demanded by	4377
Remarks by, ordered printed	823
Resolutions offered by	359, 401, 427, 501, 649, 664, 769, 774, 944, 947, 1481, 1982, 3279, 3529
POSTPONE INDEFINITELY:	
Motion to	1669
PREVIOUS QUESTION:	
Demanded	1173, 1440, 1861, 2062, 2064, 2077, 3151, 3325, 3387, 3394, 3561, 4355, 4377, 4384
PUSHKIN, MIKE, a Democrat from the Thirty-seventh Delegate District:	
Bills introduced by	135, 136, 140, 157, 164, 165, 205, 254, 272, 278, 293, 323, 328, 345, 351, 382, 384, 386, 388, 390, 408, 455, 456, 463, 506, 515, 516, 535, 571, 583, 606, 787, 811, 813, 846, 847, 853, 855, 904, 906, 950, 952, 953, 960, 963, 964, 968, 969, 975, 977, 979, 980, 983, 991, 4189, 4191, 4258, 4262, 4266
Cosponsor, added as	264, 304, 342, 394, 647, 877, 1753
Excused from voting, requested	916, 1862, 4346
Motions by	1913
Nominated Tim Miley for Speaker	4522
Petitions presented by	4464
Point of order raised by	3291
Remarks by, ordered printed	528, 680, 1015, 2165
Resolutions offered by	244, 401, 427, 441, 450, 501, 629, 649, 664, 947, 1481, 2465, 3653, 4505
PYLES, RODNEY, a Democrat from the Fifty-first Delegate District:	
Announcement concerning vote	3283, 4319
Bills introduced by	128, 129, 130, 131, 134, 146, 147, 155, 162, 166, 204, 207, 227, 228, 232, 233, 235, 236, 238, 239, 260, 262, 276, 278, 328, 330, 351, 352, 388, 535, 576, 640, 783, 811, 849, 855, 883, 908, 952, 961, 962, 963, 966, 968, 980, 988, 992, 993, 4189, 4190, 4191
Cosponsor, added as	417, 471, 551, 616, 647, 760, 761, 1015
Excused from voting, requested	2281, 2696
Petitions presented by	348
Remarks by, ordered printed	646, 823
Resolutions offered by	244, 269, 359, 401, 427, 450, 501, 513, 649, 654, 902, 947, 1481, 1496, 1982, 2465, 3653, 3655, 3656, 3657, 3660, 3661, 3662, 4505

QUEEN, BEN, a Republican from the Forty-eighth Delegate District:
 Appointed on a special committee to inform the Governor that the
 Legislature was ready to adjourn *sine die*..... 4432
 Bills introduced by 270, 323, 328, 349, 382,
 388, 454, 491, 517, 518, 538, 580, 605, 606, 607, 617, 671, 781, 782, 784, 811, 816, 849, 850, 854,
 913, 955, 956, 966, 993
 Cosponsor, added as 471
 Leave of absence granted to 417
 Paired 1768
 Petition 2051
 Resolutions offered by 315, 369, 401, 427, 450,
 501, 649, 664, 769, 802, 1481, 1982, 3288

RECONSIDERATION:
 Motion 1168, 1937, 2066, 2342, 3396,
 3982, 4025

RESOLUTIONS:
 For all House Concurrent, House Joint and House Resolutions offered
 and proceedings thereon. *See* Tabular Indices.
 For all Senate Concurrent and Senate Joint Resolutions communicated to the House
 and proceedings thereon. *See* Tabular Indices.

ROBINSON, ANDREW, a Democrat from the Thirty-sixth Delegate District:
 Bills introduced by 251, 295, 298, 345, 350,
 380, 383, 385, 409, 456, 460, 506, 514, 571, 582, 606, 607, 671, 788, 810, 849, 850, 855, 904, 953,
 963, 974, 975, 983, 4191, 4262
 Cosponsor, added as 342, 394, 417, 528, 1425,
 1753
 Leave of absence granted to 4424
 Motions by 2258, 3393
 Petitions presented by 844
 Point of order raised by 1862
 Remarks by, ordered printed 528, 591, 615
 Resolutions offered by 289, 291, 367, 401, 402,
 427, 450, 501, 562, 629, 649, 664, 774, 902, 1481, 1496, 1854, 1978, 1982, 1984, 2111, 2465, 3529,
 3653

RODIGHIERO, RALPH, a Democrat from the Twenty-fourth Delegate District:
 Bills introduced by 406, 407, 408, 431, 432,
 456, 457, 458, 459, 462, 463, 490, 514, 573, 574, 575, 579, 580, 581, 582, 606, 638, 782, 784, 809,
 810, 812, 814, 815, 853, 904
 Excused from voting, requested 4311
 Leave of absence granted to 920, 4453
 Resolutions offered by 244, 401, 427, 448, 501,
 508, 599, 601, 649, 654, 664, 776, 805, 894, 1481, 1496, 1499, 1979, 1982, 4505

ROHRBACH, MATTHEW, a Republican from the Seventeenth Delegate District:
 Announcement concerning vote 1425, 3283, 4075
 Bills introduced by 125, 130, 135, 156, 166,
 202, 203, 204, 206, 223, 231, 232, 233, 237, 238, 258, 262, 270, 272, 273, 295, 334, 345, 353, 384,
 385, 390, 408, 411, 432, 433, 437, 459, 506, 514, 528, 539, 579, 580, 582, 583, 606, 607, 639, 640,
 667, 668, 783, 784, 807, 808, 809, 810, 813, 816, 829, 830, 847, 853, 856, 906, 908, 910, 914, 974,
 1021, 1466, 4251, 4262
 Cosponsor, added as 284, 304, 591, 647, 877,
 1425, 1513
 Excused from voting, requested 1441, 4346
 Leave of absence granted to 499, 4430
 Remarks by, ordered printed 646, 823
 Reports by, as Chair of the Committee on Prevention and Treatment
 of Substance Abuse 621, 622, 828, 1466
 Resolutions offered by 347, 400, 427, 450, 501,
 649, 654, 664, 769, 774, 1481, 1498, 1978, 1979, 1982, 2260, 3104, 3105, 3276, 3277, 3656, 3657

ROMINE, CHUCK, a Republican from the Sixteenth Delegate District (83 rd Legislature):	
Leave of absence granted to.....	4465
Resignation from the House.....	4467
ROWAN, RUTH, a Republican from the Fifty-seventh Delegate District:	
Appointed on a special committee to notify the Senate that the House had assembled.....	22
Bills introduced by.....	122, 125, 134, 147, 156, 160, 166, 202, 203, 204, 205, 206, 223, 227, 228, 231, 232, 238, 239, 247, 261, 276, 322, 330, 331, 385, 412, 430, 431, 432, 433, 454, 460, 494, 535, 538, 607, 640, 669, 781, 782, 812, 907, 962, 963, 968, 1021, 1741, 1848, 1882, 1883, 4262
Cosponsor:	
Added as.....	2447
Removed as.....	615
Excused from voting, requested.....	1441, 4346, 4373, 4386
Reports by, as Chair of the Committee on Senior, Children and Family Issues.....	344, 473, 653, 831
Resolutions offered by.....	120, 226, 244, 267, 401, 406, 427, 501, 561, 649, 654, 664, 769, 774, 778, 841, 1481, 1982, 3276, 3279, 3288, 3655, 3656, 3657, 3659, 3660, 3661, 3662, 4244, 4245
ROWE, LARRY L., a Democrat from the Thirty-sixth Delegate District:	
Appointed on special committees:	
To inform the Governor that the Legislature had assembled.....	23
To inform the Governor that the Legislature had assembled in extraordinary session.....	4440
To inform the Governor that the Legislature was ready to adjourn <i>sine die</i>	4453
Bills introduced by.....	153, 154, 155, 156, 232, 233, 261, 296, 297, 298, 328, 385, 456, 518, 573, 786, 813, 849, 853, 909, 952, 953, 963, 974, 975, 977, 1741, 1903, 4190, 4192, 4258
Cosponsor, added as.....	417, 500, 877
Excused from voting, requested.....	1862, 4462
Petitions presented by.....	293, 844
Point of order raised by.....	844, 2621, 4462
Remarks by, ordered printed.....	646, 823
Resolutions offered by.....	244, 289, 291, 367, 401, 402, 427, 450, 501, 509, 562, 629, 649, 664, 840, 841, 897, 1481, 1854, 1982, 1984, 2465, 3529, 3653, 4505
RULE 49:	
Requests by members.....	434, 609, 610, 673, 819, 869, 916, 917, 1378, 1404, 1423, 1441, 1446, 1447, 1450, 1475, 1502, 1862, 1924, 1999, 2000, 2002, 2020, 2060, 2081, 2173, 2301, 2357, 2421, 2543, 3294, 3314, 3319, 3330, 3561, 4210, 4293, 4311, 4333, 4346, 4386, 4462, 4463, 4491
RULE 58:	
Reconsideration.....	1168, 1937, 2066, 2342, 3396, 3982, 4025
RULE 82:	
Discharge committee, motion to.....	806, 902, 948, 1028, 1472, 1855, 1912, 2440
RULE 136:	
Suspension of.....	121
RULES OF THE HOUSE OF DELEGATES:	
Adopted.....	131
Amended.....	142
Amendments proposed.....	142
Text.....	60
SECRETARY OF STATE:	
Returns of election.....	2, 31

SERGEANT-AT-ARMS:

Clay, Marshall
 Elected..... 4292
 By acclamation 4292
 Nominated 4291
 Oath of office administered to..... 4292

Lieberman, Anne
 Elected..... 21
 By acclamation 21
 Nominated 20
 Oath of office administered to 21
 Resignation 2158

SHOTT, JOHN H., a Republican from the Twenty-seventh Delegate District:

Announcement concerning vote..... 3526

Bills introduced by 136, 147, 152, 157, 162,
 163, 164, 165, 203, 205, 207, 234, 246, 248, 251, 252, 263, 274, 276, 280, 281, 299, 324, 329, 351,
 384, 460, 492, 514, 518, 538, 573, 574, 577, 582, 633, 636, 637, 639, 666, 669, 845, 851, 949, 957,
 967, 969, 973, 1711, 1843, 1855, 4251, 4252, 4253, 4256, 4264

Motions by..... 1757, 4025

Nominated Roger Hanshaw for Speaker..... 7, 4518

Petitions presented by..... 349

Point of order raised by 1669, 2028, 3256

Remarks by, ordered printed 499, 646

Reports by, as Chair of the Committee on the Judiciary 223, 243, 265, 266, 287,
 305, 306, 307, 344, 362, 363, 395, 396, 424, 442, 443, 504, 505, 530, 618, 652, 653, 655, 656, 688,
 689, 766, 825, 826, 827, 885, 926, 927, 928, 929, 1460, 1467, 1487, 1488, 1490, 1492, 1509, 1510,
 1706, 1707, 1711, 1723, 1740, 1745, 1746, 1747, 1756, 1757, 1811, 1812, 1843, 1844, 1845, 1884,
 1885, 1901, 1957, 1958, 2123, 2127, 2129, 2130, 2131, 2264, 2268, 2269, 2273, 2328, 2329, 2440,
 2442, 2565, 3107, 3285, 4429, 4469

Reports by, as Chair of the Select Committee on
 Education Reform – A 4272, 4274

Resolutions offered by 117, 401, 427, 501, 649,
 664, 769, 774, 944, 1481, 1982, 3276, 3288, 3529, 4469

SKAFF, DOUG, a Democrat from the Thirty-fifth Delegate District:

Bills introduced by 251, 323, 332, 576, 578,
 617, 781, 810, 813, 814, 846, 847, 851, 855, 910, 952, 953, 955, 956, 965, 966, 969, 970, 974, 975,
 977, 982, 1883, 1903, 4191

Cosponsor, removed as 794

Leave of absence granted to 393, 417, 527, 680

Motions by..... 2066

Resolutions offered by 244, 401, 427, 501, 566,
 629, 649, 664, 841, 946, 1481, 1982, 2465, 3653

SOBONYA, KELLI, a Republican from the Eighteenth Delegate District (83rd Legislature):

Appointed on a special committee to inform the Governor that the
 Legislature had assembled in extraordinary session..... 4457

SPEAKER OF THE HOUSE OF DELEGATES:

Addressed House..... 16, 2152, 4526

Appointment of employees (HR4)..... 112

Assumed the Chair 18, 4528

Budget Bill introduced by 190

Called House to order..... 4143, 4435

Committees
 Special Committees appointed by –
 To inform Governor Legislature had assembled..... 23
 To inform Governor Legislature had assembled
 in extraordinary session 4144, 4440, 4457
 To inform Governor Legislature was ready to
 adjourn *sine die* 4075, 4432, 4453
 To notify Senate that House had assembled..... 22

To notify Senate that House had assembled in extraordinary session	4144, 4440, 4457
To notify Senate that House was ready to adjourn <i>sine die</i>	4074, 4432, 4453
To wait upon the Governor.....	24
Communications presented by	
From Governor –	
Appointment to fill vacancies in the House	4148, 4437, 4438, 4468
Approval of bills	886, 929, 1467, 1726, 1967, 2095, 2133, 2168, 2646, 3109, 3286, 4139, 4231, 4405, 4434, 4450
Budget Bill	
Approved with objections and reductions.....	4103
Submitted.....	190
Estimates of revenue.....	2570, 4156, 4297
Executive messages.....	189, 2570, 3533, 3539, 4156, 4297
Proclamation of, convening extraordinary session.....	3109, 4438, 4456
Amended	4149, 4155, 4227, 4228, 4404
Proclamation of, extending session.....	2568
Relief granted by	3539
Reports, Annual	
Submitted by.....	3533
Revenue Estimates	
Revision.....	2570, 4156, 4297
Submitting Budget Bill.....	190
Veto Messages–	
H. B. 2079	4105
H. B. 2363	4107
H. B. 2412	4108
H. B. 2486	4109
H. B. 2503	4111
H. B. 2530	4112
H. B. 2531	4113
H. B. 2579	4114
H. B. 2661	4115
H. B. 2673	4117
H. B. 2674	4118
H. B. 2703	4120
H. B. 2734	4121
H. B. 2807	4122
H. B. 2828	4123
H. B. 2933	4124
H. B. 2992	4125
H. B. 3024	4127
H. B. 3044	4128
H. B. 3148	4104
S. B. 61	2463
S. B. 147	4129
S. B. 190	4130
S. B. 272	1813
S. B. 440	4132
S. B. 487	4133
S. B. 522	4134
S. B. 624	4136
S. B. 633	4138
S. B. 676	4139
Conference Committees appointed by –	
<i>See</i> COMMITTEES.	
Employees	
Appointed.....	112
Presented reports of –	
<i>See</i> ANNUAL REPORTS.	
Remarks by, ordered printed	1959, 2092, 2121, 2566, 3107, 3524, 3532
Reports by, as Chairman of the Committee on Rules	1430, 1805, 2121, 2566, 3107, 3524, 3532

Ruling of the Chair.....	434, 609, 610, 674, 819, 844, 869, 916, 917, 1173, 1378, 1404, 1423, 1441, 1447, 1450, 1475, 1502, 1670, 1861, 1862, 1924, 1930, 1999, 2000, 2002, 2020, 2028, 2060, 2081, 2173, 2301, 2358, 2421, 2544, 2621, 2626, 2637, 3151, 3211, 3256, 3291, 3295, 3312, 3314, 3319, 3330, 3561, 3670, 3911, 4210, 4243, 4293, 4311, 4333, 4342, 4346, 4349, 4355, 4358, 4373, 4386, 4451
See Hanshaw, Roger.	
SPONAUGLE, ISAAC, a Democrat from the Fifty-fifth Delegate District:	
Announcement concerning vote.....	4424
Bills introduced by	127, 128, 129, 130, 132, 134, 144, 154, 158, 163, 200, 202, 229, 230, 274, 278, 282, 380, 384, 460, 461, 571, 784, 807, 811, 813, 846, 850, 851, 854, 857, 906, 955, 963, 964, 968, 977, 1903, 4190, 4192
Cosponsor, added as	342
Excused from voting, requested	4462
Leave of absence granted to	1479, 4290, 4319, 4399
Motions by	752
Remarks by, ordered printed	761, 1900
Resolutions offered by	225, 226, 244, 269, 401, 406, 427, 450, 483, 485, 486, 501, 508, 561, 628, 649, 778, 779, 899, 902, 937, 941, 1437, 1481, 1978, 1979, 1982, 1984, 1989, 2351, 2465, 3529, 4505
STAGGERS, MARGARET, a Democrat from the Thirty-second Delegate District:	
Appointed on a Conference Committee as to H. B. 2351.....	887
Bills introduced by	223, 251, 277, 278, 330, 351, 353, 408, 409, 430, 456, 460, 571, 583, 638, 808, 811, 816, 854, 855, 857, 904, 962, 963, 964, 967, 969, 974, 979, 4189, 4191, 4192, 4262
Leave of absence granted to	4430
Point of order raised by	4342
Resolutions offered by	243, 319, 359, 366, 375, 401, 427, 450, 482, 483, 501, 508, 561, 628, 649, 899, 937, 938, 941, 1481, 1978, 1982, 1989, 2111, 2159, 2160, 2161, 3653
STEELE, BRANDON, a Republican from the Twenty-ninth Delegate District:	
Announcement concerning vote.....	1425
Appointed on a Conference Committee as to Com. Sub. for S. B. 481.....	3068
Bills introduced by	144, 227, 228, 249, 250, 252, 271, 274, 276, 277, 279, 283, 301, 322, 324, 326, 330, 331, 332, 333, 334, 351, 354, 390, 406, 409, 411, 457, 460, 490, 491, 493, 514, 517, 518, 537, 577, 579, 583, 637, 784, 785, 787, 788, 807, 808, 810, 814, 815, 845, 854, 855, 856, 905, 909, 965, 967, 970, 971, 974, 995, 4255, 4263, 4305
Cosponsor:	
Added as	264, 417, 471, 823, 1513
Removed as	417, 500
Excused from voting, requested.....	1423, 3294, 4346
Paired.....	2064
Point of order raised by	4349
Previous question demanded by.....	1173
Remarks by, ordered printed	499, 793, 2092
Resolutions offered by	224, 244, 319, 320, 321, 366, 375, 401, 427, 450, 501, 630, 649, 664, 769, 774, 1481, 1978, 1982, 2111, 3276
STORCH, ERIKKA, a Republican from the Third Delegate District:	
Announcement concerning vote.....	2033
Appointed on special committees:	
To inform the Governor that the Legislature had assembled in extraordinary session	4440
To inform of the Governor that the Legislature was ready to adjourn <i>sine die</i>	4453
To wait upon the Governor.....	24
Announced presence of Governor	167
Bills introduced by	137, 138, 227, 228, 260, 298, 322, 351, 354, 387, 411, 455, 460, 465, 494, 514, 515, 537, 538, 571, 577, 605, 607, 637, 640, 666, 668, 669, 680, 783, 813, 851, 854, 965, 967, 976, 982, 1883
Cosponsor, added as	436
Excused from voting, requested	1441, 4346

Leave of absence granted to	760, 4515
Reports by, as Chair of the Committee on Political Subdivisions.....	423, 556, 557, 1462, 2036, 2037
Resolutions offered by	373, 401, 427, 454, 501, 649, 664, 769, 774, 841, 1481, 1978, 1982, 3276, 3288
SUMMERS, AMY, a Republican from the Forty-ninth Delegate District:	
Bills introduced by	127, 139, 153, 223, 228, 232, 233, 251, 252, 262, 270, 272, 276, 277, 281, 322, 323, 330, 332, 349, 351, 352, 353, 354, 408, 411, 412, 455, 457, 460, 462, 463, 488, 491, 583, 635, 666, 669, 671, 781, 787, 809, 851, 854, 903, 958, 966, 967, 970, 981, 986, 1021, 4251, 4252, 4253, 4254, 4264
Cosponsor:	
Added as.....	394
Removed as	500, 528
Excused from voting, requested.....	1441, 1862, 4346, 4386
Motions by.....	1029, 2067
Point of order raised by	4451
Resolutions offered by	117, 310, 315, 401, 427, 450, 501, 649, 774, 1481, 3279
Seconded nomination of Roger Hanshaw for Speaker	9, 4521
SWARTZMILLER, RANDY, a Democrat from the First Delegate District:	
Bills introduced by	278, 352, 354, 380, 465, 534, 536, 537, 671, 904, 908, 962, 963
Previous question demanded by.....	1861
Remarks by, ordered printed	646
Resolutions offered by	244, 401, 427, 450, 482, 501, 508, 649, 664, 1481, 1496, 1978, 1982, 2159, 2160, 2161
SYPOLT, TERRI, a Republican from the Fifty-second Delegate District:	
Appointed on special committees:	
To notify the Senate that the House had assembled in extraordinary session	4144, 4457
To notify the Senate that the House was ready to adjourn <i>sine die</i>	4074
Bills introduced by	134, 204, 227, 228, 246, 247, 252, 274, 282, 322, 323, 324, 328, 330, 331, 349, 350, 352, 353, 382, 410, 411, 433, 459, 461, 464, 488, 494, 514, 515, 516, 517, 568, 570, 640, 666, 669, 781, 782, 785, 808, 810, 811, 855, 883, 966, 979, 990, 991, 4264
Cosponsor:	
Added as.....	500, 551, 681
Removed as	877
Remarks, by, ordered printed	1841, 4075
Resolutions offered by	244, 315, 359, 399, 401, 427, 450, 501, 649, 654, 664, 769, 774, 940, 1481, 1978, 1982, 2159, 2160, 2161, 3276, 3279, 3655, 3656, 3657, 3659, 3660, 3661, 3662
THOMPSON, CODY, a Democrat from the Forty-third Delegate District:	
Bills introduced by	126, 135, 158, 223, 277, 409, 536, 571, 638, 668, 781, 786, 811, 812, 846, 847, 853, 950, 952, 955, 964, 968, 973, 974, 975, 983, 993, 4191, 4255, 4258, 4262, 4265, 4266
Cosponsor, added as	
417, 436, 1457, 1721	
Excused from voting, requested.....	1441, 1446, 1862, 4346, 4386
Leave of absence granted to.....	471, 4430
Motions by.....	948
Remarks by, ordered printed	680, 920
Resolutions offered by	244, 401, 427, 450, 482, 483, 485, 486, 501, 508, 561, 649, 778, 899, 902, 937, 938, 941, 1481, 1978, 1979, 1982, 1984, 1989, 2465

THOMPSON, ROBERT, a Democrat from the Nineteenth Delegate District:
 Announcement concerning vote..... 2322
 Bills introduced by 125, 126, 145, 240, 258,
 260, 261, 262, 298, 301, 351, 354, 383, 384, 385, 389, 413, 432, 437, 455, 459, 461, 537, 579, 582,
 638, 640, 667, 782, 783, 784, 786, 787, 810, 812, 813, 814, 846, 847, 904, 906, 4189, 4190, 4191, 4192
 Excused from voting, requested..... 1441, 1862
 Resolutions offered by 347, 374, 399, 401, 428,
 448, 482, 501, 513, 649, 664, 947, 1481, 1496, 1499, 1979, 1982, 2260, 3104, 3105

TOMBLIN, TIM, a Democrat from the Twenty-fourth Delegate District:
 Appointed on a Conference Committee as to Com. Sub. for S. B. 405..... 3877
 Bills introduced by 432, 539, 579, 580, 638,
 667, 810, 812, 814, 883, 911, 4189
 Excused from voting, requested..... 1441, 1862, 4346
 Leave of absence granted to..... 4424, 4430
 Resolutions offered by 359, 401, 428, 482, 501,
 599, 601, 649, 664, 769, 776, 805, 1481, 1499, 1982, 3653

TONEY, CHRIS, a Republican from the Thirty-first Delegate District:
 Bills introduced by 246, 349, 381, 385, 437,
 459, 516, 536, 537, 579, 606, 607, 608, 617, 668, 786, 853, 857, 904, 908, 955, 968, 994, 995, 4264
 Cosponsor, removed as 591, 3526
 Excused from voting, requested..... 1441, 1862, 4346
 Resolutions offered by 224, 244, 320, 399, 401,
 428, 450, 501, 649, 654, 664, 774, 1481, 1982, 2260, 3104, 3105, 3279, 3288, 3656, 3661

WALKER, DANIELLE, a Democrat from the Fifty-first Delegate District:
 Bills introduced by 223, 228, 272, 328, 330,
 332, 345, 351, 352, 381, 390, 408, 409, 431, 506, 573, 577, 638, 640, 781, 786, 810, 812, 813, 814,
 850, 853, 855, 904, 906, 908, 950, 952, 955, 956, 962, 963, 965, 966, 968, 974, 975, 979, 988, 989,
 992, 933, 4189, 4191
 Cosponsor, added as 284, 417, 436, 793, 877
 Excused from voting, requested..... 1441, 2020, 4311
 Leave of absence granted to..... 4424, 4430
 Petitions presented by..... 348
 Remarks by, ordered printed 823, 1425, 2092
 Resolutions offered by 244, 359, 401, 402, 428,
 450, 482, 501, 649, 664, 902, 1481, 1978, 1982, 2159, 2160, 2161, 2465, 3653

WAXMAN TERRY, a Republican from the Forty-eighth Delegate District:
 Bills introduced by 227, 246, 248, 279, 322,
 349, 351, 454, 459, 460, 488, 490, 491, 492, 519, 537, 539, 576, 579, 580, 606, 617, 636, 781, 782,
 784, 812, 816, 855, 903, 910, 950, 967, 1887, 4255, 4264, 4275
 Cosponsor, added as 616, 1841
 Petitions presented by..... 2051
 Remarks by, ordered printed 1900
 Resolutions offered by 244, 315, 321, 369, 401,
 406, 428, 450, 501, 649, 664, 769, 774, 802, 1481, 1982, 3279, 3529

WESTFALL, STEVE, a Republican from the Twelfth Delegate District:
 Announcement concerning vote..... 1959
 Bills introduced by 152, 162, 164, 202, 230,
 246, 251, 262, 270, 323, 324, 325, 333, 381, 432, 437, 454, 455, 457, 461, 462, 465, 488, 490, 491,
 492, 514, 517, 534, 536, 537, 538, 539, 571, 577, 578, 580, 581, 582, 605, 606, 607, 638, 669, 782,
 783, 784, 813, 814, 815, 847, 849, 850, 851, 855, 856, 904, 907, 909, 911, 949, 960, 963, 965, 968,
 970, 972, 980, 983, 984, 986, 1887, 1903, 4251, 4252, 4253, 4254
 Cosponsor, added as 304, 342, 417, 1015, 1512
 Excused from voting, requested..... 4346
 Leave of absence granted to..... 1896
 Motions by..... 3292
 Previous question demanded by..... 3561
 Reports by, as Chair of the Committee on Banking and Insurance..... 474, 529, 619, 830,
 1464, 2128, 3529
 Reports by, as Chair of the Select Committee on Education Reform – D..... 4282, 4283

Resolutions offered by	244, 313, 373, 399, 401, 428, 446, 501, 562, 599, 601, 649, 664, 803, 841, 946, 1438, 1481, 1982, 3288, 3529
Seconded nomination of Robert Stewart for Doorkeeper.....	21
WILLIAMS, JOHN, a Democrat from the Fifty-first Delegate District:	
Bills introduced by	273, 299, 300, 301, 328, 329, 330, 350, 351, 380, 388, 409, 455, 514, 571, 607, 638, 640, 786, 811, 816, 851, 854, 855, 857, 906, 908, 909, 955, 956, 964, 965, 966, 977, 980, 982, 983, 988, 1741, 1903, 4192, 4262
Cosponsor, added as	342, 393, 471
Petitions presented by.....	348
Resolutions offered by	401, 406, 428, 501, 649, 654, 947, 1482, 1496, 1499, 1982, 2465, 3529, 3653, 4505
WILSON, MARSHALL, an Independent from the Sixtieth Delegate District:	
Appointed on a special committee to notify the Senate that the House was ready to adjourn <i>sine die</i>	4432
Bills introduced by	123, 124, 127, 134, 147, 153, 157, 164, 202, 203, 204, 227, 228, 246, 249, 250, 270, 271, 272, 274, 278, 279, 301, 322, 328, 330, 331, 333, 334, 351, 353, 354, 380, 382, 388, 411, 412, 431, 454, 457, 458, 460, 461, 463, 464, 488, 491, 492, 494, 518, 535, 571, 575, 576, 579, 581, 608, 636, 781, 783, 785, 807, 808, 812, 813, 814, 815, 845, 855, 856, 903, 904, 905, 907, 964, 965, 967, 968, 969, 970, 988, 994
Cosponsor, added as	240, 264, 304, 342, 357, 394, 471, 551, 591, 647, 761, 877
Excused from voting, requested.....	869
Previous question demanded by.....	1173, 2077, 3151
Remarks by, ordered printed	1457
Resolutions offered by	120, 244, 312, 319, 321, 366, 375, 401, 428, 441, 450, 453, 454, 501, 508, 649, 664, 773, 940, 947, 1482, 1981, 1982, 2261, 3280, 3288, 4244, 4245, 4246
WORRELL, EVAN, a Republican from the Eighteenth Delegate District:	
Appointed on a Conference Committee as to Com. Sub. for S. B. 241	3519
Bills introduced by	228, 246, 249, 250, 270, 273, 274, 281, 301, 330, 349, 351, 352, 353, 384, 386, 387, 390, 410, 454, 459, 460, 464, 492, 514, 515, 516, 517, 534, 536, 537, 568, 577, 579, 581, 606, 607, 608, 635, 636, 639, 808, 809, 845, 906, 955, 958, 969, 994, 4257, 4264
Cosponsor, removed as	551, 647
Leave of absence granted to.....	760, 783, 4424, 4430
Remarks by, ordered printed	3283, 3526
Resolutions offered by	224, 319, 320, 359, 366, 375, 401, 428, 450, 501, 649, 664, 774, 802, 1482, 1978, 1982, 2159, 2160, 2161, 3288
ZUKOFF, LISA, a Democrat from the Fourth Delegate District:	
Bills introduced by	351, 380, 381, 383, 388, 409, 437, 455, 460, 576, 577, 579, 668, 781, 786, 787, 810, 813, 814, 815, 816, 853, 955, 956, 965, 966, 974, 976, 980, 992, 993, 4190, 4192
Cosponsor, added as	240, 471, 1479
Excused from voting, requested.....	1441, 1862, 4346, 4386
Leave of absence granted to.....	4223
Resolutions offered by	244, 401, 428, 450, 501, 649, 902, 947, 1482, 1496, 1499, 1978, 1979, 1982, 2111, 2465, 3104, 3105, 3653

REGULAR SESSION, 2019

*Denotes Committee Substitute

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2001 -	By Delegates Harshbarger, P. Martin, McGeehan, Atkinson, Storch, Pack, Rowan, Hollen, Mandt, J. Kelly and Sypolt: Relating to exempting social security benefits from personal income tax (Chapter 248, Acts, Regular Session, 2019)	227	531	3559	3559	642, 3562	227, 590, 613, 642, 3562, 4091, 4140
2002 -	By Delegates Higginbotham, Foster, C. Martin, Cadle, Hamrick, Fast, Wilson, Espinosa, Waxman, Kessinger and Butler: Education Savings Account Act	227					227
2003 -	By Delegates Shott, Kessinger, Wilson, Fast, Waxman, Kump, D. Kelly, Espinosa, Toney, Westfall and Higginbotham: Extending expungement of certain criminal convictions	246					246
*2004 -	By Delegates Espinosa, Graves, Harshbarger, Foster, Worrell, Hanna, Dean, Sypolt, Hamrick and Howell: Providing for a program of instruction in workforce preparedness (Chapter 97, Acts, Regular Session, 2019)	246	594	3397	3397	756, 3401	247, 646, 674, 756, 3397, 3401, 4097
*2005 -	By Delegates Linville, Hanna, Anderson, Hollen, D. Jeffries, Sypolt, Hardy, Fast, Maynard, Phillips and Rowan: Broadband Expansion Act of 2019	247	306, 363	520, 521, 523		523	248, 306, 416, 435, 465, 495, 498, 520, 523, 524
2006 -	By Delegates Howell, Westfall, Rohrbach, Worrell, Summers, Hamrick, Ellington, Queen, Hill, Wilson and Criss: Relating to municipal home rule	270					270
2007 -	By Delegates Jennings, Harshbarger, Hanna, Householder, Wilson, Foster, Ellington, McGeehan, Kessinger, Hollen and Malcolm: Eliminating the certificate of need program	270					271
*2008 -	By Delegates Cowles, Harshbarger, Kump, Householder, Ellington, Hill, Wilson, Butler, Steele, Jennings and Criss: Relating to nonpartisan election of justices of the Supreme Court of Appeals	271	306				271, 357, 392, 395

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2009 -	By Delegates Hamrick, Dean, Phillips, Cadle, Porterfield, Wilson, Jennings, Cooper and Espinosa: Creating a new category of Innovation in Education grant program (Chapter 98, Acts, Regular Session, 2019)	271	395		2573	495	271, 436, 470, 495, 2574, 2575, 4097
*2010 -	By Delegates Kessinger, Ellington, Hill, Summers, Pack, Storch, Rowan, Sypolt, Harshbarger, Phillips and Capito: Relating to foster care (Chapter 44, Acts, Regular Session, 2019)	322	344, 424, 505	587, 588, 3401	3401	611, 3445	322, 344, 424, 550, 587, 610, 611, 3346, 4091, 4140
*2011 -	By Delegates Summers, Howell, Waxman, Queen, Hamrick, Jennings, Sypolt, Phillips, Cadle, Worrell and Kump: Road Maintenance Program	349	923, 1878			1991	349, 924, 1879, 1928, 1991, 1992
2012 -	By Delegates Summers, D. Jeffries, Sypolt, D. Kelly, Toney, Hardy, Mandt, Maynard, Linville, Phillips and Criss: Establishing country roads accountability and transparency	349	687				350, 687
2013 -	By Delegates Cooper, Pack, Cadle, Westfall, D. Kelly, Capito, Rowan, Queen, Hill, Malcolm and Foster: Providing a bonus for teachers willing to teach in certain critical needs areas	454					454
*2014 -	By Delegates Foster, Hanshaw (Mr. Speaker), Householder, Shott, Howell, Pack and Hollen: West Virginia Intellectual Property and Trade Secrets Act	949	1885	1930		1992	949, 1886, 1930, 1992
*2020 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution (Chapter 31, Acts, Regular Session, 2019)	190	2123	2174, 2175, 2176, 2841	2646	2177, 3036	189, 2124, 2151, 2174, 2177, 2646, 2841, 3036, 4084, 4103
2021 -	By Delegate Fast: Relating to relocation or closure of state higher education institutions	121					121
2022 -	By Delegates Rowan and Fast: Permitting county boards of education to accumulate instructional days and use them when needed	122					122
2023 -	By Delegate Fast: Repealing provision prohibiting employers from discriminating for use of tobacco products	122					122

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2024 -	By Delegate Fast: Allowing a home improvement transaction to be performed under an oral contract	122					122
2025 -	By Delegate Fast: Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person	122					122
2026 -	By Delegate Fast: Relating to gasoline and fuel excise tax	122					122
2027 -	By Delegate Fast: Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers	122					123
*2028 -	By Delegate Fast: Limiting supervision of laying of lines on state rights-of-way	123	242	303, 335		335	123, 284, 303, 334, 335
2029 -	By Delegate Fast: Relating to Public Defender Services	123					123
2030 -	By Delegate Wilson: Permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license	123					123
2031 -	By Delegates Wilson, J. Kelly and Porterfield: Permitting persons who have been issued state licenses to carry concealed deadly weapons to carry those weapons on the grounds of the State Capitol Complex	123					123
2032 -	By Delegates Wilson and J. Kelly: Permitting the carrying of concealed weapons on the campus of a state institution of higher education	124					124
2033 -	By Delegates Wilson, Porterfield and Bibby: Establishing procedures for carrying out the death sentence	124					124
2034 -	By Delegate Fast: Prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing	124					124
2035 -	By Delegates Fast, Rowan and Porterfield: Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit	125					125

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2036 -	By Delegates Cooper, Pack and Rowan: Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park (Chapter 261, Acts, Regular Session, 2019)	125	420		1967	524	125, 421, 470, 498, 524, 2334, 4139
2037 -	By Delegates R. Thompson and Rohrbach: Creating an additional class of special education classroom aides	125					125
*2038 -	By Delegates Howell and Pack: Relating to the procedure to determine if an occupation or profession should be regulated	125	242			336	125, 284, 303, 335, 336
2039 -	By Delegates Caputo and Rowan: Requiring county boards of education to employ a certified library media specialist in each county school	125					126
2040 -	By Delegates R. Thompson and Caputo: Relating to qualifications of paraprofessionals, autism mentors and braille or sign support specialists	126					126
2041 -	By Delegates R. Thompson, Miller and C. Thompson: Permitting teachers to retire after 25 years of contributing service regardless of age	126					126
2042 -	By Delegate R. Thompson: Specifying the grade point average required for student participation in interscholastic athletics at the high school level	126					126
2043 -	By Delegate R. Thompson: Requiring moneys collected from the sale of timber realized through management of the state-owned forests and parks be distributed on a pro rata basis	126					126
2044 -	By Delegate Foster: Relating to pecuniary interest of county and district officers, teachers and school officials in contracts	126					127
2045 -	By Delegate Foster: Removing the requirement for contractors to file payroll information on public improvement construction projects	127					127
2046 -	By Delegates Foster, Summers, J. Jeffries, Phillips, Wilson, Kessinger, McGeehan, Mandt, Estep-Burton and N. Brown: Establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child	127					127

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2047 -	By Delegate Sponaugle: Relating to penalties incurred from obstructing, fleeing from and making false statements to law-enforcement	127					127
2048 -	By Delegate Foster: Relating to the definition of an "employee" for purposes of payment of minimum wages, maximum hours, and overtime compensation	127					128
*2049 -	By Delegates Foster, Porterfield, Waxman, Kessinger, Cowles, Hardy, Fast and Jennings: Relating to a prime contractor's responsibility for wages and benefits (Chapter 158, Acts, Regular Session, 2019)	128	1020, 1845	1931, 1992, 1993, 3924	3732, 3924	1993, 3928	128, 1020, 1846, 1931, 1992, 1993, 3732, 3736, 3928, 4091, 4140
2050 -	By Delegate Fleischauer: Prohibiting confidential settlement terms of a contested case involving sexual harassment, sexual abuse, or sexual assault	128					128
2051 -	By Delegate Canestraro: Annual retirement annuity adjustment West Virginia State Police Retirement System	128					128
2052 -	By Delegate Sponaugle: Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists	128					128
2053 -	By Delegates Fleischauer and Pyles: Providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015	128					129
2054 -	By Delegates Sponaugle, Caputo and Longstreth: Giving all honorably discharged veterans ten extra points when successfully completing a civil service examination	129					129
2055 -	By Delegates Sponaugle and Caputo: Prohibiting drilling units from being established without consent of all owners	129					129
2056 -	By Delegates Fleischauer, Pyles and Canestraro: Repealing the West Virginia Workplace Freedom Act and restoring prior law	129					129

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2057 -	By Delegates Fleischauer, Pyles and Canestraro: Reestablishing prevailing wages for certain state government contracts	129					130
2058 -	By Delegates Fleischauer, Pyles and Rohrbach: Exempting retirement income of members of certain uniformed services from state income tax	130					130
2059 -	By Delegates Fluharty, Pyles and Miley: Expanding the amount of PROMISE scholarship funds awarded to persons majoring in science, technology, engineering and mathematics	130					130
2060 -	By Delegate Sponaugle: Relating to the procedures for driver's license suspension and revocation in criminal proceedings for driving under the influence of alcohol, controlled substances or drugs	130					131
2061 -	By Delegates Fleischauer and Pyles: Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs	131					131
2062 -	By Delegates Fleischauer and Caputo: The Healthy and Safe Workplace Act	131					132
2063 -	By Delegates Fluharty and Lovejoy: Prohibiting use of a person's credit history in certain insurance transactions	132					132
2064 -	By Delegate Sponaugle: Relating to a five percent bid preference on certain state contracts for businesses owned fifty-one percent by honorably discharged resident veterans	132					132
2065 -	By Delegates Sponaugle, Caputo and Miley: Expiring the PROMISE Scholarship Program, and establishing the Promise for All Scholarship Program	132					132
2066 -	By Delegates Sponaugle, Miller and Caputo: Establishing an alternative methodology for pretrial release of persons charged with crimes	132					133
2067 -	By Delegates Hollen, J. Kelly, Fast and C. Martin: Prohibiting counties, municipalities, and cities from passing any sanctuary ordinances, policies, and procedures	133					133

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2068 -	By Delegate J. Kelly: Providing counties the power to establish a county sales tax under certain circumstances	133					133
2069 -	By Delegates J. Kelly and Pyles: Requiring all commercial and professional drivers be fingerprinted and undergo a background check	133					133
2070 -	By Delegates J. Kelly and Cadle: Permitting persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet	133					134
2071 -	By Delegates Sponaugle and Lovejoy: Exempting a percentage of social security benefits from personal income tax	134					134
2072 -	By Delegates J. Kelly and Rowan: Relating to tuition and fees at community and technical colleges	134					134
2073 -	By Delegates Sypolt and Hansen: Implementing the recommendations of the studies required by the Natural Gas and Horizontal Well Control Act	134					134
2074 -	By Delegates McGeehan, Wilson, N. Brown and Bibby: Life at Conception Act of 2019	134					134
2075 -	By Delegate McGeehan: Exempting certain law-enforcement officers from payment of income and personal property taxes	134					135
2076 -	By Delegate Pushkin: Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system	135					135
2077 -	By Delegates Pushkin, Rohrbach and N. Brown: Prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present	135	288				135, 288
2078 -	By Delegates Pushkin and Miley: Adding “sexual orientation” and “gender identity” to the categories covered by the Human Rights Act	135					135
*2079 -	By Delegates Pushkin, Hill, Lavender-Bowe, Bates and C. Thompson: Removing certain limitations on medical cannabis grower, processor and dispensary licenses	135	1806	2023, 2029, 2032, 2053, 3886	3886, 3984	2053, 3911	135, 1806, 1807, 1875, 1901, 2016, 2023, 2052, 2054, 3886, 3912, 3984, 3989, 4097, 4105

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2080 -	By Delegate Pushkin: Authorizing possession and smoking of medical cannabis by approved persons	136					136
2081 -	By Delegate Pushkin: Allowing medical cannabis to be grown outdoors by licensed growers	136					136
2082 -	By Delegate Pushkin: Authorizing the earlier issuance of identification cards to approved medical cannabis consumers and caregivers	136					136
*2083 -	By Delegates Pushkin, Shott, Miley, Lovejoy and Miller: Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license (Chapter 58, Acts, Regular Session, 2019)	136	442	545, 3928	3928	545, 3931	136, 443, 499, 526, 545, 546, 3931, 4098
2084 -	By Delegate Pushkin: Permitting certain felons to work in licensed behavioral health facilities	136					136
2085 -	By Delegate Pushkin: Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health	136					137
2086 -	By Delegate Storch: Uniform Real Property Electronic Recording Act	137					138
2087 -	By Delegates Storch and Canestraro: Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties	138					138
2088 -	By Delegate Anderson: Relating to admissibility of certain evidence in a civil action for damages	138					139
2089 -	By Delegates Anderson and J. Kelly: Relating to erroneous tax assessments and overpayments to the county	139					139
2090 -	By Delegate Anderson: Relating to advertising by physicians and podiatrists	139					139
2091 -	By Delegate Cowles: Increasing the minimum number of magisterial districts in a county	139	423				139, 423
2092 -	By Delegate Summers: Providing that any person lawfully entitled to possess a firearm may store a firearm in a motor vehicle on West Virginia State Capitol Complex	139					140

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2093 -	By Delegate Dean: Relating to seniority rights and school consolidation	140					140
2094 -	By Delegate McGeehan: Exempting motor vehicles from personal property tax	140					140
*2095 -	By Delegate Dean: Assessing the college- and career-readiness of 11th and 12th grade students	140	343			433	140, 393, 414, 433
2096 -	By Delegate Pushkin: Relating to the juvenile justice reform oversight committee	140					140
2097 -	By Delegates McGeehan, J. Kelly and Porterfield: Relating to the hunting of coyotes	141	421				141, 421
2098 -	By Delegate McGeehan: Home Instruction Tax Relief Act	141					141
2099 -	By Delegate McGeehan: Relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom	141					141
2100 -	By Delegates Hornbuckle, Rohrbach, Lovejoy and Robinson: Establishing a pilot program to develop school-based mental and behavioral health services	141	1022				141, 1022
2101 -	By Delegate Hornbuckle: Modifying the tax on soft drinks to only cover sugary drinks	142					142
2102 -	By Delegate Fleischauer: Relating generally to horizontal well control standards	142					142
2103 -	By Delegate Miller: Establishing motor vehicle registration plates for official vehicles of emergency management agencies	142					142
2104 -	By Delegate Caputo: Increasing benefits of retired state personnel and retired teachers	142					143
2105 -	By Delegate Caputo: Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service	143					143
2106 -	By Delegate Caputo: Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers	143					143

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2107 -	By Delegate Caputo: Providing meetings and conference rights for members of municipal fire departments	143					143
2108 -	By Delegate Sponaugle: Creating the West Virginia Earned Income Tax Credit	144					144
*2109 -	By Delegates Canestraro, Hollen and Steele: Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations	144	827				144, 919, 1002, 1031
2110 -	By Delegates Canestraro, Pethel, Fluharty, Diserio, Williams, Fleischauer and Caputo: Reallocating and dedicating the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin	144					144
2111 -	By Delegate Caputo: Relating to pension benefits exempt from state income taxation	144					145
2112 -	By Delegate R. Thompson: Relating to failure to maintain state and public roads	145					145
2113 -	By Delegate Howell: Intrastate Coal and Use Act	145					145
2114 -	By Delegate Howell: Purchasing certain items from local suppliers	145					145
2115 -	By Delegate Howell: Right to Repair Act	145					146
2116 -	By Delegate Howell: Relating to monitoring, copying and emailing certain inmate mail	146					146
2117 -	By Delegate Pyles: Relating to the approval of the Historic Landmarks Commission	146					146
2118 -	By Delegate Pyles: Relating to the power of local government authorities to regulate vehicular traffic within their borders	146					146
2119 -	By Delegates Pyles, J. Jeffries and Paynter: Prohibiting the performing of an onychectomy or flexor tendonectomy procedure on a cat	146					146
2120 -	By Delegate Pyles: Providing local government the authority to place video cameras at road intersections	146					147
2121 -	By Delegates Pyles, Angelucci, Walker and Wilson: Permitting retail liquor licensees to sell alcoholic beverages after one o'clock p.m. on Sundays	147					147

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2122 -	By Delegate Rowan: Relating to more equitable disbursement of funds to county boards	147					147
2123 -	By Delegate Shott: Uniform Partition of Heirs Property Act	147					148
2124 -	By Delegate Cooper: Expanding the authority of motor carrier inspectors	148					148
2125 -	By Delegate Caputo: Giving the Insurance Commissioner the power to regulate and penalize self-insured employers	148					148
2126 -	By Delegate Caputo: Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office	148					148
2127 -	By Delegate Caputo: Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors	148					148
*2128 -	By Delegate Caputo: Allowing state employees to take paid leave to attend parent-teacher conference for their children	148	241			336	149, 242, 284, 303, 336
2129 -	By Delegate Caputo: Prohibiting the use of a credit score in casualty insurance rate filings	149					149
2130 -	By Delegates Caputo and Pyles: Establishing seniority rights for public employees	149					149
2131 -	By Delegate Caputo: Establishing the Legislative Oversight Commission on Energy Workers Safety	149					149
2132 -	By Delegate Caputo: Increasing the amount of annual and incremental salary increases for eligible state employees	149					149
2133 -	By Delegate Caputo: Creating an additional magistrate court deputy clerk position for Marion County	150					150
2134 -	By Delegate Caputo: Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability	150					150
2135 -	By Delegate Caputo: Requiring the Superintendent of the State Police to implement a plan to increase the number of troopers	150					150

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2136 -	By Delegate Fleischauer: Clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates	150					150
2137 -	By Delegate Fleischauer: Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement	150					151
2138 -	By Delegate Fleischauer: Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling	151					151
2139 -	By Delegate Caputo: Allowing quarterly payment of real and personal property taxes	151					151
2140 -	By Delegate Caputo: Providing a ten percent discount to residents at state parks and forests	151					151
2141 -	By Delegate Caputo: Providing for the use of neck braces by football players	151					151
2142 -	By Delegate Howell: Issuing identification documents to homeless individuals residing at homeless shelters	151					152
2143 -	By Delegate Howell: West Virginia Firearms Freedom Act	152					152
2144 -	By Delegate Shott: Relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions	152					152
2145 -	By Delegate Westfall: Relating to payment by paper warrant	152					153
2146 -	By Delegate Rowe: Creating a loan tuition forgiveness program to encourage students in selected and necessary fields to remain in the state	153					153
2147 -	By Delegates Bates and Wilson: Limiting pay of members of the Legislature when a budget bill has not been passed	153					153
2148 -	By Delegate Summers: Requiring recycling of metal if cost effective	153					153
2149 -	By Delegate Lovejoy: Relating to the Farm-To-Food Bank Tax Credit	153					153

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2150 -	By Delegate Cooper: Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents	153					154
2151 -	By Delegate Cooper: Relating to the beginning and expiration of hunting and fishing licenses	154					154
2152 -	By Delegate Sponaugle: Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits	154					154
2153 -	By Delegate Rowe: Relating to social determinants of health	154					154
2154 -	By Delegate Rowe: Creating a litigation practice license for social workers	154					154
2155 -	By Delegate Bates: Relating to Capitol Complex security access	155					155
2156 -	By Delegates Rowe and Pyles: Creating a tax credit for improving facades in historic districts	155					155
2157 -	By Delegates Rowe and Pyles: Relating to the right of municipalities and counties to buy real estate for delinquent taxes	155					155
2158 -	By Delegate Rowe: Relating to alternate sentencing for nonviolent felony offenders	155					155
2159 -	By Delegate Rowe: Requiring paving contracts for state highways to have special requirements to prevent potholes	156					156
2160 -	By Delegate Rowe: Economic and Community Development Task Force	156					156
2161 -	By Delegate Rowan: Prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility	156					156
2162 -	By Delegate Rohrbach: West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act	156					156
2163 -	By Delegate Pushkin: Relating to consumer protection of new manufactured home warranties	157					157
2164 -	By Delegates Shott, Capito, Canestraro, Fleischauer and Wilson: Clarifying that appeals to the Supreme Court are a matter of right	157	223			302	157, 263, 284, 302

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2165 -	By Delegate Miller: Relating to custody and disposal of seized controlled substances and drugs	157					157
2166 -	By Delegates Howell and J. Kelly: Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle	157					158
2167 -	By Delegates Miller and Canestraro: Authorizing the prosecuting attorney to issue a subpoena duces tecum for certain documents	158					158
2168 -	By Delegates Hornbuckle, Canestraro and Lovejoy: Authorizing a temporary foreign brewers import license	158					158
2169 -	By Delegates McGeehan, Sponaugle, S. Brown, C. Thompson and Wilson: Allowing a group of affiliated voters to become a recognized political party under certain criteria	158					158
2170 -	By Delegate McGeehan: Right to keep and bear arms	158					159
2171 -	By Delegate Miley: Increasing frequency of the State Police updating the state sex offender registry	159					159
2172 -	By Delegate Miley: Limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session	159					159
*2173 -	By Delegates Canestraro, Miller and Lovejoy: Allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance	159	886				160, 1014, 1033, 1445
2174 -	By Delegate Canestraro: Relating to the placement of juvenile status offenders	160					160
2175 -	By Delegates Jennings, Rowan and Fast: Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs	160					160
2176 -	By Delegate Fluharty: Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists	160					161

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2177 -	By Delegate Fluharty: Relating to drug testing of legislators	161					161
2178 -	By Delegates Fluharty and Canestraro: Legalizing interactive gaming	161					161
*2179 -	By Delegate Howell: Allowing nonmembers of a political party to request that party's partisan ballot at a primary election	161	1812				161, 1875, 1901
2180 -	By Delegates Fleischauer, Pyles and Rohrbach: Relating to the Consumer Credit and Protection Act	162					162
2181 -	By Delegates Howell and J. Kelly: Prohibiting lobbying by certified candidates for a seat in the West Virginia Legislature	162					162
2182 -	By Delegates Howell and J. Kelly: Prohibiting certain persons from operating state-owned vehicles	162					162
*2183 -	By Delegates Shott, Steele, Harshbarger and Wilson: Clarifying where a charge of DUI may be brought against an individual (Chapter 262, Acts, Regular Session, 2019)	162	243	2335	2335	337, 2342	162, 284, 303, 336, 337, 2342, 4082, 4140
2184 -	By Delegate Westfall: Removing restrictions on where certain traditional lottery games may be played	162	243				162, 243
2185 -	By Delegates Westfall, Harshbarger, Byrd, Lovejoy, Capito, Zukoff, Fluharty, Pushkin, Fleischauer and Rohrbach: Relating to the removal of animals left unattended in motor vehicles	162	265	337, 355		355	163, 265, 303, 337, 354, 355
2186 -	By Delegate Foster: Authorizing a medical power of attorney representative to sign a binding arbitration agreement	163					163
2187 -	By Delegate Sponaugle: Requiring that lien releases filed with county clerk's office include the Deed of Trust Book and page numbers	163					163
2188 -	By Delegates Sponaugle and Miley: Nullifying certain adoption orders	163					163
2189 -	By Delegate Shott: Relating generally to the disclosure of certain confidential information	163					163

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2190 -	By Delegates Shott, Fleischauer, D. Kelly, Wilson, Pushkin and Fluharty: Modifying bail requirements	164	287	356, 391		391	164, 341, 356, 390, 391
*2191 -	By Delegates Westfall, Espinosa and Barrett: Relating generally to limited video lottery (Chapter 121, Acts, Regular Session, 2019)	164	266, 440		1023	546	164, 267, 499, 526, 546, 547, 1708, 1967
2192 -	By Delegate Cooper: Requiring pawnbrokers to providing certain information to law-enforcement agencies	164					164
*2193 -	By Delegate Shott: Providing a specific escheat of US savings bonds (Chapter 107, Acts, Regular Session, 2019)	164	307	414, 2575, 2576	2575, 3931	434, 2582	165, 357, 392, 414, 434, 2575, 4098, 4140
2194 -	By Delegate Pushkin: Creating a domestic violence registry	165					165
2195 -	By Delegates Shott and Fast: Creating the West Virginia Sentencing Commission	165					165
2196 -	By Delegate Byrd: Creating a felony penalty of life without mercy for the first degree murder of a law-enforcement officer	165					165
2197 -	By Delegates Foster and Porterfield: Increasing the salaries of circuit court judges, family court judges, and magistrates	166					166
2198 -	By Delegate Fast: Relating to pyramid promotional schemes	166					166
2199 -	By Delegates Cooper and Miller: Requiring pawnbrokers to providing certain information to law-enforcement agencies	166					166
2200 -	By Delegates Rowan, J. Kelly, Pyles, Rohrbach and Lovejoy: Prohibiting a person appointed agent under a power of attorney from exerting undue influence over the principal	166					166
2201 -	By Delegates Sponaule and Ellington: Relating to personal income taxes	200					201
2202 -	By Delegate Foster: Relating to net metering	201					201
2203 -	By Delegates Foster, Jennings, Cowles and Porterfield: West Virginia Contractor Licensing Act	201	438				201, 438
*2204 -	By Delegates Foster, Fast, Phillips, Waxman and Wilson: Prohibiting state licensing boards from hiring lobbyists (Chapter 122, Acts, Regular Session, 2019)	202	266, 655		2169	818	202, 266, 760, 791, 817, 818, 3523, 4139

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2205 -	By Delegates Rowan and J. Kelly: Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition	202					202
2206 -	By Delegates Westfall and Rohrbach: Transitioning foster children into managed care	202					202
2207 -	By Delegate Cooper: Requiring that a state employee with a commercial driver's license have a current medical evaluation certification	202					202
2208 -	By Delegates Sponaugle and Lovejoy: Reducing federal adjusted gross income for volunteer fire department and rescue squad members	202					202
2209 -	By Delegates Howell, Shott and Foster: Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician (Chapter 192, Acts, Regular Session, 2019)	203	419	498	3446	525	203, 419, 470, 498, 525, 4090, 4140
2210 -	By Delegates Howell and Rohrbach: Relating to the criminal offense of therapeutic deception	203					203
2211 -	By Delegate Wilson: Budget and Spending Transparency Act	203					203
2212 -	By Delegates Fast, Rowan and Porterfield: Requiring bail bondsman and bail bond enforcer be subject to random drug testing	203					203
2213 -	By Delegate Wilson: Mountain State Employee Compensation Realignment Act	204					204
2214 -	By Delegates Rohrbach and Pyles: Requiring applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors	204					204
2215 -	By Delegates Sypolt and Rowan: Making it a felony to knowingly expose another individual to HIV	204					204
2216 -	By Delegates Fast and Porterfield: Defining the term minor boundary adjustment	204					204

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2217 -	By Delegates Fast and Porterfield: Requiring all local special elections to be held on the days and hours of general, primary or state-wide elections	204					204
2218 -	By Delegate Fast: Modifying the definition of child abuse or neglect to exclude accidental injury	205					205
2219 -	By Delegates Byrd, Shott, Harshbarger, Robinson, Walker, Rowe, Hansen and Cowles: Authorizing certain motor vehicle manufacturers to operate as new car dealers	205					205
2220 -	By Delegates Criss, Pack and Rowan: Exempting percentages of social security benefits from personal income tax for certain taxpayers	205					205
2221 -	By Delegate Barrett: Reducing the cost of the fee for a state license to carry a concealed weapon	205					205
2222 -	By Delegates Barrett and Canestraro: Requiring the Insurance Commissioner to regulate professional bondsmen	205					205
2223 -	By Delegate Pushkin: Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation	205	420				206, 420
2224 -	By Delegates Hornbuckle, Rowan, Longstreth and Lovejoy: Relating to insurance coverage for breast cancer screening	206					206
2225 -	By Delegate Byrd: Providing a tax credit for first time home buyers	206					206
2226 -	By Delegate Byrd: Providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid	206					206
2227 -	By Delegates Rowan and Rohrbach: Nondiscrimination in Involuntary Denial of Treatment Act	206					207
2228 -	By Delegate Shott: Allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants	207					207

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2229 -	By Delegate Shott: Adding violations of law upon which a public servant's retirement plan may be forfeited	207	1429, 1740	1869, 1917	3346	1917	207, 1429, 1803, 1868, 1917, 1918
2230 -	By Delegate Pyles: Exempting from personal income tax the entirety of any income received under the federal Social Security system for certain persons	207					208
2231 -	By Delegate Foster: Department of Administration, Purchasing Division	208					208
2232 -	By Delegate Foster: Department of Agriculture, Farm to Food Bank Tax Credit	208					208
2233 -	By Delegate Foster: DEP, Air Quality Board, Ambient Air Quality Standards	208					208
2234 -	By Delegate Foster: DEP, Air Quality Board, Standards of Performance for New Stationary Sources	208					208
2235 -	By Delegate Foster: DEP, Air Quality Board, Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities	208					208
2236 -	By Delegate Foster: DEP, Air Quality Board, Emission Standards for Hazardous Air Pollutants	208					209
2237 -	By Delegate Foster: DEP, Air Quality Board, Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded, or Approved	209					209
2238 -	By Delegate Foster: DEP, Air Quality Board, Provisions for Determination of Compliance with Air Quality Management Rules	209					209
2239 -	By Delegate Foster: DEP, Air Quality Board, Cross-State Air Pollution Rule	209					209
2240 -	By Delegate Foster: Fire Commission, State Building Code	209					209
2241 -	By Delegate Foster: Department of Health and Human Resources, Newborn Screening System	209					210
2242 -	By Delegate Foster: Health and Human Resources, Chronic Pain Management Clinic Licensure	210					210
2243 -	By Delegate Foster: Department of Health and Human Resources, rule relating to collection and exchange of data related to overdoses	210					210

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2244 -	By Delegate Foster: Health Care Authority, rule relating to cooperative agreement approval and compliance	210					210
2245 -	By Delegate Foster: Division of Highways, rule relating to employment procedures	210					210
2246 -	By Delegate Foster: Division of Labor, rule relating to wage payment and collection	210					210
2247 -	By Delegate Foster: Division of Labor, rule relating to regulation of heating, ventilating, and cooling work	210					211
2248 -	By Delegate Foster: Board of Medicine, rule relating to licensing and disciplinary procedures: physicians; podiatric physicians and surgeons	211					211
2249 -	By Delegate Foster: Board of Medicine, rule relating to permitting and disciplinary procedures: educational permits for graduate medical interns, residents, and fellows	211					211
2250 -	By Delegate Foster: Office of Miners' Health, Safety, and Training, rules and regulations governing the safety of those employed in and around surface mines	211					211
2251 -	By Delegate Foster: Office of Miners' Health, Safety, and Training, rules and regulations governing the submission and approval of a comprehensive mine safety program	211					211
2252 -	By Delegate Foster: Office of Miners' Health, Safety, and Training, rules for operating diesel equipment in underground mines	211					212
2253 -	By Delegate Foster: Board of Osteopathic Medicine, rule relating to licensing procedures for osteopathic physicians	212					212
2254 -	By Delegate Foster: Board of Pharmacy, rule relating to licensure and practice of pharmacy	212					212
2255 -	By Delegate Foster: Board of Pharmacy, rule relating to board of pharmacy rules for registration of pharmacy technicians	212					212
2256 -	By Delegate Foster: Board of Pharmacy, rule relating to regulations governing pharmacy permits	212					212

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2257 -	By Delegate Foster: Board of Pharmacy, rule relating to regulations governing pharmacists	212					212
2258 -	By Delegate Foster: Board of Registered Professional Nurses, rule relating to advanced practice registered nurse	212					213
2259 -	By Delegate Foster: Secretary of State, filing and formatting rules and related documents and other documents for publication in the State Register	213					213
2260 -	By Delegate Foster: Secretary of State, rule relating to loan and grant programs under the Help America Vote Act	213					213
2261 -	By Delegate Foster: Secretary of State, rule relating to early voting in-person satellite precincts	213					213
2262 -	By Delegate Foster: Secretary of State, rule relating to notaries public	213					213
2263 -	By Delegate Foster: Board of Social Work, rule relating to code of ethics	213					213
2264 -	By Delegate Foster: State Tax Department, rule relating to aircraft operated under a fractional ownership program	214					214
2265 -	By Delegate Foster: State Tax Department, rule relating to senior citizen tax credit for property taxes paid	214					214
2266 -	By Delegate Foster: State Tax Department, rule relating to administration of tax on purchases of wine and liquor inside and outside of municipalities	214					214
2267 -	By Delegate Foster: State Tax Department, rule relating to exchange of information agreement between Tax Division and Division of Environmental Protection	214					214
2268 -	By Delegate Foster: State Tax Department, rule relating to exchange of information agreement between the State Tax Division and the Alcohol Beverage Control Administration	214					214
2269 -	By Delegate Foster: State Tax Department, rule relating to exchange of information pursuant to written agreement	214					215

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2270 -	By Delegate Foster: State Tax Department, rule relating to exchange of information agreements	215					215
2271 -	By Delegate Foster: State Tax Department, legislative rule relating to exchange of information agreement	215					215
2272 -	By Delegate Foster: State Tax Department, rule relating to exchange of information agreement between the State Tax Department and the Office of the State Fire Marshal	215					215
2273 -	By Delegate Foster: Department of Administration, rule relating to state-owned vehicles	215					215
2274 -	By Delegate Foster: Department of Administration, rule relating to leasing of space and acquisition of real property on behalf of state spending units	216					216
2275 -	By Delegate Foster: Commissioner of Agriculture, rule relating to animal disease control	216					216
2276 -	By Delegate Foster: Commissioner of Agriculture, rule relating to industrial hemp	216					216
2277 -	By Delegate Foster: Commissioner of Agriculture, rule relating to rural rehabilitation loan program	216					216
2278 -	By Delegate Foster: Commissioner of Agriculture, rule relating to captive cervid farming	216					216
2279 -	By Delegate Foster: Commissioner of Agriculture, rule relating to agritourism	216					216
2280 -	By Delegate Foster: Commissioner of Agriculture, rule relating to farmers markets	217					217
2281 -	By Delegate Foster: Commissioner of Agriculture, rule relating to seed certification program	217					217
2282 -	By Delegate Foster: Relating to administrative rules of the West Virginia State Athletic Commission	217					217
2283 -	By Delegate Foster: Department of Environmental Protection, rule relating to requirements governing water quality standards	217					217
2284 -	By Delegate Foster: Board of Licensed Dietitians, rule relating to licensure and renewal requirements	217					217

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2285 -	By Delegate Foster: Department of Health and Human Resources, rule relating to behavioral health centers licensure	217					217
2286 -	By Delegate Foster: Department of Health and Human Resources, rule relating to assisted living residences	218					218
2287 -	By Delegate Foster: Department of Health and Human Resources, rule relating to food establishments	218					218
2288 -	By Delegate Foster: Department of Health and Human Resources, rule relating to food manufacturing facilities	218					218
2289 -	By Delegate Foster: Department of Health and Human Resources, rule relating to medication-assisted treatment-office-based medication-assisted treatment	218					218
2290 -	By Delegate Foster: Division of Labor, rule relating to child labor	218					218
2291 -	By Delegate Foster: Lottery Commission, rule relating to West Virginia Lottery sports wagering rule	218					219
2292 -	By Delegate Foster: Division of Natural Resources, rule relating to commercial whitewater outfitters	219					219
2293 -	By Delegate Foster: Division of Natural Resources, rule relating to rules for Cabwaylingo State Forest trail system two- year pilot project permitting ATVs and ORVs	219					219
2294 -	By Delegate Foster: Board of Pharmacy, rule relating to rules for the substitution of biological pharmaceuticals	219					219
2295 -	By Delegate Foster: Racing Commission, rule relating to thoroughbred racing	219					219
2296 -	By Delegate Foster: Real Estate Appraiser Licensing and Certification Board	219					219
2297 -	By Delegate Foster: Registered Professional Nurses, rule relating to policies, standards, and criteria for the evaluation and accreditation of colleges, or schools of nursing	219					220
2298 -	By Delegate Foster: Board of Examiners for Registered Professional Nurses, rule relating to requirements for registration and licensure	220					220

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2299 -	By Delegate Foster: Board of Examiners for Registered Professional Nurses, rule relating to standards for scope of professional nursing practice	220					220
2300 -	By Delegate Foster: Board of Registered Professional Nurses, rule relating to fees for services rendered by the board	220					220
2301 -	By Delegate Foster: Board of Examiners for Registered Professional Nurses, rule relating to dialysis technicians	220					220
2302 -	By Delegate Foster: Board of Social Work, rule relating to qualifications for the profession of social work	220					220
2303 -	By Delegate Foster: State Tax Department, rule relating to payment of taxes by electronic funds transfer	221					221
2304 -	By Delegate Foster: Treasurer's Office, rule relating to reporting and claiming unknown and unlocatable interest owners reserved interests	221					221
2305 -	By Delegates D. Jeffries, J. Jeffries, Foster, Pack, Maynard, Butler, Paynter, Graves, Linville, Malcolm and Steele: Relating to the authority of municipalities to restrict firearm possession	227					227
2306 -	By Delegates Storch and Pyles: Revised Uniform Fiduciary Access to Digital Assets Act	227					228
*2307 -	By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson: Relating to creating a provisional license for practicing barbering and cosmetology (Chapter 193, Acts, Regular Session, 2019)	228	266		930	356	228, 304, 341, 355, 356, 1484, 1726
2308 -	By Delegates Fleischauer, S. Brown, Graves, Longstreth, Pyles, Walker, Rowan, Fluharty, Sypolt, Storch and Summers: Katherine Johnson Fair Pay Act of 2019	228					229
2309 -	By Delegate Sponaugle: Allowing municipalities to cancel elections when only one person is running	229	423				229, 423
2310 -	By Delegate Sponaugle: Repealing the Public Employees Insurance Agency Finance Board	229					229

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2311 -	By Delegate Howell: Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired (Chapter 249, Acts, Regular Session, 2019)	229	288	357, 392, 2451	2450	391, 2451	229, 341, 356, 391, 392, 2452, 4085, 4140
2312 -	By Delegate Sponaugle: Authorizing county commissions to initiate collection actions for emergency ambulance service	229					230
2313 -	By Delegates Sponaugle and Miley: Relating to adoption records	230					230
2314 -	By Delegates Foster and Higginbotham: Limiting the maximum number of appointees to certain county and municipal bodies	230					230
2315 -	By Delegate Foster: Requiring a warning light to be erected on certain roads to warn of a traffic light ahead	230					230
2316 -	By Delegates Westfall and Higginbotham: Relating to municipal home rule	230					231
2317 -	By Delegates Rohrbach, Rowan and Fast: Requiring the release of an unemancipated minor's medical records for drug testing	231					231
2318 -	By Delegates Rohrbach and Lovejoy: Changing the persons responsible for the taxes on soft drinks and soft drink syrups	231					231
2319 -	By Delegates Bates and Longstreth: Creating a state-administered wholesale drug importation program	231	288				232, 288
2320 -	By Delegates Rowe and Pyles: Establishing a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States	232					232
2321 -	By Delegates Lovejoy, Miller, Canestraro, Rohrbach, N. Brown, Wilson, Robinson, Byrd, Maynard, Hornbuckle and Angelucci: Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder	232	555				232, 555
2322 -	By Delegates Cooper and Rowan: Providing a salary increase for special education teachers	232					232

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2323 -	By Delegates Rowe, Rohrbach and Lavender-Bowe: Raising the legal age for purchase of tobacco and tobacco products	232					232
*2324 -	By Delegates Summers and Pushkin: Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy (Chapter 194, Acts, Regular Session, 2019)	232	347, 477	590, 1825	1825	611, 1834	233, 347, 527, 548, 589, 611, 1834, 2036, 2169
2325 -	By Delegates Lovejoy and Canestraro: Relating to net neutrality for state government	233					233
2326 -	By Delegates Summers and Rohrbach: Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health	233					233
2327 -	By Delegates Lovejoy, Canestraro and Rohrbach: Relating to public school education in dating violence, domestic abuse and sexual violence prevention	233					233
2328 -	By Delegates Rowe and Pyles: Relating to designation of social workers in the Department of Health and Human Services	233					233
2329 -	By Delegate Lovejoy: Providing a special license plate for pollinators	234					234
*2330 -	By Delegates Howell, Shott and Porterfield: Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter	234	420, 797			996	234, 420, 876, 918, 996
2331 -	By Delegates Bates, Caputo, Lavender-Bowe, Williams, Fluharty, Pushkin, Barrett, Sponaule, Robinson, Byrd and Hornbuckle: Relating to legalizing cannabis production, sales and adult consumption	234					235
2332 -	By Delegate Paynter: Relating to insurance unfair trade practices	235					235
2333 -	By Delegate Caputo: Relating to career progression of members of the State Police	235					235
2334 -	By Delegates Fleischauer and Pushkin: Establishing an industrial water extraction fee	235					235

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2335 -	By Delegates Fleischauer, Pyles, Caputo and Longstreth: Family Protection Act	235					236
2336 -	By Delegates Fleischauer, Miller, Longstreth, Lavender-Bowe and Walker: Relating to the state's Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver	236					236
2337 -	By Delegates Fleischauer, Pyles and Longstreth: Assessing the health impact of any new, or modification to, rule proposed by the Secretary of the Department of Environmental Protection	236					236
*2338 -	By Delegates Howell and Porterfield: Allowing the owner of an antique military vehicle to display alternate registration insignia	236	597, 884			1445	237, 597, 1014, 1033, 1445
2339 -	By Delegates Fluharty and Miley: Establishing the "Stay in State" tax credit	237					237
2340 -	By Delegates Rohrbach and Lovejoy: West Virginia Earned Income Tax Credit	237					237
2341 -	By Delegates Fleischauer, Angelucci, Hansen, Walker, Rowe, Estep-Burton, Rohrbach, Diserio and Pushkin: West Virginia Residential Furniture and Children's Products Flame Retardants Act	237					238
2342 -	By Delegates Howell and Hanna: Taxation With Representation Act	238					238
2343 -	By Delegate Rohrbach: Permitting inspectors working within the Division of Dealer Services of the Division of Motor Vehicles to carry a concealed weapon on duty	238					238
2344 -	By Delegates Rowan, Pyles, Rohrbach and Lovejoy: Livable Home Tax Credit	238					238
2345 -	By Delegates Rowan, J. Kelly and Rohrbach: Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's receptive and expressive language	238					238
*2346 -	By Delegates Howell and Higginbotham: Changing the licensing requirement for certain casino employees	238	361			446	239, 416, 435, 446

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2347 -	By Delegates Jennings and Rowan: Providing long-term care and substance abuse treatment	239	346				239, 346
2348 -	By Delegates Miley and Lovejoy: Authorizing magistrates to order emergency removal of child when parent's drug use creates unsafe environment	239					239
2349 -	By Delegates Fleischauer, Pethel and Pyles: Prohibiting discrimination based upon age or sexual orientation	239					240
2350 -	By Delegate R. Thompson: Permitting public employees the right to collectively bargain	240					240
2351 -	By Delegates Ellington, Hill, Rohrbach, Rowan, Summers, C. Thompson, Walker, Staggers, Atkinson and Angelucci: Relating to regulating prior authorizations (Chapter 147, Acts, Regular Session, 2019)	223	223	717, 743, 1674	691, 1748	302, 742, 1700	223, 264, 284, 302, 303, 743, 887, 1023, 1512, 1673, 1699, 1700, 2035, 2169
2352 -	By Delegates Shott, Cadle, Higginbotham, Espinosa, Waxman and Porterfield: Clarifying that appeals to the Supreme Court are a matter of right	248					248
2353 -	By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson: Allowing purchase of hardware items and equipment for state-wide road system from a local seller rather than the holder of a state contract	249	438				249, 438
2354 -	By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson: Creating a provisional license to practice in this state by an applicant with an expired license from another state	249					249
2355 -	By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson: Limiting the continuous operation of a vehicle in the left lane	249					249
2356 -	By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson: Requiring each executive branch agency to maintain a website that contains certain information	249					249

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2357 -	By Delegates Howell, Hanna, Hott, Linville, Pack, Phillips, Worrell, Hill and Wilson: Right to Repair Act	250					250
2358 -	By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson: Intrastate Coal and Use Act	250					250
*2359 -	By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson: Relating to exemptions to the commercial driver's license requirements (Chapter 173, Acts, Regular Session, 2019)	250	597, 884	2277, 2278	2277, 2444	1446, 2278	250, 597, 1014, 1034, 1446, 2278, 4082, 4139
*2360 -	By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson: Placing the Athletic Commission under the Lottery Commission	250	361			466	250, 416, 435, 466, 467
2361 -	By Delegates Skaff, Canestraro, Robinson, Byrd, Miley, Hartman, Westfall, Ellington and Porterfield: Establishing certain requirements for dental insurance	251	830				251, 830
*2362 -	By Delegates Miller, Shott, Campbell, Lovejoy, Canestraro, Maynard, Hornbuckle, Summers and Robinson: Ardala Miller Memorial Act (Chapter 103, Acts, Regular Session, 2019)	251	305	392, 2582	2582	414, 2588	251, 357, 392, 414, 2588, 4085, 4139
*2363 -	By Delegates Stagers, Angelucci, Kessinger, Fast, Skaff and Robinson: Relating to the Upper Kanawha Valley Resiliency and Revitalization Program	251	478, 595	3073	3072	789, 3079	251, 357, 479, 646, 679, 758, 789, 3079, 4085, 4106
2364 -	By Delegates Pack, Hill, Kessinger, Graves, Steele, Higginbotham, Linville, Maynard, Sypolt, Cadle and Foster: Relating to the underbilling of customers by public utilities	252					252
*2365 -	By Delegates Foster, Higginbotham, Fast, Linville, Pack, Steele, Phillips, Shott, Summers, Kessinger and Cadle: Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation	252	556, 689			916	252, 556, 792, 821, 875, 916
2366 -	By Delegate Hanshaw (Mr. Speaker) [By Request of the Executive]: West Virginia Appellate Review Reorganization Act of 2019	252					254

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2367 -	By Delegates Miley and Caputo: Creating a state program allowing high school students advance to getting a college degree or technical training while in high school	254					254
2368 -	By Delegate Pushkin: Relating to education to children and adults housed in correctional facilities and regional jails	254					254
2369 -	By Delegate Howell: Creating a special motor vehicle collector license plate	254					255
2370 -	By Delegates McGeehan and Kump: Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax	255					255
2371 -	By Delegate McGeehan: Abolishing the Personal Income Tax	255					255
2372 -	By Delegate McGeehan: Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans	255					255
2373 -	By Delegate McGeehan: Streamlining the process of abandoned mineral interests	255					255
2374 -	By Delegates McGeehan, J. Kelly and Kump: Discontinuing the use of common core standards and assessments in the state	255					256
2375 -	By Delegates McGeehan and Kump: Save the Hospitals Act	256					256
2376 -	By Delegate Hornbuckle: Relating to the legalization of marijuana	256					256
2377 -	By Delegates Cooper, Nelson and Westfall: Making Promise scholarships available for students pursuing certificates or degrees through an accredited community and technical college	256					257
*2378 -	By Delegates Espinosa, Westfall and Lavender-Bowe: Relating generally to grounds for revocation of a teaching certificate (Chapter 237, Acts, Regular Session, 2019)	257	437, 1844	1931	3346	1994	257, 437, 1845, 1931, 1994, 4090, 4140
2379 -	By Delegates Espinosa and Higginbotham: Relating to limitations on the use of wages and agency shop fees by employers and labor organization for political activities	257					257

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2380 -	By Delegate Fleischauer: Protecting consumers from surprise bills by health care providers	257					258
2381 -	By Delegates Hornbuckle and Rohrbach: Exempting certain contracts between the Department of Health and Human Resources and West Virginia University, Marshall University or the School for Osteopathic Medicine from state purchasing requirements	258					258
2382 -	By Delegates Hornbuckle, Miller, Canestraro and Lovejoy: Making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property	258					258
2383 -	By Delegates Hornbuckle, Rohrbach, R. Thompson and Lovejoy: Creating a pilot program for expansion of school-based mental health and school-based diversion	258					259
2384 -	By Delegate Paynter: Establishing the West Virginia Division of Natural Resources Police Officer Retirement System	259					259
2385 -	By Delegates Atkinson and Jennings: Providing limited prescriptive authority to a licensed psychologist who meets certain criteria	259					259
2386 -	By Delegate Fleischauer: School Consolidation Task Force	259					259
2387 -	By Delegates Boggs, Caputo and Miley: Requiring the Commissioner of Highways to verify legal employment status of contractors and vendor's employees for certain road and bridge contracts	259					260
2388 -	By Delegates Maynard and Jennings: Relating to property exempt from taxation for military and veterans who have been honorably discharged	260					260
2389 -	By Delegates Storch and Pyles: Model Veterans Treatment Court Act	260					260
2390 -	By Delegate Cowles: Exempting from certain contract and common carrier laws motor vehicles used exclusively in the transportation of railroad personnel	260	686				260, 686

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2391 -	By Delegates Dean and R. Thompson: Requiring school counselors in public schools to spend 100 percent of their time on comprehensive school counseling programs	260					260
*2392 -	By Delegates Hartman and Caputo: Allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for charitable events	260	684			869	261, 792, 821, 868, 869
2393 -	By Delegates Dean, Rowan, R. Thompson and N. Brown: Fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee	261					261
2394 -	By Delegates Fleischauer and Fast: Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage	261					261
2395 -	By Delegates Rowe and Pyles: Providing school days to register and transport students to vote	261					261
*2396 -	By Delegates R. Thompson and Lovejoy: West Virginia Fresh Food Act (Chapter 12, Acts, Regular Session, 2019)	261	421, 1849	3346	3346	1994, 3348	262, 422, 1851, 1931, 1994, 3348, 4091, 4139
*2397 -	By Delegates Atkinson, J. Kelly, Miller, Cooper, Rohrbach, Mandt and Hollen: Requiring county school boards to provide adequate mental health and counseling services	262	621, 1877			2054	262, 621, 1878, 1931, 1994, 2054
2398 -	By Delegates Harshbarger, Cooper, R. Thompson and Porterfield: Exempting all-terrain vehicles and utility terrain vehicles used as farm equipment from the sales tax	262	422				262, 422
2399 -	By Delegates Rohrbach and Summers: Relating to regulating prior authorizations	262					262
2400 -	By Delegates Westfall, Nelson and Williams: Eliminating taxation on annuity considerations collected and received by a life insurer	262					262
2401 -	By Delegates Criss, Pyles, Higginbotham and Hanna: Licensing the practice of athletic training	262					263

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2402 -	By Delegates McGeehan, Shott and Kump: Exempting social security benefits from personal income tax	263					263
2403 -	By Delegate McGeehan: Exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes	263					263
2404 -	By Delegate Caputo: Providing an increase in compensation for natural resources police officers	271					272
*2405 -	By Delegates Ellington, Summers, Pack, Atkinson, Hollen, Rohrbach, Pushkin, Walker and Fleischauer: Imposing a healthcare related provider tax on certain health care organizations (Chapter 250, Acts, Regular Session, 2019)	272	346, 795	2452	2452	996, 2455	272, 346, 876, 918, 996, 997, 2455, 4085, 4140
2406 -	By Delegates Cooper, Pack, Higginbotham, Kump and Cadle: Exempting persons with valid religious objections from having their photographs taken and placed on government licenses	272					272
*2407 -	By Delegates Hill and Wilson: Relating to registered professional nurses	272	476	549		584	273, 527, 548, 583, 584
2408 -	By Delegates Byrd and Capito: Requiring hospitals and birthing centers to also test newborn infants for spinal muscular atrophy	273					273
2409 -	By Delegates Lovejoy, Linville, Hornbuckle, Miller, Pethtel, Worrell, Mandt, Williams, Rohrbach and Canestraro: Preserving previously approved pensions awarded through the state Municipal Policemen's or Municipal Firemen's Pension and Relief Funds	273					273
2410 -	By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson: Requiring county commissions to maintain websites with specific information that is available to the public at no charge	274					274
2411 -	By Delegates Maynard, Azinger, Cooper, Jennings, Lovejoy, Miller, Sponaugle and Sypolt: Relating to accounting for the use of funds from state grants and from formula distributions to volunteer and part-volunteer fire departments	274	556				274, 556

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2412 -	By Delegates Hanshaw (Mr. Speaker), Bates, Miley, Nelson, Shott and Wilson: Relating to criminal acts concerning government procurement of commodities and services	274	362	467, 3348	3348	467, 3352	275, 416, 435, 467, 468, 3352, 4090, 4107
2413 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act	275					275
2414 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act	275					275
2415 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Requiring the State Board of Education to adopt a policy detailing the appropriate level of computer science instruction	275	361, 795				275, 362, 876, 919
2416 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to the use of state owned rights-of-way	275					276
2417 -	By Delegates Foster and Higginbotham: Clarifying that a vehicle may not be backed into a public street or highway unless it does not interfere with other traffic	276					276
2418 -	By Delegates Foster, Higginbotham, Rowan, Fast, Pack, Steele, Phillips, Summers, Kessinger and Cadle: Including family court judges in the Judges' Retirement System	276					276
2419 -	By Delegates Shott, Householder and Summers: Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance	276					276
*2420 -	By Delegates Summers, Caputo, Pethel, Pyles, Miley, Howell, Sypolt, Jennings and Phillips: Establishing the Mountaineer Trail Network Recreation Authority	276	593			757	277, 646, 679, 756, 757
2421 -	By Delegates Summers, Kump and Westfall: Establishing a minimum monthly retirement annuity of \$750 for certain retirants	277					277

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2422 -	By Delegate Summers: Relating to the time for the observation of “Celebrate Freedom Week” (Chapter 99, Acts, Regular Session, 2019)	277	362		3353	468	277, 416, 435, 468, 4091, 4139
*2423 -	By Delegates Foster, Higginbotham, Fast, Linville, Pack, Steele, Phillips, Kessinger, Porterfield, Fleischauer and Staggers: Prohibiting certain sex offenders from being in a supervisory position over children	277	344			434	277, 393, 416, 434, 435
2424 -	By Delegates Staggers, C. Thompson and S. Brown: Changing the name of the Health Care Authority to the Health Care Cost Review Authority	277					278
2425 -	By Delegates C. Martin, Hamrick, Butler, Hanna, Maynard and Fast: Defining a work day for school service personnel and removing a provision relating to employment of licensed practical nurses	278					278
2426 -	By Delegates Caputo, Longstreth, Pyles, Angelucci, Boggs, Miller, Fluharty, Hartman, Miley and Swartzmiller: Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction	278					278
2427 -	By Delegates Caputo, Longstreth, Pyles, Angelucci, Boggs, Miller, Campbell, Sponaugle, Hartman, Miley and Swartzmiller: Paying a monthly allotment to certain veterans	278					278
2428 -	By Delegates Ellington, Hill, Pack, Dean, Atkinson, Wilson, Bates, Fleischauer, Staggers and Pushkin: Creating a state administered wholesale drug importation program	278					279
2429 -	By Delegates Kump, Householder, McGeehan and Cooper: Creating the Vehicle Registration Scofflaw Elimination Program	279					279
2430 -	By Delegates Kump, Householder and McGeehan: Prohibiting forcing currently owner-occupied residences to be required to participate in a public sewer or public water system	279					279
2431 -	By Delegates Kump and Householder: Relating to eligibility in the Public Employees Retirement System for those newly elected or appointed members of the State Legislature	279					279

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2432 -	By Delegates Kump and Householder: Electing members of county school boards on a nonpartisan basis in general elections	279					279
*2433 -	By Delegates J. Kelly, Cooper, Waxman, Atkinson, Wilson, Steele, Dean, Campbell, D. Kelly, Hanna and Fast: Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day	280	1811				280, 1875, 1901
2434 -	By Delegates Hanshaw (Mr. Speaker), Bates, Miley, Nelson and Shott: Relating to the Commission on Special Investigations	280					281
*2435 -	By Delegates Hanshaw (Mr. Speaker), Shott, Nelson, Miley, Bates and Wilson: Authorizing Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations	281	397				281, 436, 470, 495, 496
2436 -	By Delegate Caputo: Relating to diseases in newborn children	281					281
2437 -	By Delegates Ellington, Summers, Hill, Pack, Atkinson, Worrell, D. Jeffries and Hollen: Relating to transitioning foster children into managed care	281					281
2438 -	By Delegates Hartman and Harshbarger: Relating generally to survivor benefits for emergency response providers	282	764				282, 764
*2439 -	By Delegates Maynard, Azinger, Cooper, Jennings, Lovejoy, Miller, Sponaugle and Sypolt: Relating to fire service equipment and training funds for volunteer and part-volunteer fire companies (Chapter 223, Acts, Regular Session, 2019)	282	688, 1427		2444	1701	282, 688, 1479, 1508, 1701, 4082, 4140
2440 -	By Delegate Hollen: Granting a veteran with a hundred percent service-connected disability a \$10,000 exemption from the assessed value for one vehicle	282					283
*2441 -	By Delegates Foster, Higginbotham, Steele, Kessinger, Howell, Fast, Cadle, Cowles and Jennings: Removing certain requirements related to wages for construction of public improvements	283	765, 1756				283, 765, 1875, 1901
2442 -	By Delegate Caputo: Increasing compensation for conservation officers	283					283

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2443 -	By Delegates Pack and Cooper: Granting the West Virginia Board of Examiners for Registered Professional Nurses the sole authority for the accreditation of nursing schools	283					283
2444 -	By Delegate Canestraro: Prosecuting Attorney’s Detectives Act	283					283
2445 -	By Delegates Pushkin, Kump and Lovejoy: Creating the Independent Redistricting Commission of the Joint Committee on Government and Finance	293					294
*2446 -	By Delegates Hollen, Steele and Mandt: Blue Alert Plan (Chapter 230, Acts, Regular Session, 2019)	294	396		1432	496	294, 436, 470, 496, 1709, 1967
2447 -	By Delegates Kump, Householder, McGeehan, Cooper and Porterfield: Exempting certain kindergartens, preschools and school education programs that are operated by a private school from state licensure requirements	294					295
2448 -	By Delegates Robinson, Dean, P. Martin, Rohrbach, Campbell, Cooper, Pack, Atkinson, Miller, Canestraro and Lovejoy: Middle School Technical Education Program Act	295					295
2449 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: WV Invests Grant Program	295					296
2450 -	By Delegates Rowe and Pyles: Increasing access to career education and workforce training	296					297
2451 -	By Delegates Rowe and Pyles: Katherine Johnson Hope Scholarship Act	297					297
*2452 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Creating the West Virginia Cybersecurity Office (Chapter 123, Acts, Regular Session, 2019)	298	555, 619, 1709		3079	1918	298, 555, 619, 1724, 1755, 1803, 1871, 1918, 4085, 4139
2453 -	By Delegate Rowe: Relating to eligibility for parole	298					298
2454 -	By Delegates Rowe, Estep-Burton, Robinson and Pyles: Allowing low income senior citizens to receive certain tax credits without filing a state income tax return	298					298

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2455 -	By Delegates Paynter, Dean, Maynard, Cooper, C. Martin, McGeehan, Linville, Campbell, Storch, R. Thompson and Cadle: Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency	298					299
2456 -	By Delegates Kump, McGeehan and Wilson: Relating to the definition of a political party for all state and local elections	299					299
2457 -	By Delegates Kump, Householder, McGeehan and Cooper: Educational Equality Act	299					299
2458 -	By Delegates Kump, Householder, McGeehan, Cooper and Malcolm: Providing that West Virginia will not participate in the REAL ID Act of 2005	299					299
2459 -	By Delegates Shott, Capito, Kessinger, Mandt, Fleischauer, Pushkin, Byrd, Robinson, S. Brown and Lovejoy: Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law (Chapter 140, Acts, Regular Session, 2019)	299	362	1727	1727	468, 1728	299, 417, 435, 468, 469, 1728, 1847, 2133
2460 -	By Delegates Williams, Lovejoy and Pyles: Creating a statutory right to petition circuit and family courts for sibling visitation	299					300
2461 -	By Delegates Williams, Byrd and Pyles: Relating to cruelty to animals	300					300
2462 -	By Delegates Hollen, Canestraro, D. Kelly, Foster, Fast, Harshbarger and Mandt: Issuing a certificate to correctional employees to carry firearms (Chapter 59, Acts, Regular Session, 2019)	300	362	469, 887	887	469, 890	300, 417, 435, 469, 470, 890, 1462, 1726
2463 -	By Delegates Williams and Pyles: Increasing the minimum wage based upon increases in the consumer price index	300					300
2464 -	By Delegates Williams, C. Thompson, Storch, Maynard, Walker, S. Brown, Lavender-Bowe, Lovejoy and Pyles: Requiring free feminine hygiene products in grades 6 through 12	301					301

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2465 -	By Delegate Fast: Providing an exemption from regulation by the Public Service Commission for motor vehicles used exclusively in the transportation of roll-off solid waste containers	301					301
2466 -	By Delegates Pack, Steele, Graves, Worrell, Howell, Paynter, Caputo and C. Martin: Providing for state employees to drive veterans to and from certain appointments	301					301
2467 -	By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson: Relating to permitting nonresidents to obtain state licenses to carry a concealed deadly weapon	301					301
*2468 -	By Delegates Cooper, Hartman, R. Thompson and Westfall: Department of Agriculture Capital Improvements Fund	301	421, 763				302, 421, 823, 875, 916, 997, 1031
2470 -	By Delegates Foster, Kessinger, Waxman, Storch, Dean, Fast, Miller, Hamrick, Hanna, Hornbuckle and Higginbotham: Allowing public school education or employer-sponsored training programs to count towards occupational certification and/or licensure	322	422				322, 422
2471 -	By Delegates Steele, Pack, Harshbarger, Mandt, J. Jeffries, Graves, Howell, Wilson, Foster and Kessinger: Increasing criminal penalties for impersonation of law-enforcement officers or officials	322					323
2472 -	By Delegates Linville, Householder, Lovejoy, Graves, Higginbotham, Summers, Skaff, Maynard, J. Jeffries, Hornbuckle and Jennings: Providing a special license plate for pollinators	323	924	1455		1473	323, 924, 1035, 1455, 1473, 1474
2473 -	By Delegates Pushkin and Hornbuckle: Prohibiting the private ownership or operation of a prison	323					323
2474 -	By Delegates Westfall, Azinger, Criss, D. Jeffries, Hamrick, Mandt, Nelson, Espinosa and Porterfield: Relating to a reserving methodology for health insurance and annuity contracts (Chapter 148, Acts, Regular Session, 2019)	323	474, 530	3931	3931	643, 3968	323, 475, 590, 613, 642, 643, 3968, 4098, 4139

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2475 -	By Delegates Westfall, Queen, D. Jeffries, Hott, Graves, Malcolm, Atkinson, Cooper, Higginbotham and Sypolt: Department of Agriculture Capital Improvements Fund	323					324
*2476 -	By Delegates Westfall, Azinger, Hott, D. Jeffries, Graves, Jennings, Criss, Mandt, Nelson, Espinosa and Porterfield: Relating to the valuation of a motor vehicle involved in an insurance claim (Chapter 149, Acts, Regular Session, 2019)	324	530	2278	2278	2279	324, 530, 590, 613, 2279, 2565, 4139
2477 -	By Delegates Steele, Pack, Shott, D. Kelly and Householder: Establishing different rates of taxation for tobacco products for certain border counties	324					324
2478 -	By Delegates Steele, Pack, Lovejoy, Mandt and Rohrbach: Modifying the Fair Trade Practices Act	324	444, 531			644	324, 444, 591, 613, 643, 644
*2479 -	By Delegates D. Jeffries, Westfall, Hott, Azinger, Graves, Sypolt, Criss, Mandt, Nelson, Espinosa and Porterfield: Corporate Governance Annual Disclosure Act (Chapter 150, Acts, Regular Session, 2019)	324	474, 657		3835	818	325, 475, 760, 791, 818, 4099, 4140
2480 -	By Delegates Hott, Westfall, Azinger, D. Jeffries, Graves, Jennings, Criss, Mandt, Nelson, Espinosa and Porterfield: Relating to the regulation of an internationally active insurance group (Chapter 151, Acts, Regular Session, 2019)	325	474, 531	3453	3453	644, 3454	326, 475, 591, 614, 644, 3454, 4098, 4139
*2481 -	By Delegates Steele, Foster, Kessinger, Pushkin, Barrett and Pyles: Permitting retail sale of alcoholic beverages on Sundays after 1 p.m. (Chapter 18, Acts, Regular Session, 2019)	326	653	1712	1712	819, 1714	326, 760, 791, 818, 819, 1715, 1847, 2133
2482 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to the reorganization of state agencies involved in emergency and disaster planning	326					327
2483 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to incentives for mathematics teachers	327					328

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2484 -	By Delegates Fleischauer, Pethtel, Williams, Pyles, Hansen, Walker, Jennings, Sypolt, Phillips, Miley and Hamrick: Mountaineer Trail Network Recreation Authority	328	557				328, 557
2485 -	By Delegates Pushkin, Miller, Kump, Rowe, Caputo, Byrd, McGeehan, Queen, Canestraro, Paynter and Wilson: Relating to expungement of criminal convictions	328					329
*2486 -	By Delegates Shott, Foster, Kessinger and Pushkin: Using records of criminal conviction to disqualify a person from receiving a license for a profession or occupation	329	1460	1703, 3736, 3778	3736, 4075	1730, 3779	329, 1512, 1703, 1729, 1730, 3779, 4092, 4109
2487 -	By Delegates Williams and Pyles: Pothole app and map	329					329
2488 -	By Delegate Williams: Relating to the theft of consumer identity protections	329					330
2489 -	By Delegates Anderson, Higginbotham, J. Kelly, Miley, Cadle, Evans, Azinger, Harshbarger, Pethtel, Boggs and Nelson: Relating to the removal of the severance tax on oil and gas produced from low producing oil and natural gas wells	330	344				330, 344
*2490 -	By Delegates Howell, Pack, Hott, Hamrick, Dean, Graves, Ellington, Staggers, Steele and Higginbotham: Preventing proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades (Chapter 213, Acts, Regular Session, 2019)	330	621		3835	790	330, 680, 759, 789, 790, 4091, 4139
2491 -	By Delegates Fleischauer, Pyles, Walker, Hansen, Pethtel, Williams, Caputo, Sypolt, Jennings, Angelucci and Miley: Providing certain employees of the Highways increases in annual pay	330					330
2492 -	By Delegates Ellington, Hill, Summers, Pack, Atkinson, Wilson, Worrell, D. Jeffries, Hollen and Butler: Relating to mandatory reporting procedures of abuse and neglect of adults and children (Chapter 141, Acts, Regular Session, 2019)	330	476	1715	1715	584, 1717	331, 527, 549, 584, 1718, 1847, 2133
2493 -	By Delegates Rowan, Lovejoy, Fast, Kessinger, Pack, Sypolt, Butler and Wilson: Nondiscrimination in Involuntary Denial of Treatment Act	331					331

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2494 -	By Delegates Steele, Kessinger, Pack and Howell: Relating to the ineligibility for home incarceration for offenders under certain circumstances	331					331
2495 -	By Delegates Kump, Bibby, Wilson and Porterfield: Authorizing certain West Virginia courthouse security officers to carry concealed firearms	331					331
2496 -	By Delegate Kump: Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities	331					331
2497 -	By Delegate Kump: Relating to the whistle-blower law	332	1757			1995	332, 1875, 1931, 1995
2498 -	By Delegates Pack, Hollen, Graves, Householder, Byrd, Kessinger, Steele and Summers: Allowing municipalities to prepay their annual contributions to the policemen's or firemen's pension and relief fund	332					332
2499 -	By Delegates Summers and Capito: Relating to the publication of sample ballots for electronic voting machines	332					332
2500 -	By Delegates Byrd, Lavender-Bowe, S. Brown, Longstreth, Estep-Burton, Walker, Fleischauer, Kessinger and C. Martin: Exempting certain hygiene products from sales tax	332					332
2501 -	By Delegates Byrd, Skaff and Capito: Authorizing municipal fire departments specialized license plates	332	922				333, 922
2502 -	By Delegates Steele, Pack, Harshbarger, Mandt, Graves, Wilson, Foster and Kessinger: Prohibiting registered sex offenders from participating in Halloween activities	333					333
*2503 -	By Delegates Steele, Pack, Harshbarger, Mandt, J. Jeffries, Graves, Wilson, Foster and Kessinger: Relating to court actions	333	504	3968	3562, 3968	612, 3984	333, 550, 590, 611, 612, 3562, 3570, 3968, 3976, 3982, 3984, 4098, 4110
2504 -	By Delegates Atkinson, Westfall, Anderson, Hill, Criss, C. Martin, J. Kelly, Higginbotham, P. Martin, Nelson and Harshbarger: Relating to complimentary samples of nonintoxicating beer or nonintoxicating craft beer	333					333

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2505 -	By Delegate Steele: Relating to the ineligibility for probation of certain defendants	333					333
2506 -	By Delegate Steele: Providing that attorneys-at-law may not be involuntarily appointed as counsel in any judicial matter	334					334
2507 -	By Delegates Steele, Pack, Harshbarger, Mandt, J. Jeffries, Graves, Howell, Wilson, Foster and Kessinger: Eliminating good time credit for inmates who have been convicted on a prior occasion of another felony offense in an unrelated matter	334					334
2508 -	By Delegates Steele, Paynter, Harshbarger, Mandt, J. Jeffries, Graves, Howell, Wilson, Foster and Kessinger: Relating to certain defendants ineligible for probation	334					334
2509 -	By Delegates Pack, Dean, Wilson and Rohrbach: Clarifying that theft of a controlled substance is a felony (Chapter 54, Acts, Regular Session, 2019)	334	396	2589	2589	497, 2589	334, 436, 470, 496, 497, 2589, 4085, 4139
2510 -	By Delegates Howell, Pack, Hott, Hamrick, Dean, Graves, Ellington, Linville, Higginbotham, Butler and Kessinger: Relating to special funds of boards of examination or registration (Chapter 124, Acts, Regular Session, 2019)	350	478		2169	585	350, 527, 549, 584, 585, 3523, 4140
2511 -	By Delegates Robinson, Pack, Estep-Burton, Caputo, Paynter, Miller, Householder, Malcolm, Williams and Criss: Requiring members of the State Police to follow the towing services policy of the county	350					350
2512 -	By Delegates Howell, Pack, Hott, Hamrick, Dean, Graves, Ellington, Higginbotham, Linville, Butler and Kessinger: Authorizing the Department of Motor Vehicles to issue certain vital records in the custody of the State Registrar	350					350
2513 -	By Delegates Hansen, Fleischauer, Walker, Summers, Pyles, Williams, Pethtel, Zukoff, R. Thompson, Staggers and Doyle: Relating to campus police officers of state institutions of higher learning	351					351

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2514 -	By Delegates Howell, Pack, Hott, Hamrick, Dean, Graves, Ellington, Higginbotham, Linville, Butler and Kessinger: Permitting pawn brokers to disclose whether any specific property has been sold or pledged	351	439			547	351, 499, 527, 547
2515 -	By Delegates Butler, Cadle, Wilson, Ellington, Shott, Howell, Hardy, Kump, Pack, Storch and Fast: Exempting the sale and installation of mobility enhancing equipment from the sales and use tax (Chapter 251, Acts, Regular Session, 2019)	351	622, 1488	1761	3036	1760	351, 622, 1704, 1731, 1760, 1761, 4085, 4139
2516 -	By Delegates Linville, Howell, Higginbotham, Jennings, Butler, McGeehan, Steele, Worrell, Maynard, Waxman and Foster: Making it easier the renewal of driver license with the designation of "Veteran" and to provide a lifetime license for certain veterans	351					351
2517 -	By Delegates Canestraro, Pushkin and Williams: Permitting salary increases for full time official court reporters based upon years of service	351					352
2518 -	By Delegates Harshbarger, Paynter, Cooper, Hanna, Bibby, Atkinson, Sypolt, D. Kelly, Mandt and N. Brown: Authorizing the tracking of wounded or injured deer or bear with leashed dogs	352	421				352, 421
*2519 -	By Delegates Butler, Maynard, Cadle, Foster, Hanna, Espinosa, Higginbotham, McGeehan, Householder, Swartzmiller and Hardy: The Campus Self Defense Act	352	1747, 1849	2076		2078	352, 1747, 1757, 1956, 2016, 2052, 2066, 2067, 2077
2520 -	By Delegates Walker, Fleischauer, Hansen, Estep-Burton, Longstreth, Pyles, Angelucci, Worrell, Sypolt, Azinger and Summers: Relating to the Antihazing Law	352					352
*2521 -	By Delegates Harshbarger, Paynter, Cooper, Bibby, D. Kelly, Atkinson, Sypolt, Hanna, Mandt and Porterfield: Relating to permitting fur-bearer parts (Chapter 177, Acts, Regular Session, 2019)	353	423, 504		1493	612	353, 423, 550, 590, 612, 1882, 2133

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2522 -	By Delegates Harshbarger, Paynter, Sypolt, Cooper, Bibby, Atkinson, Hanna, D. Kelly and Mandt: Authorizing minors with a graduated driver’s license to pump gasoline	353					353
2523 -	By Delegates Harshbarger, Paynter, Cooper, Hanna, Bibby, D. Kelly and Mandt: Increasing the amount of time a taxpayer has to seek relief from a county commission from an erroneous assessment	353	1462				353, 1463
*2524 -	By Delegates Atkinson, Hill, D. Jeffries, Hollen, Fleischauer and Stagers: Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances (Chapter 195, Acts, Regular Session, 2019)	353	532	3454	3454	645, 3455	353, 591, 615, 644, 645, 3455, 4098, 4140
2525 -	By Delegates Summers, Hill, Pack, Dean, Atkinson, Wilson, Worrell, D. Jeffries, Hollen, Butler and Rohrbach: Tobacco Cessation Therapy Access Act (Chapter 214, Acts, Regular Session, 2019)	353	476	2455	2455	585, 2456	354, 527, 549, 585, 2456, 4085, 4139
2526 -	By Delegates Summers and Steele: Creating an offense for public intoxication due to drug use	354					354
2527 -	By Delegates Steele, Pack, Harshbarger, Mandt, J. Jeffries, Graves, Howell, Wilson, Foster and Kessinger: Relating to forgery and other crimes concerning lottery tickets	354	396			497	354, 436, 470, 497, 498
2528 -	By Delegates Cooper, Anderson and R. Thompson: Relating to employees of the Commissioner of Agriculture	354	554, 683				354, 554, 792, 821, 869
2529 -	By Delegates Swartzmiller, Diserio, Lavender-Bowe, McGeehan, Miley, Barrett, Miller, Azinger, Lovejoy, Storch and Caputo: Exempting social security benefits from state personal income tax	354					354
2530 -	By Delegates Rohrbach, Hollen, Ellington, Hanna, Hornbuckle, D. Kelly, Kessinger, Mandt, Pushkin, Robinson and Walker: Creating a voluntary certification for recovery residences	345	345, 475	2590	2589	585, 2594	345, 527, 550, 585, 586, 2594, 4085, 4111

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2531 -	By Delegates Rohrbach, Hollen, Ellington, Hanna, Hornbuckle, D. Kelly, Kessinger, Mandt, Robinson and Walker: Permitting trained nurses to provide mental health services in a medication-assisted treatment program	345	345, 475	2342	2342	586, 2343	346, 527, 550, 586, 2343, 4082, 4113
*2532 -	By Delegates Cooper, Cadle, Hartman, Pethel and Porterfield: Allowing certain donations by persons renewing their driver's license or vehicle registration	380	553, 1489			1859	380, 553, 1704, 1724, 1755, 1771, 1859, 1860
2533 -	By Delegates P. Martin, Wilson, Hanna, Maynard and Pyles: Relating to military service credit for retirement purposes	380					380
2534 -	By Delegates Canestraro, Zukoff, Williams, Caputo, Diserio, Sponaugle, Evans, Campbell, Swartzmiller, Miller and Robinson: Requiring available materials, supplies, equipment and other items purchased by the state and its agencies to be made in the United States	380					381
2535 -	By Delegates Fast, Harshbarger and Hollen: Relating to purchasing exemptions and procedures	381	1465, 1889			1995	381, 1465, 1889, 1932, 1995
2536 -	By Delegates Westfall, Azinger, Nelson, Criss, Espinosa and Porterfield: Relating to the Mine Subsidence Insurance program	381	474				381, 475
2537 -	By Delegates Caputo, N. Brown, Lovejoy, Paynter, Dean, Zukoff, Canestraro, Angelucci, Maynard, Toney and Walker: West Virginia Black Lung Program	381					382
*2538 -	By Delegates Nelson, Pushkin, Hornbuckle, McGeehan, Householder, Barrett, Fluharty, Wilson, Byrd, Campbell and Queen: Providing banking services for medical cannabis (Chapter 40, Acts, Regular Session, 2019)	382	620, 926		2444	1474	382, 620, 1035, 1455, 1474, 1475, 4082, 4139
2539 -	By Delegates Kessinger, Foster and Pyles: Allowing private entities to lease buildings to local school boards in cases of emergency or condemnation	382					382
*2540 -	By Delegates Harshbarger, Paynter, Sypolt, Cooper, Hanna, Bibby, Hott and N. Brown: Prohibiting the waste of game animals, game birds or game fish (Chapter 178, Acts, Regular Session, 2019)	382	554, 1707	1860, 3977, 3979	3976, 4076	1860, 3979	383, 554, 1739, 1771, 1860, 3979, 4091, 4139

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2541 -	By Delegates R. Thompson, Evans, Lovejoy, Doyle, Hornbuckle, Hicks, Dean, Paynter, Zukoff and Pyles: Requiring certain safety measures be taken at public schools (Chapter 100, Acts, Regular Session, 2019)	383	1708	3455	3455	1861, 3456	383, 1739, 1771, 1861, 3456, 4091, 4139
*2542 -	By Delegates Howell, Pack, Hamrick, Hanshaw (Mr. Speaker), Summers, Worrell, Dean, Fast, Hott, Hollen and Storch: Permitting directors of county emergency phone systems to obtain mobile-phone emergency lines	383	557, 1429			1702	383, 557, 1479, 1508, 1701, 1702
2543 -	By Delegates Canestraro, Fleischauer, Zukoff, Fluharty, Caputo, Diserio and Pyles: Increasing the tax on the privilege of severing natural gas and oil	383					383
2544 -	By Delegates Canestraro, Fleischauer, Zukoff, Hansen and Pyles: Authorizing local boards of health to assess, charge and collect increased environmental fees for restaurants	383					383
*2545 -	By Delegates Canestraro, Zukoff, Lovejoy, Robinson, Fluharty, Diserio, Miller and Pyles: Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee	383	474, 685			869	384, 474, 792, 821, 869
2546 -	By Delegates Pushkin, Cadle, Doyle, Butler, McGeehan, Cooper, N. Brown, Ellington, Lovejoy, Sponaugle and Hornbuckle: Excluding from tax equipment installed in a motor vehicle for use of a person with a medical necessity	384	686			870	384, 792, 821, 870
2547 -	By Delegate Shott: Relating to the election prohibition zone (Chapter 104, Acts, Regular Session, 2019)	384	424		2279, 2456	525	384, 470, 498, 525, 2279, 2283, 4086, 4139
2548 -	By Delegates Bates, Householder, Barrett, Lavender-Bowe and Pyles: Creating a healthy living tax credit against the personal income tax	384					384
2549 -	By Delegates Rohrbach, Maynard, Linville, Worrell, R. Thompson and Porterfield: Relating to compulsory school attendance	384					384

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2550 -	By Delegates Capito, Nelson, Queen and Fast: Creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program (Chapter 88, Acts, Regular Session, 2019)	384	444, 1743	3043	3043	1919, 3043	384, 444, 1803, 1871, 1918, 1919, 3043, 4085, 4140
2551 -	By Delegates Rohrbach, Higginbotham, Maynard, Cooper, Hamrick, Rowan, Toney, Atkinson, Dean, R. Thompson and Campbell: Requiring the State Board of Education to develop a method for funding student transportation costs as a stand-alone consideration	385	1515				385, 1516
2552 -	By Delegates Rowe, Fluharty, Fleischauer, Byrd and Robinson: Relating to the intestate share of a decedent's surviving spouse	385					385
2553 -	By Delegate Caputo: The Motion Picture Open Captioning Act	385					386
*2554 -	By Delegates Hamrick, Worrell, Higginbotham and Howell: Relating to transfers and enrollment policies for students in public schools	386	691			870	386, 792, 822, 870, 871
2555 -	By Delegates Doyle, Estep-Burton, Angelucci, S. Brown, Evans and Pyles: Banning plastic bags	386					386
2556 -	By Delegates Doyle, S. Brown, Evans, Hansen, Pushkin, Hornbuckle and Pyles: Relating to required notices for air quality permits prior to the permit being granted	386					386
2557 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Exempting social security and tier one railroad retirement benefits from personal income tax	386					386
2558 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Adding the definition of grantee to include state spending units and local governments	386					387
2559 -	By Delegates Howell, Pack, Hamrick, Worrell, Dean, Fast, Hott, Hollen, Storch, Ellington and Butler: Requiring a special report by the Division of Personnel	387	478			586	387, 527, 550, 586, 587
2560 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Relating to the operation of state-owned farms	387					387

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2561 -	By Delegates Angelucci, Caputo and Longstreth: Expanding the eligibility for service on county school boards	387					387
2562 -	By Delegates Kump, Pushkin, McGeehan and N. Brown: Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test	388					388
2563 -	By Delegate Wilson: Relating to civil asset forfeiture	388					388
2564 -	By Delegates Paynter, Bibby, Fast, Hanna, Harshbarger, Jennings, Kessinger, P. Martin, Pyles, Queen and Pack: Relating to modification of cottage food laws	388					388
2565 -	By Delegates Canestraro, Fleischauer, Zukoff, Pethtel, Fluharty, Diserio, Williams and Pyles: Collecting a user fee from oil and gas producers who use secondary roads in the state	388					388
2566 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Changing the rate at which certain judges are paid for mileage	388					388
2567 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Allowing an individual to petition a circuit court for the expungement of misdemeanor offenses	389					389
2568 -	By Delegates Doyle, S. Brown, Evans, Lavender-Bowe and Pyles: Increasing the tax on the privilege of severing natural gas and oil	389					389
2569 -	By Delegates Doyle, S. Brown, Barrett, Evans, Hansen, Hornbuckle, Lavender-Bowe, Pyles and Lovejoy: Reinstating the film tax credits	389					389
2570 -	By Delegate R. Thompson: Providing that schools be closed for two weeks during the holiday season preceding Christmas Day and following New Year's Day	389					389
2571 -	By Delegates Rohrbach, D. Kelly, Hollen, Hornbuckle, Mandt, Walker, Linville and Worrell: Providing that the sale and purchase of copper as scrap metal may not be completed with the payment of cash	390					390

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2572 -	By Delegates Rohrbach, Hornbuckle, Walker and Lovejoy: Making the written plans of municipalities that have been approved by the Municipal Home Rule Board permanent	390					390
2573 -	By Delegates Doyle, S. Brown, Evans, Pushkin and Hornbuckle: Relating to payment for the construction of any expanded or upgraded public service district facilities in certain circumstances	390					390
2574 -	By Delegates Foster, Steele, Waxman, Kessinger, Bibby, Hardy, Maynard, Mandt, J. Jeffries, Householder and D. Kelly: Repealing the soft drink tax	406					406
2575 -	By Delegate Rodighiero: Freezing PEIA employee premiums for three years	406					406
2576 -	By Delegate Rodighiero: Establishing a tax credit for new businesses that locate in the state	406					407
2577 -	By Delegate Rodighiero: Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act	407					407
2578 -	By Delegate Rodighiero: Allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license	407					407
*2579 -	By Delegates Nelson and Criss: Relating to the collection of tax and the priority of distribution of an estate or property in receivership	407	927		3080	1475	407, 1036, 1455, 1475, 4092, 4114
2580 -	By Delegate Rodighiero: Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income	407					407
2581 -	By Delegate Rodighiero: Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card	407					408
2582 -	By Delegate Rodighiero: Exempting all veterans of the Armed Forces or any reserve component thereof from having to obtain a hunting, trapping fishing license	408					408
*2583 -	By Delegates Hill, Ellington, Pushkin, Rohrbach, Fleischauer, Walker, Staggers, McGeehan, Summers and Doyle: Family Planning Access Act (Chapter 215, Acts, Regular Session, 2019)	408	767	3779	3779	917, 3783	408, 823, 875, 916, 917, 3783, 4098, 4140

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2584 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating generally to funding of Public Employees Health Insurance Program	408					409
2585 -	By Delegates Malcolm, D. Jeffries, Kump, D. Kelly, Phillips, Kessinger, Mandt, Porterfield, Hanna, Graves and Butler: Promulgating a rule for the state building code to require large venues to have portable exit barriers to guide people to targeted exit areas	409					409
2586 -	By Delegates Staggers, Jennings, Bates and Boggs: Providing programs to train firefighters and emergency medical technicians	409	922				409, 922
2587 -	By Delegates Fleischauer, Miley, C. Thompson, Higginbotham, Linville, Walker, S. Brown, Canestraro, Byrd and Fluharty: Prohibiting violations of an individual's civil rights because of disability or sexual orientation	409					409
2588 -	By Delegates Lovejoy, Miller, N. Brown, Paynter, Canestraro, Caputo, Maynard, Williams, Robinson, Zukoff and Steele: Relating to occupational pneumoconiosis claims	409					410
2589 -	By Delegates Hansen, Ellington, Hanna, Miley, Lovejoy, McGeehan, Phillips, Evans, Fleischauer, Miller and Rowe: Relating to solar energy on formerly mined land	410					410
2590 -	By Delegate Porterfield: Relating to payment of taxes by co-owner or others	410					410
2591 -	By Delegates Malcolm, D. Jeffries, Kump, D. Kelly, Phillips, Kessinger, Mandt, Porterfield, Hanna and Butler: Requiring lighted exit signs in buildings where members of the public may frequent	410					410
2592 -	By Delegates Howell, Pack, C. Martin, D. Jeffries, Cadle, Hott, Worrell, J. Jeffries, Porterfield, Sypolt and Bibby: Requiring all boards referred to in Chapter 30 of the code be located in the same area in the state	410					411
2593 -	By Delegate Rohrbach: Limiting the increase or decrease of state funding to a county board of education	411					411

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2594 -	By Delegates Butler, Cadle, Jennings, Kump, Hansen, Azinger, Sypolt, Bates, Malcolm, Graves and D. Jeffries: Prohibiting railroads from blocking crossings on privately owned streets	411	596				411, 597
*2595 -	By Delegates Pack, Graves, Cooper, Paynter, Steele, Harshbarger, Sypolt, Jennings, Evans, Storch and Maynard: Establishing the West Virginia Division of Natural Resources Police Officer Retirement System	411	1430, 1808	2055, 2057		2057	411, 1430, 1875, 1901, 2016, 2054, 2057, 2058
2596 -	By Delegates J. Jeffries, Householder, Butler, D. Jeffries, Graves, Steele, Maynard, Paynter, Summers, Kump and Wilson: Providing for a special "Don't Tread On Me" license plate	411					412
*2597 -	By Delegates Porterfield, J. Jeffries, Maynard, Cooper, Malcolm, Cadle, Wilson, Harshbarger, Fast and Foster: Creating a hunting permit to safely accommodate visually impaired hunters	412	1019, 1902				412, 1020, 1902, 2016
2598 -	By Delegates Hanshaw (Mr. Speaker), Miley and Nelson: Relating to submitting a certifying statement attesting to status as a charitable or public service organization	412	1745			1919	412, 1803, 1872, 1919
2599 -	By Delegate Rowan: Awarding service weapons to special natural resources police officers upon retirement	412					412
*2600 -	By Delegates Summers and Kessinger: Relating to publication of sample ballots (Chapter 105, Acts, Regular Session, 2019)	412	424	3456	3456	526, 3474	412, 471, 498, 526, 3474, 4099, 4139
*2601 -	By Delegates Hanshaw (Mr. Speaker), Miley and Nelson: Relating to the review and approval of state property leases (Chapter 125, Acts, Regular Session, 2019)	412	684		3474	871	413, 792, 822, 871, 4091, 4139
2602 -	By Delegates Miller, Canestraro, Hollen, N. Brown, D. Kelly, Foster and Steele: Including possession of known stolen property in the offense of receiving or transferring stolen property	413	444			548	413, 499, 527, 547, 548
2603 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Relating to the amount permitted to remain in the West Virginia Alcohol Beverage Control Administration's operating fund	413	1741				413, 1741

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2604 -	By Delegates R. Thompson, Evans, Lovejoy and N. Brown: Permitting service credit in the Teachers Retirement System to persons with alternative school teaching experience	413					413
2605 -	By Delegate Kump: Relating to the regular election of officers on state general election day	413					413
2606 -	By Delegates Estep-Burton, Lavender-Bowe, S. Brown and Doyle: Requiring 30 minutes of unstructured play time daily for students in kindergarten through grade 5	413					414
*2607 -	By Delegates Hill, Staggers, Howell, Rowan and D. Jeffries: Relating to the licensure of nursing homes (Chapter 216, Acts, Regular Session, 2019)	430	558		1748	673	430, 615, 645, 673, 2035, 2169
2608 -	By Delegates Nelson, Criss and Espinosa: Repealing the requirement of printing the date a consumer deposit account was opened on paper checks (Chapter 48, Acts, Regular Session, 2019)	430	658		2169	820	430, 659, 760, 791, 820, 3523, 4139
*2609 -	By Delegates Nelson, Criss and Espinosa: Relating to presumptions of abandonment and indication of ownership in property (Chapter 108, Acts, Regular Session, 2019)	430	652, 825		2343	1032	431, 653, 919, 1002, 1031, 1032, 4082, 4139
2610 -	By Delegate Rodighiero: Creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated	431					431
2611 -	By Delegate Rodighiero: Ensuring Patient Safety Act	431					431
*2612 -	By Delegates Hill, Wilson, Howell, Rowan, Fleischauer and Walker: Proposing rules related to the completion or updating of source water protection plans (Chapter 217, Acts, Regular Session, 2019)	431	559		1905	674	431, 615, 645, 673, 674, 2121, 2646
2613 -	By Delegate Rodighiero: Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance	431					432

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2614 -	By Delegates Rowan, Rohrbach, Boggs, C. Martin, Graves, Sypolt, Lovejoy, Canestraro and Longstreth: Providing protective orders for victims of financial exploitation	432	473				432, 474
2615 -	By Delegate Rodighiero: Requiring the state board of education to develop an elective course on Vocational Agriculture	432					432
2616 -	By Delegates Rodighiero, Evans, R. Thompson, Tomblin and Hicks: Providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage	432					432
*2617 -	By Delegates Westfall, Hott, D. Jeffries, Espinosa and Porterfield: Relating to the form for making offer of optional uninsured and underinsured coverage by insurers (Chapter 152, Acts, Regular Session, 2019)	432	1464, 1723	3044	3043	1996, 3048	433, 1464, 1803, 1872, 1932, 1995, 1996, 3048, 4092, 4139
*2618 -	By Delegates Rowan, C. Martin, Rohrbach, Sypolt, Graves, Lovejoy, Longstreth, Boggs, Mandt, Maynard and J. Kelly: Including undue influence as a factor in the definition of financial exploitation of an elderly person or protected person (Chapter 2, Acts, Regular Session, 2019)	433	473, 928	1476, 3980	3980	1476, 3982	433, 473, 1036, 1455, 1475, 1476, 3982, 4098, 4140
2619 -	By Delegates Linville, Butler, McGeehan, Graves, Waxman, Higginbotham, Hamrick, Worrell, Howell, Wilson and Mandt: Allowing veterans with certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter	454					455
2620 -	By Delegates Westfall, Dean, Atkinson, Hanna and R. Thompson: Modifying the contact requirements with a student's guardians upon accrual of unexcused absences	455	530				455, 530
2621 -	By Delegates Nelson, Criss, Espinosa and Porterfield: Relating to background checks of certain financial institutions	455	885				455, 885
2622 -	By Delegates Zukoff, Bibby, Summers, Lavender-Bowe, Canestraro, Pushkin, Kessinger, Storch, Williams, Westfall and Capito: Allowing certified facility dogs to accompany witnesses at criminal trials	455					456

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2623 -	By Delegate Rodighiero: Requiring the assessor of each county to, within three months of a deed filing in the county clerk's office of each county, prepare a new property tax ticket	456					456
2624 -	By Delegate Howell: Relating to employees of the Commissioner of Agriculture	456					456
2625 -	By Delegates Robinson, Estep-Burton, Pushkin, Byrd, Rowe, Capito, Lovejoy, Canestraro, Fluharty, Miller and N. Brown: Establishing reimbursement rates for congregate and in-home meals	456	831				456, 831
2626 -	By Delegates Staggers, Angelucci, S. Brown, Boggs and Paynter: Relating to emergency medical services	456					457
2627 -	By Delegates Pack, Howell, Steele, McGeehan, Graves, Cooper, Lovejoy and Wilson: Removing all costs and fees from a Silver Star registration plate	457	620				457, 620
2628 -	By Delegate Rodighiero: Including volunteer firefighters within the Public Employees Insurance Act	457					457
2629 -	By Delegates J. Jeffries, Paynter, Wilson, Porterfield, Graves, Cadle, Kump, P. Martin, D. Jeffries and Butler: Ending tolls on the West Virginia Turnpike effective July 1, 2019	457					457
2630 -	By Delegates Westfall, Criss, Atkinson, Dean, Summers and Hanna: Requiring each county school board to employ at least one full time school nurse	457					457
2631 -	By Delegate Rodighiero: Relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children's Health Insurance Program	457					458
2632 -	By Delegates Kump, Wilson, J. Jeffries, Bibby, Householder, Cadle, McGeehan, Kessinger, Azinger, Fast and Malcolm: Tim Tebow Act	458					458
2633 -	By Delegate Rodighiero: Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder	458					458

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2634 -	By Delegate Rodighiero: Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses	458					458
2635 -	By Delegate Rodighiero: Granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase	458					459
2636 -	By Delegate Rodighiero: Exempting volunteer firefighters from fees for hunting, fishing and trapping licenses and permits	459					459
2637 -	By Delegates Howell, Jennings, Sypolt, Worrell, Toney, Waxman, Hanshaw (Mr. Speaker), Foster, Hamrick, Kessinger and Pack: Excluding electric generating facilities designated as an exempt wholesale generator from being regulated by the PSC	459					459
2638 -	By Delegates Paynter, Dean, Maynard, Cooper, Rohrbach, Campbell, Lavender-Bowe, Waxman, Graves, R. Thompson and Cowles: Increasing the penalties for overtaking and passing a school bus	459					460
2639 -	By Delegates J. Jeffries, D. Jeffries, Worrell, Pack, Steele, Foster, Waxman, Kump, McGeehan, Wilson and Maynard: Placing a limit on the salary of a county superintendent of schools	460					460
2640 -	By Delegates Wilson, S. Brown, Malcolm, J. Jeffries, Waxman, Storch, Graves, Summers, Rowan, Staggers and Longstreth: Making all inmates regardless of sex eligible to work on a state convict road force	460					460
2641 -	By Delegates Canestraro, Diserio, Pethtel, Fluharty, Zukoff and Pyles: Requiring owners of oil and gas wells to install and maintain separate meters that calculate the amount of production from those wells	460					460
2642 -	By Delegates Sponaugle, Miley, Shott, Lovejoy, Hornbuckle, Robinson, Caputo and Fluharty: Clarifying what constitutes an action requiring service to the Attorney General and notice to the Legislature	460					460

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2643 -	By Delegates Sponaugle, Hott, McGeehan, Cadle and Cowles: West Virginia Farm Fresh Raw Milk Act	461					461
2644 -	By Delegates R. Thompson, N. Brown and Hicks: Allowing an owner of Japanese quail to keep them as pets without having to obtain a license	461					461
2645 -	By Delegates R. Thompson and Hicks: Relating to power of security guards to arrest individuals	461					461
2646 -	By Delegates Higginbotham, Foster, Pack, Wilson, Sypolt, Westfall, Hardy, Butler, Atkinson and Cadle: Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees	461	596				462, 596
2647 -	By Delegates Westfall, Maynard, Hartman, Atkinson and Espinosa: Self Storage Limited License Act (Chapter 153, Acts, Regular Session, 2019)	462	619, 826	3098	3098	1032, 3104	462, 619, 919, 1003, 1032, 3104, 4092, 4140
2648 -	By Delegate Summers: Continuing education for registered nurses and advanced nurse practitioners	462					462
2649 -	By Delegate Rodighiero: Providing state health care services for all active and inactive duty military personnel	462					462
2650 -	By Delegate Rodighiero: Establishing seniority rights for public employees	462					463
2651 -	By Delegates Ellington, Hill, Summers, Pushkin and Bates: Relating to pharmacy benefit managers	463	559				463, 560
2652 -	By Delegate Rodighiero: Relating to public health	463					463
2653 -	By Delegates Graves, Pack, Capito, Kessinger, D. Jeffries, Malcolm, Linville, Wilson, Phillips, Mandt and Kump: Creating a presidential service registration plate	463					463
2654 -	By Delegates Harshbarger, Bibby, Hanna and Hill: Removing certain vehicles from the requirement for vehicle inspection	463					463
2655 -	By Delegates Graves and Dean: Increasing the modification reducing income for personal income tax for retired teachers and retired state employees	464					464

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2656 -	By Delegates Hardy, Bibby, Howell, J. Jeffries, Maynard, Harshbarger, Doyle, Cadle, S. Brown, Wilson and Kessinger: Health Care Choice Act	464					464
2657 -	By Delegates Maynard, J. Jeffries, Paynter, Pack and Hardy: Relating to registration of military surplus vehicles	464	620				464, 620
2658 -	By Delegates Maynard, Paynter, J. Jeffries, Sypolt, Miller, Pack, Lovejoy, Jennings, Angelucci and Worrell: Relating to the State Fire Marshall's comprehensive report	464	556				464, 556
2659 -	By Delegates Bates and Pyles: Establishing a tax on the production of natural gas to fund the public employees insurance program	464					465
2660 -	By Delegates Anderson, Azinger, Howell, J. Kelly, Westfall, Pethel, Storch, D. Kelly, Swartzmiller, Nelson and Harshbarger: Relating to the manner in which actual investment of capital and costs and a natural gas utility's expedited cost recovery are calculated	465					465
*2661 -	By Delegates Anderson, Azinger, Howell, J. Kelly, Westfall, Pethel, Storch, D. Kelly, Swartzmiller, Nelson and Harshbarger: Relating to natural gas utilities	465	768		3474	917	465, 823, 917, 918, 4091, 4115
*2662 -	By Delegates Westfall, Rohrbach, Zukoff, Toney, R. Thompson, J. Kelly, Evans, Dean, Campbell and Cooper: Relating to certificates or employment of school personnel (Chapter 238, Acts, Regular Session, 2019)	437	437, 1845	1932	3474	1996	438, 1846, 1932, 1996, 4092, 4140
2663 -	By Delegates Cooper, Westfall, Summers, Cadle, Anderson and Porterfield: Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code	488	690				488, 691
2664 -	By Delegates Butler, Malcolm, Hanna, Sypolt, Jennings, McGeehan, Phillips, Bibby, Wilson, J. Jeffries and Waxman: The West Virginia Refugee Absorptive Capacity Act	488					488

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2665 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplemental appropriation for PEIA Rainy Day Fee (Chapter 32, Acts, Regular Session, 2019)	488	1848	3835	3835	1997, 3836	489, 1848, 1932, 1996, 1997, 3836, 4084, 4139
2666 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplemental appropriation to the Department of Veterans' Assistance (Chapter 33, Acts, Regular Session, 2019)	489	594	1834	1834	757, 1834	489, 646, 679, 757, 1835, 2036, 2169
2667 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplemental appropriation to the Department of Military Affairs and Public Safety, Division of Corrections (Chapter 34, Acts, Regular Session, 2019)	489	1489		3080	1761	489, 1704, 1732, 1761, 1762, 4084, 4139
2668 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplemental appropriation to the Department of Administration, Public Defender Services (Chapter 35, Acts, Regular Session, 2019)	489	594	1835	1835	758, 1836	489, 646, 680, 758, 1836, 2036, 2169
2669 -	By Delegate Cowles: West Virginia Child Advocate for the Protection of Children Act	489					490
*2670 -	By Delegates Higginbotham, Waxman, Kessinger and Westfall: Relating to damages for medical monitoring	490	1812		3783	1997	490, 1876, 1932, 1997, 1998, 3783, 3785
2671 -	By Delegates Kessinger, Waxman, Higginbotham and Westfall: Prevention of Deceptive Lawsuit Advertising and Solicitation Practices Act	490					490
2672 -	By Delegates Azinger, Hollen, McGeehan, Cooper, Bibby, J. Kelly, Butler, Rodighiero, Steele, Cadle and Anderson: Exempting honorably discharged veterans of the from payment of fees and costs for a license to carry deadly weapons	490	1463				490, 1463
*2673 -	By Delegates Householder, Criss, Harshbarger, Anderson and J. Kelly: Creating the Oil and Gas Abandoned Well Plugging Fund	490	558, 879	3836	3836	1446, 3841	491, 558, 1014, 1034, 1446, 1447, 3841, 4116

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2674 -	By Delegates Atkinson, Westfall, Hollen, D. Jeffries, Azinger, Harshbarger, Canestraro, J. Kelly, Queen, Criss and Kessinger: Creating a student loan repayment program for a mental health provider	491	559, 796	3842	3842	997, 3851	491, 560, 876, 919, 997, 3851, 4099, 4118
2675 -	By Delegates Foster, Steele, Higginbotham, Wilson, Jennings, Azinger, D. Kelly, Mandt, Linville, Waxman and P. Martin: Employer Property Protection Act	491					491
2676 -	By Delegates J. Jeffries, Paynter and Cadle: Permitting common carriers to operate in any county of this state	491					491
2677 -	By Delegate Westfall: Repealing the article providing for Provider Sponsored Networks	491					492
2678 -	By Delegates Bibby, Hardy, Cadle, Foster, McGeehan, Howell, J. Jeffries, Wilson, Worrell, Harshbarger and Hanna: Eliminating the personal property tax on new vehicles	492					492
2679 -	By Delegates Phillips, Foster, McGeehan, Hansen, Shott and Hott: Relating to state issued identification cards	492	529			645	492, 591, 615, 645
2680 -	By Delegates Westfall, Waxman, Kessinger and Higginbotham: Relating to third-party litigation financing	492					493
2681 -	By Delegates Cowles, Steele, Canestraro, Miller, Lovejoy and Kessinger: Providing guidance for prosecuting attorneys in cases involving abused and neglected children	493					494
2682 -	By Delegates Cowles, Pack, Rowan, Storch, Kessinger and Lovejoy: Establishing a bill of rights for foster parents	494					494
2683 -	By Delegates Cowles, Pack, Rowan, Storch, Kessinger and Lovejoy: Establishing a bill of rights of children in foster care	494					494
2684 -	By Delegates McGeehan and Phillips: Relating to exempting "specie" from taxation	494					494
2685 -	By Delegates Butler, Malcolm, Kessinger, Hanna, Sypolt, Jennings, McGeehan, Phillips, Bibby, Wilson and J. Jeffries: Refugee Information Act	494					495

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2686 -	By Delegates Rohrbach, Hollen, Ellington, Hanna, Hornbuckle, D. Kelly, Kessinger, Mandt, Pushkin, Robinson and Walker: Relating to permitting the Supreme Court of Appeals of West Virginia to create a family drug court pilot program	506	656			820	506, 760, 791, 820
2687 -	By Delegates Campbell, Pack, Bates, Steele, Shott, Paynter, Lavender-Bowe, Kessinger, Maynard, Toney and Evans: Exempting law enforcement and emergency vehicles from paying turnpike tolls	514					514
2688 -	By Delegates Maynard, Hamrick, Paynter, J. Jeffries, Rohrbach, Dean, Miller, Lovejoy, Pack, Robinson and Byrd: Requiring air conditioning on all school buses	514	1487				514, 1487
2689 -	By Delegate Rodighiero: Relating to replacing the present crime of burglary with the crime of home invasion	514					514
*2690 -	By Delegates Westfall, Azinger, Nelson, Williams and Porterfield: Relating to guaranty associations (Chapter 154, Acts, Regular Session, 2019)	514	1464, 1746		2124	1920	514, 1465, 1803, 1872, 1919, 1920, 2335, 4139
2691 -	By Delegates Howell, D. Jeffries, Pack, Phillips, Worrell, Sypolt, Hott, C. Martin, Cadle, Dean and Storch: Providing that a license to carry a concealed deadly weapon expires on the holder's birthday (Chapter 264, Acts, Regular Session, 2019)	514	618	2284	2283	790, 2991	514, 680, 759, 790, 2284, 2292, 2565, 4139
2692 -	By Delegates Howell, D. Jeffries, Pack, Phillips, Worrell, Sypolt, Hott, C. Martin, Cadle, Dean and Storch: Relating to primary elections and procedures	515	883				515, 1014, 1017
2693 -	By Delegates Howell, D. Jeffries, Pack, Phillips, Worrell, Sypolt, Hott, C. Martin, Cadle, Dean and Storch: Relating to traffic violations as qualifying for deferred adjudication	515					515
*2694 -	By Delegates Howell, D. Jeffries, Pack, Phillips, Sypolt, Hott, Cadle, Hamrick, Graves, McGeehan and Pushkin: Relating to the state's ability to regulate hemp (Chapter 13, Acts, Regular Session, 2019)	515	1018, 1743	3785	3785	1920, 3795	515, 1018, 1803, 1872, 1920, 3795, 4140

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2695 -	By Delegates Hollen, Boggs, Fast, Harshbarger, Miller, Criss, D. Kelly and Pushkin: Relating to purchases made by the Director of the Division of Protective Services for equipment to maintain security at state facilities	515	1463				515, 1463
2696 -	By Delegates Howell, Bibby, Phillips, Sypolt, Cadle, Azinger, D. Jeffries, Pack, Worrell and Hott: Creating an additional index system for state-owned lands	516	683			872	516, 792, 822, 871, 872
2697 -	By Delegates Howell, Foster, Jennings, Sypolt and Cadle: The Occupational Licensing Consumer Choice Act	516					516
2698 -	By Delegates Hollen, Boggs, Harshbarger, Miller, Pushkin, Criss, D. Kelly and Canestraro: Authorizing the Division of Corrections and Rehabilitation to release to county prosecutors of this state certain information	516	1463				516, 1463
2699 -	By Delegates Howell, D. Jeffries, Pack, Phillips, Sypolt, Hott, C. Martin, Cadle, Dean and Hamrick: Relating to municipal annexation by minor boundary adjustment	516	798				517, 798
2700 -	By Delegates Howell, D. Jeffries, Pack, Phillips, Worrell, Sypolt, Hott, C. Martin, Cadle and Dean: Requiring the Public Employees Insurance Agency to use the West Virginia Medicaid Prescription Plan	517					517
2701 -	By Delegates Howell, D. Jeffries, Pack, Phillips, Worrell, Sypolt, Hott, C. Martin, Cadle, Dean and Hamrick: Relating to general restrictions for outdoor advertising	517					517
2702 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to the wireless enhanced 911 fee	517					517
*2703 -	By Delegates Pack, Steele, Cooper, Graves, Criss, Westfall, Queen, Azinger, Higginbotham, Barrett and Bates: Relating to refunds of excise taxes collected from dealers of petroleum products	517	1881	3080	3080	1998, 3081	518, 1882, 1932, 1998, 3081, 3523, 4120
2704 -	By Delegate Rowe: Relating to eligibility for parole	518					518
2705 -	By Delegates Doyle, S. Brown and Evans: Redistricting of the Senate into 16 two-member senatorial districts and redistricting the House into 96 single member districts	518					518

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2706 -	By Delegates Harshbarger, Steele, Wilson, Foster, J. Jeffries, Higginbotham, Hollen, Cooper, McGeehan, Kessinger and Cadle: Relating to statement and computation of teachers' service for members of the State Teachers Retirement System	518					518
2707 -	By Delegates Nelson, Fluharty, Shott, Ellington, Queen, Miley, Hornbuckle, Byrd, Cooper, J. Kelly and Fleischauer: Relating to the apportionment of representation	518					519
2708 -	By Delegates Householder, Foster, Howell, Kessinger, Waxman, Wilson and Porterfield: Local Government Labor and Consumer Marketing Regulatory Limitation Act	519	798				520, 799
2709 -	By Delegates Atkinson, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Kessinger, Cadle, Cooper and N. Brown: Relating to hunting licenses (Chapter 179, Acts, Regular Session, 2019)	534	690, 885		4076	1447	534, 690, 1014, 1034, 1447, 4099, 4139
2710 -	By Delegates Doyle, S. Brown, Evans, Lavender-Bowe, Pushkin, Estep-Burton and Pyles: Prohibiting manufacturing plants from locating within two air miles of an existing public school	535					535
2711 -	By Delegates Doyle, S. Brown, Evans, Lavender-Bowe, Campbell, Estep-Burton, Hansen, Pushkin, Hornbuckle and Pyles: Requiring public hearing for applicant for air quality permit relating to facility of certain investment value	535					535
2712 -	By Delegates Foster, Higginbotham, Fast, Dean, Wilson, Porterfield and Rowan: Relating to death penalty for first degree murder	535					536
2713 -	By Delegates Boggs, Campbell, Pethel, Westfall, Dean, Pack, Graves, Paynter, Toney, Swartzmiller and C. Thompson: Expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers	536					536
2714 -	By Delegates Cadle, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Atkinson, Kessinger, Harshbarger, Cooper and Porterfield: Relating generally to sediment control during commercial timber harvesting operations	536					536

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2715 -	By Delegates Harshbarger, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Kessinger, Cadle, Cooper and N. Brown: Relating to Class Q special hunting permit for disabled persons (Chapter 180, Acts, Regular Session, 2019)	536	764, 886	1034, 1447, 1448	3475	1448	537, 764, 1014, 1034, 1447, 1448, 4092, 4139
2716 -	By Delegates Harshbarger, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Atkinson, Kessinger, Cadle, Cooper and Porterfield: Relating to vessel lighting and equipment requirements (Chapter 181, Acts, Regular Session, 2019)	537	690, 921	1456, 1477	3475	1477	537, 690, 1036, 1456, 1476, 1477, 4092, 4139
2717 -	By Delegates Cooper, Worrell, Miller, Storch, D. Kelly, Maynard, Swartzmiller, Atkinson, Kessinger, Cadle and Harshbarger: Authorizing the Division of Forestry to investigate and enforce timber theft violations	537					537
*2718 -	By Delegates Cooper, Worrell, Westfall, Miller, Maynard, Atkinson, Kessinger, Harshbarger and Porterfield: Requiring purchasers of roundwood to collect and maintain certain information	537	1017, 1745			2058	537, 1018, 1803, 1872, 1901, 2052, 2058
2719 -	By Delegates Toney, Dean, Waxman, Paynter, Jennings, R. Thompson, Phillips, Mandt, Steele, Pack and Cadle: Establishing an optional bus operator in residence program for school districts	537	1516				538, 1516
*2720 -	By Delegates Pethtel, Lovejoy, Shott, Boggs, Paynter and Harshbarger: Authorizing certain investigators and first responders to carry firearms	538	687, 825			1033	538, 687, 919, 1003, 1032, 1033
2721 -	By Delegates Cowles and Rowan: Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind	538					538
2722 -	By Delegates Anderson, Azinger, Howell, J. Kelly, Westfall, Pethtel, Storch, D. Kelly, Harshbarger, Queen and P. Martin: Requiring the use of statutory income tax rates for ratemaking purposes for certain public utilities	538					538

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2723 -	By Delegates Caputo and Pyles: Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle	539					539
2724 -	By Delegates Atkinson and J. Kelly: Small Business Tax Credit	539	1460				539, 1460
2725 -	By Delegates Foster, Waxman, Kessinger, Higginbotham and Westfall: Relating to preventing compensatory damage awards for medical expenses from including certain sums	539					539
2726 -	By Delegates J. Kelly, J. Jeffries, Maynard, Paynter, Criss, Espinosa, C. Martin, Mandt, Cadle and Anderson: Entitling natural resource producers to the economic opportunity tax credit	539					539
2727 -	By Delegates Maynard, J. Jeffries, Rohrbach, Paynter, Linville, Mandt, Harshbarger, Miller, Tomblin, Westfall and Pack: Relating to conducting a study of the Upper Mud River Lake	539	1019				540, 1019
2728 -	By Delegates Howell, Phillips, Bibby and Pyles: Establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program	540					542
2729 -	By Delegates Jennings, Sypolt, J. Jeffries, Lovejoy, Worrell, Angelucci, Miller, Pack, Howell and Pyles: Recognition of Emergency Medical Services Personnel Licensure Interstate Compact	568	688, 1879				570, 688, 1879, 1901, 2016, 2017
2730 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Increasing the compensation of the membership of the State Police and the salaries for public school teachers and school service personnel	570	1748	1863		1863	570, 1748, 1771, 1861, 1862, 1864
2731 -	By Delegates Sypolt and Jennings: Exempting from a certificate of need obstetrics maternity and delivery services provided by an acute care hospital	570					571
2732 -	By Delegates McGeehan, Angelucci, S. Brown, Butler, Dean, Doyle, Estep-Burton, Anderson and Pyles: Defend the Guard Act	571	1464				571, 1464, 1855, 1914, 1915, 2016

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2733 -	By Delegates Pushkin, Williams, Miley, C. Thompson, Lovejoy, Storch, Westfall, Higginbotham, Sponaugle, Robinson and Stagers: Adding “sexual orientation” and “gender identity” to the categories covered by the Human Rights Act	571					571, 806, 902, 948, 1028, 1472, 1913
*2734 -	By Delegates Kessinger, Fast, Stagers and Robinson: Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities	571	796		2444	998	571, 876, 902, 919, 948, 997, 998, 4082, 4121
2735 -	By Delegates Bibby, Hardy, J. Jeffries, Paynter, Higginbotham, D. Jeffries, Hanna and Wilson: Relating to state road construction	571					572
2736 -	By Delegates Kessinger, Pack, Nelson, Hardy and Sypolt: Relating to standards of proof in civil actions where business structure sought to be disregarded	572					572
*2737 -	By Delegates Householder and Criss: Relating to training of State Tax Division employees (Chapter 201, Acts, Regular Session, 2019)	572	685		2169	872	572, 792, 822, 872, 3523, 4139
2738 -	By Delegates Pack, Graves, Hollen, Pethtel, Evans, Anderson and Malcolm: Authorizing prepayment of certain required payments into a policemen’s pension and relief fund or a firemen’s pension and relief fund	572	767				572, 767
2739 -	By Delegates Hollen, Graves, Anderson and Malcolm: Relating to contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board (Chapter 75, Acts, Regular Session, 2019)	572	766, 882		3475	1448	573, 767, 1014, 1034, 1448, 4092, 4140
*2740 -	By Delegates Shott, Harshbarger and Mandt: Barring a parent from inheriting from a child in certain instances (Chapter 83, Acts, Regular Session, 2019)	573	688	2133	2133	873, 2133	573, 792, 822, 872, 873, 2133, 2565, 4139
2741 -	By Delegates Walker, Rowe, Canestraro, Miller, Diserio, Angelucci, Caputo, Barrett, Longstreth, Estep-Burton and Campbell: Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act	573					573

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2742 -	By Delegate Rodighiero: Making available elective courses on the history of the Old and New Testaments of the Bible	573					574
2743 -	By Delegates Hollen, Graves, Pethel, Evans, Anderson and Malcolm: Eliminating reference to municipal policemen's pension and relief funds and firemen's pension and relief funds in section restricting investment (Chapter 64, Acts, Regular Session, 2019)	574	766, 882		2169	1449	574, 767, 1014, 1034, 1449, 3523, 4139
2744 -	By Delegates Householder and Criss: Relating to officer liability for unremitted consumers sales and service tax	574					574
2745 -	By Delegates Householder and Criss: Authorizing railroads and commercial watercraft to claim a refundable exemption from the variable rate component of the motor fuel excise tax	574					574
2746 -	By Delegate Shott: Relating to administration of estates (Chapter 109, Acts, Regular Session, 2019)	574	689	873	2124	874	574, 792, 822, 873, 874, 2335, 4139
2747 -	By Delegate Rodighiero: Allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent	574					575
2748 -	By Delegate Rodighiero: Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System	575					575
2749 -	By Delegate Rodighiero: Relating to quarterly payment of real and personal property taxes	575					575
2750 -	By Delegate Rodighiero: Relating to salary increase for Regional Jail Authority employees	575					575
2751 -	By Delegates Wilson, McGeehan, Dean and Bibby: Abolishing mandatory prison sentences	575					575
2752 -	By Delegates Wilson and Bibby: Adding to the persons who have access to the information kept by the Board of Pharmacy	575					575

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2753 -	By Delegates Wilson and Bibby: Permitting stand-in candidates for gubernatorial and presidential contests	576					576
2754 -	By Delegates Wilson, J. Jeffries and Graves: Establishing certain requirements for dental insurance	576					576
2755 -	By Delegates Fleischauer, Lavender-Bowe, Hansen, S. Brown, Pethel, Hartman, Pyles, Zukoff, Evans, Doyle and Byrd: Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act	576					576
2756 -	By Delegates Foster, Criss, Waxman, Graves, D. Jeffries, Pack, Hill, Butler and Harshbarger: Requiring contractors performing work for government contracts on computers use software to verify the hours	576					576
2757 -	By Delegates D. Kelly, Storch, Harshbarger, Evans, Doyle, Capito, Miller, Mandt, Cadle, Steele and Fast: Authorizing the Governor to seek the return of fugitives	577					577
2758 -	By Delegates Estep-Burton, Walker, Angelucci, Doyle, Lavender-Bowe, Zukoff and Pyles: Establishing minimum numbers of school counselors	577					577
2759 -	By Delegate Shott: Providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration (Chapter 110, Acts, Regular Session, 2019)	577	689	2134	2134	874, 2134	577, 793, 822, 874, 2134, 2565, 4140
2760 -	By Delegates Howell, C. Martin, Pack, Cadle, Worrell, Hott, D. Jeffries, J. Jeffries, Bibby, Porterfield and Phillips: Relating to performance reviews of state agencies and regulatory boards	577	1889			1998	577, 1889, 1932, 1998, 1999
*2761 -	By Delegate Westfall: Modernizing the self-service storage lien law (Chapter 169, Acts, Regular Session, 2019)	577	827	1035, 3989	3989	1449, 4001	578, 920, 1003, 1035, 1449, 1450, 4002, 4099, 4140
2762 -	By Delegates Westfall, D. Jeffries, Hott and Azinger: Modernizing rental car transactions	578					578

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2763 -	By Delegates Hornbuckle, Fluharty, Skaff and Bates: Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act	578					578
2764 -	By Delegates Fast, Harshbarger, Miller, Hanna, Cowles, Foster, D. Kelly, Howell and Pack: Relating to the financial responsibility of inmates in relation to civil awards	578					579
2765 -	By Delegates Rodighiero, Miller, Tomblin, Hicks and Evans: Allowing firearms-qualified tax division investigators to carry firearms	579					579
2766 -	By Delegates Waxman, Dean, Toney, Hanna, Evans, Atkinson, J. Kelly, Jennings, R. Thompson, Zukoff and Hornbuckle: Relating to a student not advancing to the next grade by teacher recommendation	579					579
2767 -	By Delegates Criss, J. Jeffries, Azinger, Steele, Mandt, Cadle, Hanna and Porterfield: Reducing the severance tax on thermal or steam coal	579					579
*2768 -	By Delegate Rohrbach: Reducing the use of certain prescription drugs (Chapter 218, Acts, Regular Session, 2019)	579	828, 1022	3570	3570	1501, 3580	579, 828, 1456, 1478, 1501, 3580, 4099, 4140
2769 -	By Delegates Butler, Worrell, Jennings, Wilson, Bibby, J. Jeffries and Hanna: Citizen and State Accountability Act	579					580
*2770 -	By Delegates Rohrbach, Ellington, Barrett, Queen, Waxman, Byrd, Westfall, Nelson and Porterfield: Fairness in Cost-Sharing Calculation Act (Chapter 155, Acts, Regular Session, 2019)	580	1464, 1724	1921, 3852	3851	1921, 3858	580, 1464, 1803, 1872, 1920, 1921, 3858, 4099, 4140
2771 -	By Delegates Miller, Tomblin, Rodighiero, Westfall, Maynard, Lovejoy, Canestraro and Lavender-Bowe: Relating to deputy sheriff retirement system act	580					580
2772 -	By Delegates Miller, Harshbarger, Tomblin, D. Kelly, Lovejoy, Canestraro, Maynard and Lavender-Bowe: Relating to the Division of Corrections and Rehabilitations acquiring and disposal of services	580					581

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2773 -	By Delegates Cowles and J. Kelly: Granting the State Auditor the authority to audit the books and records of local economic development authorities	581					581
2774 -	By Delegates Cadle, Cooper, Westfall, J. Jeffries, Harshbarger, Paynter, Worrell, Bibby, Hardy, Wilson and Atkinson: Relating to the right to farm	581	1017				581, 1018
2775 -	By Delegates C. Martin, Dean, Maynard, Worrell, P. Martin, Mandt, Pack, Graves and Fast: Requiring each high school student to complete a one-half credit course of study in personal finance	581					581
2776 -	By Delegate Rodighiero: Providing one-time supplements to all annuitants when they reach the age of seventy	582					582
2777 -	By Delegates Campbell, Lavender-Bowe, R. Thompson, Hornbuckle, Caputo, Rohrbach, Dean, Westfall, Pack, Paynter and Robinson: Requiring schools to offer elective vocational courses in middle schools	582					582
2778 -	By Delegates Rodighiero and Pyles: Providing that school nutrition plans include take home meals for low income students	582					582
*2779 -	By Delegates Shott, Anderson, Cadle, J. Kelly, Phillips, Evans, Boggs, Pethtel, Maynard, Higginbotham and Hansen: Providing that proceeds from certain oil and gas wells to persons whose name or address are unknown are to be kept in a special fund	582	618			790	583, 680, 759, 790, 791
2780 -	By Delegates Hollen, Graves, Pethtel, Evans, Anderson and Malcolm: Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System	583	767				583, 767
2781 -	By Delegates Hill, S. Brown, McGeehan, Rohrbach, Summers, Steele, Pushkin, Staggers and Pyles: Permitting a person to obtain a 12-month supply of contraceptive drugs	583					583

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2782 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementary appropriation to the Department of Health and Human Resources	604					605
2783 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Justice and Community Services	605					605
2784 -	By Delegate Canestraro: Extending the expiration of driver's licenses for active military members' spouses	605					605
2785 -	By Delegates Storch, Westfall, Miller, Azinger, Queen, Harshbarger, Butler, D. Kelly, Mandt, Hamrick and Dean: Reopening period to allow purchase of State Teachers Retirement System service credit following transfer	605					605
2786 -	By Delegate Kessinger: Uniform Worker Classification Act	605					605
2787 -	By Delegates Byrd, Maynard, Harshbarger, Queen, Worrell, Rohrbach, J. Jeffries, Lovejoy, Fluharty, Pushkin and Robinson: Requiring schools to have persons with first aid and cardiopulmonary resuscitation training on-site	606					606
2788 -	By Delegate Kessinger: Relating to life-sustaining treatment policies of health care facilities: "Simon's Law"	606					606
2789 -	By Delegates Hamrick, Dean, Howell, Pack, Westfall, Waxman, Queen, Miley, Higginbotham and Rodighiero: Increasing the amount excluded from the gross income of individuals receiving retirement benefits as police officers or firefighters	606					606
2790 -	By Delegates Harshbarger, Cadle, Worrell, Westfall, Toney, D. Kelly, P. Martin, J. Kelly and Cooper: West Virginia Monument and Memorial Protection Act of 2019	606					607
2791 -	By Delegates Harshbarger, Cadle, Worrell, Westfall, Toney, Storch, Cooper, D. Kelly, Byrd and J. Kelly: Allowing persons with developmental disabilities to receive a base hunting license	607					607

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2792 -	By Delegates Kessinger, Harshbarger, Paynter, Queen, Hanna, Bibby, Foster, Williams and Pyles: Prohibiting activities connected with sexual abuse of an animal	607					607
*2793 -	By Delegates Maynard, Dean, Hornbuckle, Doyle and Pyles: Expanding applicability of educational facilities for the West Virginia College Prepaid Tuition and Savings Program	607	880			1450	607, 1015, 1035, 1450
2794 -	By Delegates Lovejoy, Rohrbach, Miller, Hornbuckle, Canestraro, Williams, Robinson, Rowan, S. Brown and Byrd: Establishing the Summer Feeding for All initiative	607					608
2795 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementing and amending by decreasing an existing appropriation and adding a new appropriation to the Department of Revenue	608					608
2796 -	By Delegates Cadle, Harshbarger, Cooper, Wilson, J. Jeffries, Atkinson, Toney, Paynter, Hott, Phillips and Worrell: Relating to analysis of samples of industrial hemp production	608	1017				608, 1018
2797 -	By Delegate Kump: Relating to modification reducing federal adjusted gross income for social security benefits	631					631
2798 -	By Delegates Householder and Criss: Amending tax laws to conform to changes in how partnerships and their partners are treated for federal income tax purposes	631					633
2799 -	By Delegate Kessinger: Requiring county boards of education to conduct regular structural inspections of school facilities and structures	633					633
2800 -	By Delegates Kessinger, Foster and Pack: Permitting vocational education classes for homeschooled and private schooled students	633					633
2801 -	By Delegates Kessinger, Pack, Foster and Wilson: Requiring abortions to be performed by a licensed physician	633	829				633, 829
*2802 -	By Delegates J. Kelly, Shott, Nelson , Anderson and Criss: Uniform Partition of Heirs Property Act	633	830, 1746	1933		1999	634, 830, 1803, 1872, 1933, 1999

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2803 -	By Delegates Campbell, Lovejoy, Canestraro, Lavender-Bowe, Higginbotham, Maynard, Pack, Cooper, Paynter and Anderson: Increasing the number of days a retired teacher may accept employment	634	1707				634, 1708
2804 -	By Delegates Kessinger, Higginbotham and Cooper: Relating to termination of the Women's Commission	634					634
2805 -	By Delegates Espinosa, Ellington, Butler, Householder, Kessinger, Porterfield, Jennings, Worrell, Fast, C. Martin and Phillips: Relating to persons to whom schools are open	635					635
2806 -	By Delegates Linville, Summers, Kessinger and Byrd: Relating generally to the Pharmacy Audit Integrity Act and the regulation of pharmacy benefit managers	635					636
*2807 -	By Delegates J. Kelly, Nelson, Worrell, D. Kelly, Azinger, Criss, Caputo, Angelucci, Longstreth, N. Brown and Espinosa: Creating an additional modification to the West Virginia adjusted gross income of shareholders of S corporations engaged in banking	636	885, 1710	3878	3878	1864, 3879	636, 885, 1739, 1772, 1864, 3879, 4102, 4121
2808 -	By Delegates Wilson, C. Martin, P. Martin, Butler, Hanna, Porterfield, Bibby, Hardy, Foster, Waxman and Pack: Requiring local entities to enforce immigration laws	636					636
*2809 -	By Delegates Shott, Capito, Mandt, Paynter, Ellington, Porterfield and Evans: Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area (Chapter 182, Acts, Regular Session, 2019)	636	766	875	3475	918	636, 823, 875, 918, 4100
2810 -	By Delegate Bates: Modifying the method of calculation of the employer and employee contribution percentages for public employee insurance premiums	636					637
2811 -	By Delegate Kessinger: Relating to generic drug products	637					637
2812 -	By Delegates Caputo, Boggs, Paynter, J. Jeffries, Evans, Phillips, Dean, Storch, Pethtel, Bates and Campbell: Allowing the Office of Miners' Health, Safety and Training to inspect the records of employers of certified persons for compliance purposes	637					637

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2813 -	By Delegates Householder and Criss: Relating generally to collection of use tax (Chapter 252, Acts, Regular Session, 2019)	637	797	3475	3475	998, 3477	637, 876, 919, 998, 3477, 4100, 4140
2814 -	By Delegates Steele, Foster, Pack, Canestraro and Porterfield: Making it a felony to transport certain drugs into the state with intent to deliver	637					637
2815 -	By Delegates Steele, Shott, Pack, Graves and Canestraro: Raising the value of goods or chattels that are taken in a larceny to constitute grand larceny	637	689			875	638, 793, 822, 874, 875
2816 -	By Delegates Campbell, Canestraro, Higginbotham, Lavender-Bowe, Atkinson, Williams, R. Thompson, Caputo, Hornbuckle, Dean and Pack: Removing the terms "hearing impaired," "hearing impairment," and "deaf mute" from the West Virginia Code and substituting terms (Chapter 126, Acts, Regular Session, 2019)	638	1745		3477	1921	638, 1803, 1872, 1921, 1922, 4100, 4140
2817 -	By Delegates Miley, Storch, Westfall, Capito, Hardy, Higginbotham, Byrd, Walker, C. Thompson, Bates and Staggers: Youth Mental Health Protection Act	638					638
2818 -	By Delegates Rodighiero, Evans, Hicks, Tomblin, Miller, J. Kelly, R. Thompson and Doyle: Reopening period to allow purchase of State Teachers Retirement System service credit by transfer	638					639
2819 -	By Delegates Householder and Criss: Relating generally to contractors	639	882				639, 1015, 1017
2820 -	By Delegate Shott: Relating to criminal penalties for reckless driving	639					639
*2821 -	By Delegates Householder and Criss: Updating provisions for command, clerical and other pay (Chapter 231, Acts, Regular Session, 2019)	639	881		1967	1451	639, 1015, 1035, 1450, 1451, 2334, 4139
2822 -	By Delegates Rohrbach, Lovejoy, Hornbuckle, Mandt, D. Kelly, Dean, Campbell, Worrell, Hollen and Linville: Creating an enhanced penalty for certain aggravated serious traffic offenses	639					639

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2823 -	By Delegates Jennings, Sypolt, Williams, Canestraro, Hansen, Pyles, Walker and Miley: Requiring Department of Highways to make available a calendar of projects and related information for each district	640					640
2824 -	By Delegates Jennings, Rowan and Atkinson: Relating to teacher to pupil ratio in grades first through third	640					640
2825 -	By Delegates Rohrbach, Rowan, Linville, Maynard, Kessinger, Lovejoy, Storch and Pack: Creating a workgroup to review the hospice need standards in this state	640					640
2826 -	By Delegates Campbell, Paynter, J. Kelly, Barrett, R. Thompson, Lavender-Bowe, Dean, Pack, Canestraro, Evans and Bates: Altering the school calendar to begin the Tuesday after Labor Day and end the Friday before Memorial Day	640					640
2827 -	By Delegates Sypolt, Phillips, Graves, Nelson, Pyles and Miller: Removing the residency requirements for hiring deputy assessors (Chapter 65, Acts, Regular Session, 2019)	640	1462, 1745		2124	1921	641, 1462, 1803, 1872, 1921, 2335, 4139
2828 -	By Delegates Higginbotham, Queen, Skaff, Atkinson, C. Martin, Nelson, Toney, Waxman, Capito, Lovejoy and Hicks: Relating to Qualified Opportunity Zones	617	617, 1725	3795	3795	1922, 3819	617, 618, 1804, 1873, 1922, 3819, 4099, 4122
2829 -	By Delegates Nelson, Householder, Shott, Ellington, Atkinson, Jennings, Sypolt, Hartman, Campbell, Cooper and Cowles: Relating to the termination of severance taxes on limestone and sandstone (Chapter 253, Acts, Regular Session, 2019)	666	1710		2170	1865	666, 1739, 1772, 1864, 1865, 3523, 4140
*2830 -	By Delegates Howell, Pack, Hollen, Jennings, Miller, D. Kelly, Storch, Dean, Hamrick, Foster and Summers: Establishing Next Generation 911 services in this state	666	1726			1923	666, 1804, 1873, 1923
*2831 -	By Delegates Criss, Storch, Cowles, Hill, Butler, Hardy, Boggs, Barrett, Pethtel, Longstreth and Hartman: Finding and declaring certain claims against the state and its agencies to be moral obligations of the state (Chapter 46, Acts, Regular Session, 2019)	666	1847	3478	3478	2000, 3478	667, 1848, 1935, 1999, 2001, 3479, 4100, 4139

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2832 -	By Delegates Caputo, N. Brown, Lovejoy, Rohrbach, Canestraro and Miller: Requiring drug testing companies to have contractor IDs and mandatory safety training before performing work on mine property	667					667
2833 -	By Delegates Maynard, Paynter, Rohrbach, Caputo, J. Jeffries, Miller, Tomblin, Evans, Hicks, R. Thompson and Linville: Relating to occupational pneumoconiosis	667					667
*2834 -	By Delegates Anderson, J. Kelly, Harshbarger, Howell, Porterfield and Nelson: Updating and modernizing the minimum spacing provisions for the drilling of horizontal deep wells	667	1020			1502	667, 1456, 1478, 1501, 1502
2835 -	By Delegates Lovejoy, Canestraro, Rohrbach and Hornbuckle: Changing provisions regarding polygraph examinations of sex offenders	668					668
2836 -	By Delegates Lovejoy, Rohrbach, Hornbuckle, Zukoff, Toney, C. Thompson, Pyles and Longstreth: Providing a special license plate for spay and neuter advocates	668					668
2837 -	By Delegates Espinosa, Householder, Barrett and Storch: Relating to the licensing of advance deposit wagering	668	1707	1873		1923	669, 1707, 1720, 1739, 1772, 1873, 1923
2838 -	By Delegates S. Brown, Shott, Lovejoy, Summers, Fleischauer and Kessinger: Relating to a court ordered examination	669					669
2839 -	By Delegates Espinosa, Householder, Hardy and Bibby: Making changes in distribution of racetrack video lottery net terminal income	669					669
2840 -	By Delegates Jennings, Phillips and Sypolt: Allowing a county commission in certain counties to impose an amusement tax to support medical care	669					669
2841 -	By Delegates Graves, Dean, Pack, Paynter, Maynard, Storch, Rowan, Westfall and Summers: Increasing the modification reducing income for personal income tax for retired teachers and retired state employees	669					669

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2842 -	By Delegates Graves, Bates, Maynard, Pack, Paynter, Criss, Longstreth, Storch and Westfall: Increasing the amount that a faculty senate of a public school may allocate to a classroom teacher or librarian for academic materials	669					670
*2843 -	By Delegates Howell, Pack, Hamrick, Dean, Criss, C. Martin, D. Jeffries, McGeehan and Householder: Creating an Office for Federal Surplus Property	670	1889			2059	670, 1894, 1901, 2016, 2017, 2058, 2059
2844 -	By Delegates Howell, Pack, C. Martin and D. Jeffries: Relating to the state employee merit system	670					671
2845 -	By Delegates Howell, Pack, C. Martin, D. Jeffries, Dean and Hamrick: Relating to apprenticeship programs	671					671
2846 -	By Delegates Miller, D. Kelly, Swartzmiller, Robinson, Queen, Hornbuckle, Pack, Malcolm and Pyles: Relating to special vehicle registration plates (Chapter 174, Acts, Regular Session, 2019)	671	923	3479	3479	1477, 3518	671, 923, 1035, 1456, 1477, 3518, 4097, 4139
2847 -	By Delegates Porterfield, Fast and J. Jeffries: Relating to exemptions from mandated immunizations	671					671
*2848 -	By Delegates Ellington, Summers, Nelson and Byrd: Relating to the West Virginia ABLE Act (Chapter 219, Acts, Regular Session, 2019)	671	881		2170	1451	672, 1015, 1035, 1451
*2849 -	By Delegates Howell, Pack, C. Martin, D. Jeffries, Dean and Hamrick: Establishing different classes of pharmacy technicians (Chapter 196, Acts, Regular Session, 2019)	672	1022	3580	3580	1502, 3580	672, 1456, 1478, 1502, 3523, 3581, 4100, 4140
2850 -	By Delegates Porterfield, Linville, J. Jeffries, Kessinger, Cadle, Paynter, Cooper and Foster: Relating to qualifications for commercial driver's license (Chapter 175, Acts, Regular Session, 2019)	673	686, 1889		3835	2001	673, 687, 1889, 1935, 2001, 4097, 4139
2851 -	By Delegates Sypolt, Rowan, Paynter, Waxman, Summers, Kessinger, Howell, Fast, Wilson, Malcolm and Graves: Providing a special license plate to support adoption	781					781

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2852 -	By Delegates Lavender-Bowe, Campbell, Lovejoy, Estep-Burton, Zukoff, Walker, C. Thompson, Dean, Higginbotham, Cooper and J. Kelly: Increasing the expenditure for academic materials, supplies, and equipment	781					781
2853 -	By Delegates Higginbotham, Jennings, Skaff, Queen, Phillips, Bibby, Wilson, Atkinson and Byrd: Establishing the West Virginia Program for Open Education Resources (Chapter 168, Acts, Regular Session, 2019)	781	1877	2002	3819	2001	781, 1877, 1935, 2001, 2002, 4101, 4140
*2854 -	By Delegate Householder: Exempting sales from the consumers sales and service tax and use tax by not for profit volunteer school support groups raising funds for schools (Chapter 254, Acts, Regular Session, 2019)	781	1490		2170	1762	781, 1704, 1732, 1762, 3286, 4139
*2855 -	By Delegate Householder: Allowing rebate moneys to be used for the operation and maintenance of accounting and transparency systems of the State Auditor	781	1489			1762	782, 1704, 1732, 1762, 1763
2856 -	By Delegate Householder: Relating to the administration of the operating fund of the securities division of the Auditor's office (Chapter 127, Acts, Regular Session, 2019)	782	1488	1763	3858	1763	782, 1705, 1732, 1763, 4100, 4140
2857 -	By Delegates Campbell, Hornbuckle, Dean, Higginbotham, Fluharty, Barrett, Lavender-Bowe, Westfall and Atkinson: Relating to qualifications for a limited video lottery operator's license	782					782
2858 -	By Delegates R. Thompson, Hicks, Rodighiero and Evans: Permitting the taking of bait fish with a net not exceeding 12 foot in radius	782					782
2859 -	By Delegates Waxman, D. Jeffries, Sypolt, Linville, Jennings, J. Jeffries, Rowan, J. Kelly, Atkinson, Evans and R. Thompson: Authorizing certain teachers to use alternative teaching programs	782					782
2860 -	By Delegates Jennings, Hott, Phillips, Maynard and Hanna: Relating to mandatory drug testing of all classes of employees in K through 12 schools	782					783

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2861 -	By Delegates J. Kelly and Azinger: Local Control and Accountability Act	783					783
2862 -	By Delegates Westfall, Queen, Atkinson, R. Thompson, Hornbuckle, Dean, Hamrick, Storch, D. Kelly, Mandt and Nelson: Relating to the Underwood-Smith scholarship and loan assistance program and teacher scholarship and loan program	783					783
2863 -	By Delegates Rohrbach, Wilson, Pyles and Hansen: Establishing an advisory council on rare diseases	783					784
2864 -	By Delegates Byrd, Criss, Rohrbach, Linville, Mandt, Lovejoy, Steele, Foster, N. Brown, Sponaugle and R. Thompson: Increasing salaries of magistrates, supreme court justices, circuit court judges, and family court judges	784	1757				784, 1757
2865 -	By Delegates Hamrick, Espinosa, Dean, Rodighiero, Hanna, Waxman, Westfall, R. Thompson, Higginbotham, Miley and Queen: Changing the school aid formula Step 7 allowances for instructional technology and enrollment advanced placement and dual credit	784	1486				784, 1487
*2866 -	By Delegates Anderson, J. Kelly, Higginbotham, Pethel and Porterfield: Relating to the termination, expiration, or cancellation of oil or natural gas leases	784	1021, 1844			2002	785, 1021, 1845, 1935, 2002
2867 -	By Delegates Householder, Higginbotham, Mandt, Foster, Linville, Graves, Steele, Pack, Espinosa and Wilson: Transferring the Medicaid Fraud Control Unit to the Attorney General's office	785	829				785, 829
2868 -	By Delegates Howell, McGeehan, Criss, Fast, Pack, Sypolt, Harshbarger, Hanna, Mandt, Bibby and Hardy: Requiring federal agencies register vehicles based in this state	785					786
2869 -	By Delegates Lovejoy, Zukoff, Williams, Estep-Burton, Higginbotham, Evans, S. Brown, Lavender-Bowe, Hott and Canestraro: West Virginia Healthy Food Crop Block Grant Program	786					786

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2870 -	By Delegates Lavender-Bowe, Angelucci, R. Thompson, Hornbuckle, Evans, Zukoff, Campbell, C. Thompson, Estep-Burton, Dean and Toney: Reducing the number of students and schools that a school nurse must serve	786					786
2871 -	By Delegates Lavender-Bowe, Angelucci, Walker, Zukoff, Caputo, C. Thompson, Estep-Burton, Rowe, Fleischauer, S. Brown and Hornbuckle: Increasing the state minimum wage	786					786
2872 -	By Delegates D. Kelly, Caputo, Maynard, J. Kelly, Anderson, Hollen, Miller, Steele, Harshbarger and Lovejoy: Authorizing law-enforcement officers to assist the State Fire Marshal (Chapter 232, Acts, Regular Session, 2019)	787	923	2595	2595	1865, 2603	787, 923, 1705, 1724, 1755, 1772, 1865, 2603, 4086, 4139
2873 -	By Delegates Doyle, Hornbuckle, R. Thompson, Evans, Pushkin, Longstreth, N. Brown, Angelucci, Fleischauer, Canestraro and Fluharty: Establishing an insurance program for health and medical insurance coverage to be offered in counties with limited insurance providers	787					787
2874 -	By Delegates Bates, Barrett, Caputo, Lavender-Bowe, Campbell, Hornbuckle, Zukoff, Estep-Burton, Doyle, R. Thompson and S. Brown: Increasing annual compensation for the West Virginia State Police, public school teachers, and school service personnel	787					787
2875 -	By Delegates J. Kelly, Cadle, Criss, Hamrick, J. Jeffries, Mandt, C. Martin, Steele, Summers and Maynard: Relating generally to coal mine safety	787					788
2876 -	By Delegates Miller, D. Kelly, Steele, Kessinger, Maynard, Lovejoy and Robinson: Relating to the commission allowed to a sheriff for collection of taxes	788					788
2877 -	By Delegates P. Martin and C. Martin: Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access	788					789

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2878 -	By Delegates Ellington, Rohrbach and Bates: Relating to updating the controlled substances listed on schedule one	829	829			1033	829, 920, 1003, 1035
2879 -	By Delegate Harshbarger: Authorizing lifetime hunting, fishing, and trapping licenses for foster or adoptive children	807					807
2880 -	By Delegates Hill, Dean, D. Jeffries, Angelucci, Rohrbach, Jennings, Miller, Bates and Sponaule: Relating to training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation	807					807
2881 -	By Delegates Howell, Pack, C. Martin, Steele, Wilson, Bibby, Hardy, D. Jeffries, Ellington, Hollen and Linville: Altering the color scheme for county vehicle registration plates	807	921				808, 922
*2882 -	By Delegates Ellington, Hill, Worrell, Wilson, D. Jeffries, Criss, Dean, Staggers and Rohrbach: Creating a health professionals' student loan programs	808	1517, 1903			2059	808, 1517, 1903, 2017, 2059
2883 -	By Delegates Miller, Steele, Kessinger, Rohrbach, Canestraro, D. Kelly and Lovejoy: Expanding the definitions of locations where enhanced penalties for selling controlled substances to a minor are applicable	808	1466				808, 1467
2884 -	By Delegates Miller and Sypolt: Permitting the clerk of a circuit court to charge and collect a fee to search electronic records that requires special programming	808					808
2885 -	By Delegates Rohrbach, Maynard, Paynter, Rodighiero, Miller, Worrell, Campbell, Graves, Hollen and Lovejoy: Increasing salaries for members of the West Virginia State Police	809					809
*2886 -	By Delegates Howell, Pack, C. Martin, Hanshaw (Mr. Speaker), Hartman, Phillips, Summers, D. Jeffries, Ellington, Hollen and Linville: Establishing requirements for a Division Motor Vehicles office or Division of Motor Vehicles Now kiosk to be present in a county	809	1492			1764	809, 1705, 1732, 1763, 1764
2887 -	By Delegates Capito, Nelson and Lovejoy: Establishing a West Virginia business growth in low-income communities tax credit	809	1460				809, 1460

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2888 -	By Delegate Rodighiero: Allowing the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish a work program	810					810
2889 -	By Delegates Miller, Sypolt, Angelucci, Lovejoy and Robinson: Relating to judgment liens	810					810
2890 -	By Delegate Rohrbach: Relating to the expansion of newborn testing to include Adrenoleukodystrophy	810					810
2891 -	By Delegates Hicks, Rodighiero, Tomblin, Evans, Zukoff, R. Thompson, Walker and Skaff: Creating tax credits for new and/or existing small businesses	810					810
2892 -	By Delegates Canestraro, Miller, D. Kelly, Hollen, N. Brown and Steele: Including digital and virtual information in the definition of property that can be searched and seized by a warrant	810					810
2893 -	By Delegates Sponaule, Hartman, N. Brown, Barrett, C. Thompson, Boggs, Pushkin, Ellington, Criss, Miley and Caputo: Increasing minimum salaries for Bureau for Child Support Enforcement attorneys	811					811
2894 -	By Delegates Malcolm, D. Jeffries, Graves and Sypolt: Creating the offense of disturbing the peace by barking or howling dogs	811					811
*2895 -	By Delegates Miley and Queen: Allowing victims of certain crimes to get a restraining order	811	1886			2003	811, 1886, 1935, 2003
2896 -	By Delegates Miley, Longstreth, Pyles, Fluharty, Estep-Burton, Hornbuckle, Williams, Pushkin, Staggers, C. Thompson and N. Brown: Establishing a program to monitor and regulate dangerous pharmaceutical distribution practices	811					812
2897 -	By Delegates C. Thompson, Hartman, Dean, R. Thompson, Lavender-Bowe, Estep-Burton, Boggs, Hornbuckle, Rowan, N. Brown and Walker: Relating to driving restrictions in school zones	812					812
2898 -	By Delegates Rodighiero, Evans, R. Thompson, Hicks, Tomblin, Wilson and Pyles: Relating to billing practices of public utilities	812					812

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2899 -	By Delegates J. Jeffries, D. Jeffries, Waxman, Fast, Porterfield, Maynard, Graves and Malcolm: Creating the West Virginia Intrastate Commerce Improvement Act	812					812
2900 -	By Delegates Lavender-Bowe, Campbell, Paynter, Zukoff, R. Thompson, Wilson, Atkinson, J. Jeffries and Hartman: Relating to the right to farm	813					813
*2901 -	By Delegates Storch, Nelson, Skaff, Sponaugle, Fluharty, Graves, McGeehan, Westfall, Rowe, Barrett and Householder: Allowing for the establishment of a secondary location for racetrack video lottery terminals	813	1467, 1711			1866	813, 1467, 1739, 1772, 1865, 1866
2902 -	By Delegates Pushkin, Criss, Rohrbach, Butler, S. Brown, Estep-Burton, Walker, Sponaugle, Lovejoy and Pyles: Relating to wages of persons with disabilities	813					813
2903 -	By Delegates Rodighiero, N. Brown, Tomblin, R. Thompson, Wilson, Kessinger, Steele, Dean, Hamrick, Hicks and Westfall: Fetal Heartbeat Act	814					814
2904 -	By Delegates Hanna, P. Martin, Paynter, Campbell, J. Jeffries, Porterfield, Angelucci and S. Brown: Implementing drug testing for legislators of the State of West Virginia	814					814
2905 -	By Delegates Hicks, Rodighiero, Tomblin, Evans, Zukoff, R. Thompson, Walker and Skaff: Requiring the amount of child support to be paid is effective from the date the petition for the modification was filed	814					814
2906 -	By Delegates Hicks, Rodighiero, Tomblin, Evans, Zukoff, R. Thompson, Walker and Pyles: Providing for security of private, employer-sponsored insurance and/or retirement plans	814					815
*2907 -	By Delegates Steele, Miller, Caputo and Maynard: Requiring a form of a certified commitment order to the Division of Corrections and Rehabilitation (Chapter 81, Acts, Regular Session, 2019)	815	1490	1764, 2456	2456	1764, 2462	815, 1705, 1732, 1764, 1765, 2462, 4092, 4139
2908 -	By Delegates Westfall, Ellington and Porterfield: Relating to HIV testing	815					815

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2909 -	By Delegates Westfall and Porterfield: Relating to definition of terms	815					815
2910 -	By Delegates Kessinger and Hardy: Eliminating the automatic voter registration program	815					815
2911 -	By Delegates Evans, Wilson, Rodighiero, Hansen, Doyle, Hornbuckle, McGeehan, Bibby, Fleischauer, S. Brown and Zukoff: Permitting third party ownership of on-site renewable and alternative generating facilities	815					816
2912 -	By Delegates Campbell, Hornbuckle, Estep-Burton, Lavender-Bowe, Caputo, Boggs, Miller, Pack, Rohrbach, Canestraro and Byrd: Requiring the Consolidated Public Retirement Board to increase by one percent, the monthly annuity payment for each retiree	816					816
2913 -	By Delegates Campbell, Canestraro, Williams, Staggers, Lavender-Bowe, Byrd, Hornbuckle, Estep-Burton and Higginbotham: Relating to language development milestones	816					816
2914 -	By Delegates Miley, Queen, Hamrick, Waxman, Fleischauer, Pethiel, Fluharty and Zukoff: Establishing commissioners for out-of-state notarizations of documents relating to West Virginia property	816					817
2915 -	By Delegates Worrell, D. Kelly, Kessinger, Fast, Mandt, Harshbarger, Steele, Wilson, Hollen, Shott and Hanshaw (Mr. Speaker): Restricting the performance of abortions and acquiring, providing, receiving, otherwise transferring, or using fetal body parts	845					846
2916 -	By Delegates Sponaugle, Barrett, Householder, Criss, Bates, Ellington, Pushkin, Skaff, Miley, Caputo and S. Brown: Expanding the ability of hard cider manufactures to produce hard cider in this state	846					846
2917 -	By Delegates Campbell, Paynter, R. Thompson, Hornbuckle, Lavender-Bowe, Pack, Skaff, C. Thompson and Evans: Relating to classroom teachers retaining seniority	846					846

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2918 -	By Delegates Campbell, Lavender-Bowe, Caputo, Boggs, Hornbuckle, R. Thompson, Skaff, Evans, Longstreth and Canestraro: Imposing an additional assessment on certain real property	847					847
2919 -	By Delegates Barrett, Householder, Dean, Hornbuckle, Westfall, Rohrbach, Bibby, Campbell, Doyle, S. Brown and C. Thompson: Establishing an Education Employees Fund	847					847
2920 -	By Delegates Doyle, Hornbuckle, S. Brown, Pushkin and Evans: Creating state and local law-enforcement review boards	847					847
2921 -	By Delegates Campbell, R. Thompson, Skaff, C. Thompson, Evans and Longstreth: Extending period in which county boards of education may hire certified, retired teachers in areas of critical shortages of certified teachers	847					848
2922 -	By Delegates Barrett, S. Brown and Canestraro: Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids	848					848
2923 -	By Delegates Jennings, J. Kelly, Graves, Kessinger, Cooper, J. Jeffries, Hanna, Mandt, Cadle and Hardy: Reforming the practice of securing state insurance	848					849
2924 -	By Delegates Howell, Pack, C. Martin, Hamrick and Graves: Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website	849	1485			1765	849, 1705, 1723, 1765
2925 -	By Delegates Rowe, Robinson and Estep-Burton: Changing the title of the Commissioner of Culture and History to the Curator of Arts, Culture, and History	849					849
2926 -	By Delegates Rowe, Longstreth, Robinson, Estep-Burton, Pyles, Queen, Westfall, Bates, McGeehan, Evans and Miller: Requiring the Secretary of the Department of Veterans' Affairs to study the housing needs of veterans (Chapter 263, Acts, Regular Session, 2019)	849	1465, 1745		3819	1924	849, 1465, 1804, 1874, 1924, 4101, 4139

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2927 -	By Delegates Miley, Householder, Cowles, Longstreth, Sponaugle, Westfall, Walker, Queen, S. Brown, Hansen and Bates: Establishing a tax credit for a taxpayer family member of a child in the custody of the taxpayer due to the addiction of one or both parents	850					850
2928 -	By Delegates Foster, P. Martin and Criss: Relating to the Public Service Commission	850					850
*2929 -	By Delegates Howell, Pack, C. Martin and Hamrick: Authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers	850	1493			1766	850, 1705, 1733, 1765, 1766
2930 -	By Delegates Miley, Barrett, Caputo, Diserio and Robinson: Relating to emergency vehicles	850					850
*2931 -	By Delegate Summers: Clarifying that the State Lottery Commission has no authority over nonlottery games	851	1884				851, 1885, 1935, 2003, 2004, 2052
2932 -	By Delegates Barrett and Householder: Transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards	851	1511			2060	851, 1705, 1724, 2016, 2017, 2059, 2060
*2933 -	By Delegates Shott and Lovejoy: Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury	851	1491	1733, 3858	3858	1766, 3864	851, 1705, 1733, 1766, 3864, 4099, 4123
2934 -	By Delegates Barrett, Householder, Westfall, Bates, Graves, Fluharty, Criss, Sponaugle, Williams, Skaff and Storch: West Virginia Lottery Interactive Wagering Act (Chapter 128, Acts, Regular Session, 2019)	851	1711	1774, 3581	3581	1867, 3611	852, 1712, 1720, 1739, 1773, 1866, 1867, 3611, 4098, 4099
2935 -	By Delegates Miley, C. Thompson, Rowe, Walker, Rohrbach and Campbell: Relating to licensing of drivers utilizing bioptic telescopic devices	853					853
2936 -	By Delegates Pushkin, Rodighiero, Evans, Zukoff, Hill, Dean, Hornbuckle and Byrd: Relating to medical cannabis organizations	853					853
2937 -	By Delegate Cowles: Increasing fees for late payment of self-storage rental fees	853					853

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2938 -	By Delegates Hanna, Toney and C. Martin: Relating to vocational and technical education programs	853					853
2939 -	By Delegates Caputo, Boggs, Maynard, Pethel, Longstreth, Sponaugle, Hartman, Williams, Angelucci, Lovejoy and Stagers: West Virginia Call Center Jobs Act of 2019	854					854
2940 -	By Delegates Storch, D. Kelly, Howell, Miller, Steele and Canestraro: Relating to admissibility of evidence	854					854
*2941 -	By Delegates Graves, Higginbotham, Kessinger, Summers, Barrett, Storch, Steele, Queen, Doyle, Hanshaw (Mr. Speaker) and Lovejoy: Reinstating the film investment tax credit	854	1897			2060	855, 1897, 1901, 2016, 2017, 2060, 2061
2942 -	By Delegates Cadle, Cooper, Hardy, Paynter, Stagers, Westfall, Howell, Pack, Azinger, Wilson and Waxman: Relating to the contents of driver's license	855					855
*2943 -	By Delegates Hansen, Walker, Skaff, Estep-Burton, Byrd, Pushkin, Fleischauer, Pyles, Williams, Steele and Robinson: Relating to deliveries by wine specialty shop	855	1459, 1846			2004	855, 1459, 1846, 1936, 2004
2944 -	By Delegates Fleischauer, Jennings, Angelucci, Pyles, Williams, D. Kelly, Sypolt, Miley, Walker, Hansen and Hamrick: Relating to paving contracts	855					855
*2945 -	By Delegates Miley, Caputo, Lavender-Bowe, Householder, Nelson and Bates: Relating to vendors paying a single annual fee for a permit issued by a local health department (Chapter 220, Acts, Regular Session, 2019)	855	1809		3864	2004	856, 1876, 1936, 2004, 4100, 4140
2946 -	By Delegates Criss, Hill, Wilson, Dean, Boggs, Harshbarger, J. Kelly, D. Kelly, Foster, Phillips and Cadle: Clarifying Public Service Commission jurisdiction over water and sewer utilities owned by political subdivisions	856					856

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2947 -	By Delegates Steele, Pack, Rohrbach and Atkinson: Relating generally to telemedicine prescription practice requirements and exceptions (Chapter 197, Acts, Regular Session, 2019)	856	1431	3864	3864	1702, 3865	856, 1432, 1479, 1508, 1702, 1703, 3865, 4100, 4140
2948 -	By Delegate Westfall: West Virginia Agriculture Investment Fund and the West Virginia Agriculture Investment Program	856					857
2949 -	By Delegates Linville, Higginbotham, Harshbarger, D. Kelly, Hill, Cadle, Toney, Howell, Paynter and Cooper: Requiring applications for an instruction permit or a driver's license desires to contain an option for contributions to the West Virginia Department of Veterans Assistance	857					857
2950 -	By Delegates Barrett, Hardy, Householder, Sponaugle, Williams and Longstreth: Relating to employees of local boards of health	857					857
*2951 -	By Delegates Howell, Pack, C. Martin, D. Jeffries, Ellington, Staggers, Hill and Hansen: Placing the regulation of non-medical professions and occupations in a new chapter of the code	857	1890			2061	862, 1894, 1901, 2016, 2017, 2061
2952 -	By Delegates J. Kelly, Hanshaw (Mr. Speaker), Summers, Dean, Higginbotham, Waxman, Hanna, Wilson, Jennings, Butler and Hamrick: Reducing the personnel of the State Department of Education	903					903
2953 -	By Delegates Summers and Hill: Permitting a critical access hospital to become a community outpatient medical center	903	1808				903, 1876, 1901
2954 -	By Delegate Summers: Defining certain terms used in insurance (Chapter 156, Acts, Regular Session, 2019)	903	1511	3081	3081	1766, 3090	904, 1705, 1738, 1766, 1767, 3090, 4087, 4139
2955 -	By Delegates Criss, Pushkin, Robinson, Swartzmiller, Wilson, Estep-Burton and Pyles: Adding one member to the Medicaid Advisory Panel from the West Virginia Chiropractic Society	904					904
2956 -	By Delegates Fleischauer, Lavender-Bowe, Longstreth, Kessinger, Malcolm, Rohrbach, Walker, Diserio, Pushkin, S. Brown and Staggers: Expanding comprehensive coverage for pregnant women through Medicaid	904					904

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2957 -	By Delegates Paynter, Pack, J. Jeffries, Cooper, Maynard, Porterfield, Lavender-Bowe, Campbell, R. Thompson and Toney: Permitting residential customers to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income	904					904
2958 -	By Delegates Maynard, Westfall, Jennings, Pack, Paynter, Miller, Lovejoy, Linville, J. Jeffries and Angelucci: Authorizing the State Auditor to conduct regular financial examinations or audits of all volunteer fire companies (Chapter 129, Acts, Regular Session, 2019)	904	1428	2603	2603	1703, 2604	905, 1429, 1479, 1509, 1703, 2604, 4086, 4139
2959 -	By Delegates Hanna, Wilson and Maynard: Relating to unlawful panhandling and solicitation	905					905
2960 -	By Delegates Anderson, Higginbotham, Azinger, Hollen and Nelson: Relating to entry onto private property for certain purposes by a federally regulated natural gas company	905					905
2961 -	By Delegates Fast, C. Martin, Foster, Mandt, Howell, Butler and Steele: Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly	905					905
2962 -	By Delegates Hornbuckle, Miley, Lovejoy, Fluharty, Hamrick, Dean, Rohrbach, Maynard, Pushkin, S. Brown and Byrd: Providing a four-day sales tax holiday for certain school supplies	906					906
2963 -	By Delegates Hornbuckle, R. Thompson, Lovejoy, Dean, Rohrbach, Paynter, Lavender-Bowe, Worrell, Walker, S. Brown and Sponaugle: Modifying the school calendar	906					906
2964 -	By Delegates Kessinger, Hardy, Bibby and Hill: Relating generally to the Rural Rehabilitation Loan Program	906					906
2965 -	By Delegates Hamrick, Hornbuckle, Williams, Butler, Lovejoy and Atkinson: Providing that schools that do not follow protocol on head injuries in interscholastic athletes are subject to disciplinary actions	906					907

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2966 -	By Delegates Harshbarger and Steele: County Budget Flexibility Act	907	1488, 1904			2062	907, 1488, 1904, 2017, 2061, 2062
*2967 -	By Delegates Hardy, Bibby, Barrett, Espinosa, Cowles, Householder, Mandt, Linville, Wilson, D. Jeffries and Rowan: Permitting a county to retain the excise taxes for the privilege of transferring title of real estate	907	1904			2062	907, 1905, 2017, 2062
2968 -	By Delegates Nelson, Espinosa, Barrett, Byrd, McGeehan, Criss and Porterfield: Adding remote service unit to the definition of customer bank communications terminals (Chapter 41, Acts, Regular Session, 2019)	907	1492, 1706	1867, 3865	3865	1867, 3866	907, 1492, 1739, 1802, 1867, 1868, 3866, 4101, 4140
2969 -	By Delegates Westfall, Nelson and Porterfield: Amending the definition of mortgage loan originator	907					907
2970 -	By Delegates Campbell, Lavender-Bowe, Hanna, Rohrbach, Hornbuckle, Toney, Butler, Hill, J. Kelly, Higginbotham and Canestraro: Jeff Jones Act	908					908
2971 -	By Delegates Linville, Maynard, Bates, Boggs, Williams, Criss, Graves, Hardy and Pyles: Permitting public libraries to purchase or contract with the most fiscally responsible Internet service providers	908					908
2972 -	By Delegates Fleischauer, Miley, Pyles, Walker, Diserio, Caputo, Angelucci, S. Brown, Swartzmiller, Lovejoy and Bates: Authorizing local units of government to adopt local energy efficiency partnership programs	908					909
2973 -	By Delegates Anderson, J. Kelly, Porterfield, Criss, Westfall, Williams, Rowe and Bates: Local Energy Efficiency Partnership Act	909					909
*2974 -	By Delegates D. Jeffries, Howell, Pack, Graves, Bibby, J. Jeffries, Steele, Harshbarger, Foster and Malcolm: Exempting businesses relating to transporting certain used tires to storage, disposal, or recycling locations from provisions of chapter	909	1899			2005	909, 1900, 1936, 1937, 2005
*2975 -	By Delegates Miller and D. Kelly: Relating to imposition of sexual acts on persons incarcerated (Chapter 76, Acts, Regular Session, 2019)	909	1461	3048	3048	1730, 3051	910, 1512, 1704, 1730, 3051, 4087, 4139

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2976 -	By Delegates Linville, Higginbotham, Hanshaw (Mr. Speaker), Skaff, Foster, Hardy, Maynard and Nelson: Economic Diversification Act of 2019	910	1809				910, 1876, 1901
2977 -	By Delegates Howell, Pack, C. Martin, D. Jeffries, Ellington, Hill and Hansen: Permitting the Board of Dentistry to create specialty certifications	910					910
2978 -	By Delegates Rohrbach, Waxman, Bates and Pyles: Improving the quality of West Virginia's Medicaid program	910					911
2979 -	By Delegates Miller, Caputo, Paynter, Tomblin, Maynard and Pyles: Relating to abandoned mines	911					911
*2980 -	By Delegates Paynter, Dean, Maynard, Hanshaw (Mr. Speaker), Miller and Shott: Mine Trespass Act	911	1491				911, 1705, 1724
2981 -	By Delegate Westfall: Relating generally to the Rural Rehabilitation Loan Program	911					911
*2982 -	By Delegates Howell, Hott, Pack, Cadle, C. Martin and Hamrick: Amending and updating the laws relating to auctioneers (Chapter 37, Acts, Regular Session, 2019)	912	1485	3611	3611	1767, 3630	912, 1705, 1738, 1767, 3630, 4099, 4140
2983 -	By Delegates Porterfield and Bibby: Relating to therapeutic rights of minors	912					912
2984 -	By Delegates C. Martin and Harshbarger: Relating to the licensing process for hunting and fishing licenses	912					913
2985 -	By Delegates Porterfield and Bibby: West Virginia Faith Freedom Act	913					913
2986 -	By Delegates Quen and Kessinger: Requiring retail pet stores to complete registration forms required by the county assessor	913					914
2987 -	By Delegate Bates: Relating to Involuntary treatment for alcohol and other drug abuse	914					914
2988 -	By Delegates Rohrbach and Pyles: Relating to tobacco usage restrictions	914					914
2989 -	By Delegate Rohrbach: State Settlement and Recovered Funds Accountability Act	914					915
2990 -	By Delegate Kump: Redistricting of the Senate	915					915

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2991 -	By Delegates Rohrbach, Ellington and Bates: Relating to the Ryan Brown Addiction Prevention and Recovery Fund	830	829, 1742	1937		2006	829, 830, 1804, 1874, 1937, 2005, 2006
2992 -	By Delegates Pack, Howell, Pyles, J. Jeffries, Phillips, Hott, Hansen, Tomblin, Nelson, C. Martin and Sybolt: Relating to governmental websites	883	883	3091	3091	1478, 3094	883, 1015, 1035, 1451, 1478, 3094, 4092, 4125
2993 -	By Delegate Westfall: Defining a reduction in coverage and clarifying what is a termination for property insurance	949					949
2994 -	By Delegates Linville, Mandt, Criss, Pyles and C. Thompson: Requiring cursive writing to be taught in grades K-5	949					949
2995 -	By Delegate Hanshaw (Mr. Speaker): Providing county commissioners an ongoing mechanism to consider compensation increases for elected officials	949					949
2996 -	By Delegates McGeehan and Howell: Repealing the article on unfair trade practices	950					950
2997 -	By Delegates Higginbotham, Kessinger and Waxman: Conforming the state Consumer Credit and Protection Act to the federal Fair Debt Collection and Practices Act	950					950
2998 -	By Delegate Kessinger: Relating to agricultural and forest seeds	950					950
2999 -	By Delegates Walker, C. Thompson, Pushkin and Pyles: Relating to state certification of industrial hemp and medical cannabis seed	950					951
3000 -	By Delegate Hanshaw (Mr. Speaker): Relating to crimes against public justice	951					951
3001 -	By Delegate Hanshaw (Mr. Speaker): Increasing compensation of county board of education members	951	1516				951, 1517
3002 -	By Delegate Hanshaw (Mr. Speaker): Expanding county commissions' ability to dispose of county or district property	951					951

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3003 -	By Delegate Hanshaw (Mr. Speaker): Relating generally to the effect on regular levy rate when appraisal results in tax increase	951					952
3004 -	By Delegates Walker, Pyles, Higginbotham, Angelucci, Skaff, Maynard, C. Thompson, Pushkin and S. Brown: Amending the industrial hemp development act consistent with federal law	952					952
3005 -	By Delegate Kessinger: Requiring patients who are pregnant while undergoing medication-assisted treatment to receive prenatal care	952					952
3006 -	By Delegates Fleischauer, Rowe, Pushkin, Pyles and C. Thompson: Providing school day to register and transport students to vote	952					952
*3007 -	By Delegates Nelson, Harshbarger, Cadle, Atkinson, Cooper, Pack and Porterfield: Authorizing the Commissioner of Agriculture to require background checks (Chapter 14, Acts, Regular Session, 2019)	952	1486	2273, 2274	2273, 2445	1767, 2275	953, 1705, 1738, 1767, 1768, 2275, 4082, 4139
3008 -	By Delegate Hornbuckle: Reentry Task Force	953					953
3009 -	By Delegates Hornbuckle and S. Brown: The Young Professional Tax Credits	953					953
3010 -	By Delegates Skaff, Rowe, Byrd, Pushkin, Robinson, Estep-Burton and Malcolm: Establishing a 911 Emergency Services Retirement System	953					955
3011 -	By Delegates C. Thompson, S. Brown, Sponaugle, Fleischauer, Estep-Burton and Lavender-Bowe: Prohibiting provisions within settlement agreements that prevent the disclosure of factual information related to a claim filed in a civil action	955					955
3012 -	By Delegates Kessinger, Toney, P. Martin, Linville, Hill, Queen, Worrell, Capito, Maynard, Harshbarger and Hanna: Providing new graduates of an in-state or out-of-state higher educational institution a tax credit on the personal property tax	955	1510				955, 1510
3013 -	By Delegates Skaff, S. Brown, Estep-Burton, Williams, Zukoff, Angelucci, Walker, Hornbuckle and C. Thompson: College Graduate Tax Credit	955					956

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3014 -	By Delegate Butler: Aligning the salary of the Director of the State Rail Authority with similar positions in state government	956					956
3015 -	By Delegates Skaff, Estep-Burton, S. Brown, Williams, Zukoff, Angelucci, Walker, Linville, Queen and Hornbuckle: West Virginia Residential Incentive Tax Credit Act	956					956
*3016 -	By Delegates Butler and Porterfield: Relating to the State Aeronautics Commission (Chapter 130, Acts, Regular Session, 2019)	956	1484, 1850		3819	2006	957, 1485, 1851, 1937, 2006, 4100, 4140
3017 -	By Delegates Kessinger and Foster: Relating to the deregulation of natural gas for certain consumers	957					957
3018 -	By Delegate Shott: Relating to the West Virginia Public Employees Insurance Agency's reimbursement of air-ambulance providers	957	1509				958, 1510
3019 -	By Delegates D. Jeffries, Fleischauer, Miley, Malcolm, Atkinson, Ellington, Worrell, Pack, Summers, Fast and Bibby: Health Care Transparency Act	958					958
3020 -	By Delegate Espinosa: Relating to sole source contracts for goods and services with nonprofit corporations affiliated with the respective education institutions (Chapter 137, Acts, Regular Session, 2019)	958	1883	3819	3819	2007, 3820	958, 1883, 1939, 2006, 2007, 3820, 4100, 4140
*3021 -	By Delegate Espinosa: Relating to the disposition of permit fees, registration fees and civil penalties imposed against thoroughbred horse racing licensees (Chapter 131, Acts, Regular Session, 2019)	958	1810		2445	2007	959, 1876, 1939, 2007, 4082, 4139
3022 -	By Delegates Hanshaw (Mr. Speaker) and Nelson: Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated	959					959
3023 -	By Delegate Barrett: Including home confinement officers in definition of law-enforcement officers	959					959
*3024 -	By Delegates Hanshaw (Mr. Speaker), Atkinson and Nelson: West Virginia Business Ready Sites Program	959	1744	3820	3820	2008, 3821	960, 1804, 1874, 1924, 2007, 2008, 3821, 4101, 4127

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3025 -	By Delegates Westfall, Maynard, Graves, Pushkin, Canestraro and Miller: Providing for the Racing Commission to approve number of racing days requested by racing association	960					960
3026 -	By Delegates Hornbuckle and C. Thompson: Establishing a tax credit for businesses who hire, promote and develop women and minorities into executive, professional or administrative roles	960					960
3027 -	By Delegate Butler: Relating generally to the West Virginia Highway Design-Build Pilot Program	960					961
3028 -	By Delegate Hornbuckle: Workplace Violence Prevention for Health Care and Social Service Workers Act	961					961
3029 -	By Delegates Pyles and Diserio: Requiring court reporters be licensed	961					962
3030 -	By Delegates Pyles, Longstreth, Staggers, Diserio, Swartzmiller, Doyle, Rowan and C. Thompson: Relating to the West Virginia Public Employees Retirement Act	962					962
3031 -	By Delegates C. Martin, Howell, Paynter, Fleischauer, Hansen, Walker, Pyles, Nelson and Hott: Permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement	962					963
3032 -	By Delegates Cadle, Cooper, Howell, Harshbarger, Hott, Westfall, Sponaugle, Linville and Porterfield: Modifying the types of bolts and arrows that may be used in crossbow hunting	963					963
3033 -	By Delegates Lovejoy, Fluharty, Lavender-Bowe, Walker, Fleischauer, Robinson, Diserio, Canestraro, Campbell, Pushkin and Miller: Senior Farmers Market Nutrition Program Fund	963					963
3034 -	By Delegates Lovejoy, Canestraro, Fluharty, Miller and Campbell: Relating to Deputy Sheriff Retirement System	963					963
3035 -	By Delegates Pyles, Pushkin, Longstreth, Staggers, Rowe, Diserio, Swartzmiller, Doyle, Canestraro and Rowan: Members of certain state, county, and municipal public employee retirement plans option to purchase credit for Peace Corps service	963					964

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3036 -	By Delegates Sponaugle, Miller, Hott, C. Thompson, Boggs, Hartman, N. Brown, Staggers, Barrett, Caputo and Miley: Relating to the West Virginia State Police Retirement System	964					964
3037 -	By Delegates Campbell, Higginbotham, Lovejoy, Canestraro, Pack, Paynter, Wilson, Angelucci, Miller, Maynard and Longstreth: Relating to criminal procedure	964					964
3038 -	By Delegates Pushkin, S. Brown, Estep-Burton, Williams, Barrett, Maynard, Lavender-Bowe, Hornbuckle, C. Thompson and Pyles: Increasing access to contraceptive drugs, devices, and procedures	964					965
3039 -	By Delegates Foster, Phillips, Malcolm and D. Jeffries: Relating to a court's consideration of the expression of a preference by a child in certain child custody matters	965	1492			1768	965, 1705, 1738, 1768
3040 -	By Delegates Foster and Steele: Repealing the law which makes prime contractors liable for the failure of subcontractors to make proper payments for workers' compensation	965					965
3041 -	By Delegates Fleischauer, Walker, Hansen, Williams, Byrd, McGeehan, Phillips, Zukoff, Storch and Wilson: Relating to electioneering or distributing literature at early voting locations	965					965
3042 -	By Delegates Foster, Westfall, Kessinger, Maynard, S. Brown and Skaff: Requiring prescriptions be made by electronic means	965					965
3043 -	By Delegate Foster: Clarifying that municipalities may enact ordinances for rates, fees, and charges based upon actual use of services	965					965
3044 -	By Delegates Williams, Summers, Fleischauer, Pyles, Walker, Hansen, Caputo, Miley, Zukoff, Queen and Sypolt: Requiring the Commissioner of Highways to develop a formula for allocating road funds	966	1879	1939, 3822, 4002	3821, 4076	2008, 4003	966, 1879, 1939, 2008, 2009, 3822, 3825, 4002, 4003, 4090, 4127
3045 -	By Delegates Cowles, Maynard, Barrett, Skaff, Boggs, Williams and Porterfield: Exempting certain complimentary hotel rooms from hotel occupancy tax (Chapter 255, Acts, Regular Session, 2019)	966	1742		2445	1925	966, 1804, 1874, 1924, 1925, 4082, 4139

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3046 -	By Delegates Doyle, Lavender-Bowe, Campbell and S. Brown: Relating to compensation paid to landowners when interest in property taken by eminent domain is for a nongovernmental entity	966					966
3047 -	By Delegates Maynard, Hollen, Pack, Angelucci, Linville, Lovejoy, Miller, Paynter, J. Jeffries, Jennings and Queen: Providing that moneys in the West Virginia Emergency Medical Services Retirement Fund are exempt from taxation, garnishment and other process	966					966
3048 -	By Delegates Staggers, Steele, Angelucci, Miley, Shott and Pyles: Permitting adjunct professors to serve on the institutional governing boards	967					967
3049 -	By Delegates Staggers, Angelucci, Jennings, Maynard and Summers: Improving dissemination of boiled water advisories to affected communities	967					967
3050 -	By Delegates Howell, Hanshaw (Mr. Speaker), Householder, Pack, Boggs, Hamrick, Miley, Storch, Wilson and Byrd: West Virginia Municipal Broadband Expansion Act	967					967
3051 -	By Delegates Bibby, Hardy, Cooper, J. Jeffries, Espinosa, Waxman, Wilson, Paynter, Fast, C. Martin and D. Jeffries: Relating to requiring state, county, and municipal government agencies to provide all employees an annual statement of total compensation	967					968
3052 -	By Delegates Fleischauer, Pushkin, N. Brown, Hill, Hartman, Sponaule, C. Thompson, Miley, Lavender-Bowe, Estep-Burton and Walker: Ensuring coverage for residents with preexisting conditions	968					968
3053 -	By Delegates Hott, Harshbarger, C. Martin, D. Kelly, Sponaule, Rowan, Westfall, Phillips, Hollen, Toney and Mandt: Relating to rules for hunting antlered deer	968					968
3054 -	By Delegates Howell, C. Martin, Pack, Hamrick and Wilson: Relating to the state agency for surplus property	968	1889			2009	968, 1889, 1939, 2009

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3055 -	By Delegates Hornbuckle, Doyle, Pyles, Longstreth and Diserio: Permitting levies to pass with a majority of the vote	968					968
3056 -	By Delegate Pethel: Providing protections, under certain circumstances, to owners of livestock and other domestic animals	969					969
*3057 -	By Delegate Shott: Relating to the Adult Drug Court Participation Fund (Chapter 82, Acts, Regular Session, 2019)	969	1510, 1884	4004	4004	2009, 4008	969, 1510, 1884, 1939, 2009, 4008, 4091, 4140
3058 -	By Delegates Hornbuckle, Pushkin, Longstreth, Skaff, Hicks, Diserio, Caputo and Staggers: Granting full time employees of county boards of education three months of paid leave following the birth of a child	969					969
3059 -	By Delegates Campbell, Higginbotham, Canestraro, Lovejoy, Lavender-Bowe, Harshbarger, Pack, Wilson, Worrell, Angelucci and Diserio: Relating to buck deer rifle hunting season	969					969
3060 -	By Delegate Criss: Amending the definition of mortgage loan originator	969					969
3061 -	By Delegates Nelson, Criss, Westfall, Skaff and Hartman: Relating to requirements for making consumer loans in West Virginia	970					970
3062 -	By Delegate Porterfield: Relating to sale of delinquent tax liens	970					970
3063 -	By Delegates Bibby, Hardy, Espinosa, Summers, Kessinger, Westfall, Hanna, Wilson, Butler, Higginbotham and Cooper: Relating to a home Instruction and private school tax credit	970	1515				970, 1515
3064 -	By Delegate Steele: Establishing an intravenous drug user treatment and commitment process	970					971
3065 -	By Delegate Hansen: Orphan Oil and Gas Well Prevention Act	971					971
3066 -	By Delegate Steele: Relating to extended supervision for certain drug offenders	971					972
3067 -	By Delegate Westfall: Relating to third-party litigation financing	972					973
3068 -	By Delegates C. Thompson, Angelucci, Fleischauer, Lavender-Bowe and Pyles: Relating to sales by pet stores of dogs, cats or rabbits	973					973

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3069 -	By Delegate Shott: Relating to the right of certain persons to limit possession of firearms on premises	973					973
3070 -	By Delegates Hollen, Lovejoy, Canestraro, Staggers, Boggs, Graves, Rohrbach and Zukoff: Relating to the accrued benefit of retirees in the West Virginia State Police Retirement System	973	1430				974, 1430
3071 -	By Delegates Lavender-Bowe, Rohrbach, Rowe, Fleischauer, Doyle, Staggers, C. Thompson, Zukoff, Estep-Burton and Walker: Relating to electronic cigarettes	974					974
3072 -	By Delegates Fleischauer and Pyles: Permitting customers and developers to enter into solar power purchase agreements	974					974
3073 -	By Delegates Skaff, Steele, Robinson, Capito and Byrd: Authorizing a court administrator to make determinations of financial eligibility for public defender services	974					974
3074 -	By Delegate Foster: Ensuring that legal or biological parents have equal access to any and all copies of birth registry forms	974					975
3075 -	By Delegate Criss: Terminating the Public Service Commission	975					975
3076 -	By Delegate Criss: Transferring jurisdiction over vehicle weight enforcement and excess weight permit issuances to the State Police	975					975
3077 -	By Delegates Skaff, Estep-Burton, Pushkin, Byrd, Walker, Rowe, Robinson and Pyles: Permitting election day registration of voters	975					975
3078 -	By Delegates Estep-Burton, C. Thompson, Lavender-Bowe, Doyle and Pyles: Relating generally to paid family and medical leave	975					976
3079 -	By Delegates Zukoff, Storch and Pyles: Relating to withholding tax on income from natural resources royalty payments	976					977
3080 -	By Delegates Skaff, Rowe, Hornbuckle, Boggs, Ellington, Sponaugle, Longstreth, Williams and Pyles: Redirecting a percentage of any surplus to state institutions of higher education to restore their state allocation funding levels	977					977

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3081 -	By Delegates Fluharty, Lovejoy, Hornbuckle, Maynard, Bates, Hansen, Pushkin and Pyles: Relating to Good Samaritan Food Donation Act	977					977
3082 -	By Delegates Fluharty and Barrett: Repealing antiquated provisions relating to gaming activities	977					977
3083 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Adding temporary work during the legislative session as exclusion to the term employment for purposes of unemployment compensation (Chapter 202, Acts, Regular Session, 2019)	977	1487	2343	2343	1769, 2349	978, 1706, 1738, 1769, 2349, 4083, 4139
3084 -	By Delegate Hanshaw (Mr. Speaker) [By Request of the Executive]: Supplementary appropriation to Governor's Office, Civil Contingent Fund	978					978
3085 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementary appropriation to the State Board of Education	978					978
3086 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Allowing contracts for services related to response, recovery or relief of a declared state of emergency to be entered into without bidding	978					978
3087 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to interagency procurement of commodities and services	979					979
3088 -	By Delegates Miley, Miller and Canestraro: Providing county commissioners an ongoing mechanism to consider compensation increases for elected officials	979					979
3089 -	By Delegates Miley, Pushkin, Staggers, Estep-Burton, Angelucci, Lavender-Bowe, Bates and Walker: Modifying licensing requirements for the practice of telemedicine and surgery or podiatry	979					979
3090 -	By Delegate Hanshaw (Mr. Speaker): Relating to employment, promotion and transfer of professional personnel by county boards of education	979					979

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3091 -	By Delegate Sypolt: Relating to a person being required to undergo a psychological or mental health evaluation during divorce or child custody proceeding	979					980
3092 -	By Delegates Atkinson, J. Kelly, Westfall, Criss, D. Jeffries, Jennings, Hollen, Butler, P. Martin and Cowles: Creating a pilot program to encourage utility infrastructure development to certain lands	980					980
3093 -	By Delegates Cowles, Porterfield and Rohrbach: Relating to standards for factory-built homes (Chapter 43, Acts, Regular Session, 2019)	980	1485		2170	1769	980, 1706, 1738, 1769, 1770, 3523, 4139
3094 -	By Delegates Longstreth, Fleischauer, Doyle, Pyles, Williams, Pushkin, Zukoff and Evans: Relating to political affiliation of elected officials	980					980
3095 -	By Delegates Summers, Hollen, Graves, Anderson, Malcolm, Pack, Pethtel and Evans: Establishing a minimum monthly retirement annuity for certain retirees (Chapter 203, Acts, Regular Session, 2019)	981	1430, 1808		2445	2010	981, 1430, 1876, 1939, 2010, 4083, 4139
3096 -	By Delegate Hanshaw (Mr. Speaker): Relating to four-year higher education	981					982
3097 -	By Delegates Skaff, Barrett, Williams, Boggs, Storch, Maynard and Miley: West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act	982					983
3098 -	By Delegates Williams, Lavender-Bowe, C. Thompson, Estep-Burton, Westfall, Cooper, Campbell, Fluharty, Pushkin and Pyles: Allowing the same business owner to brew and sell beer to also distill and sell liquor	983					983
3099 -	By Delegates Pushkin, Criss, Estep-Burton, Robinson, Fluharty, Skaff and Pyles: Relating to eliminating payments to the Alcohol Beverage Control Commissioner from distilleries and mini-distilleries	983					983

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*3100 -	By Delegates Espinosa, Cowles, Householder and Nelson: Clarifying certain provisions of the Nonintoxicating Beer Act	983	1888				984, 1888, 1901
3101 -	By Delegate Westfall: Modernizing certain nonintoxicating beer, nonintoxicating craft beer, beer, wine, and liquor laws by permitting certain hours of operation	984					986
3102 -	By Delegates Espinosa, Cowles, Summers, Householder, Westfall and Nelson: Creating alternating wine proprietorships for wineries and farm wineries	986	1889				986, 1889, 1940, 2010
*3103 -	By Delegates Espinosa and Householder: Authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises	987	1898				987, 1899, 1901
3104 -	By Delegate Hamrick: Relating to exception to restrictions on nonresident brewers, manufacturers and distributors	987					987
*3105 -	By Delegates Espinosa, C. Martin and Nelson: Permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement	987	1880				988, 1881, 1940, 2010, 2011, 2052
3106 -	By Delegates Howell, C. Martin, Hamrick and Wilson: Requiring retail licensees to purchase at least 10 percent of available SKUs from the commissioner	988					988
3107 -	By Delegates S. Brown and Pyles: Requiring the Secretary of the Department of Revenue to post on the Internet a unified economic development report	988					988
3108 -	By Delegates S. Brown, Hornbuckle, Williams, Pyles, Byrd, Walker and Lavender-Bowe: Relating to the normalization of cannabis laws	988					989
3109 -	By Delegates S. Brown, Angelucci, Walker and Pyles: Implementing the Statewide Sexual Assault Evidence Collection Kit Tracking System	989					989
3110 -	By Delegates S. Brown, Hanna, Angelucci and Walker: Removing the statute of limitations on any misdemeanor which involves a child under 18 years of age	989					989

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3111 -	By Delegate S. Brown: Creating the Sexual Assault Victims' Bill of Rights	989					989
3112 -	By Delegate Hanshaw (Mr. Speaker): Relating to job creation and incentives	990					990
3113 -	By Delegates Byrd and Pyles: Directing county school boards to construct covered bus stops	990					990
3114 -	By Delegate Sybolt: Eliminating the requirement that schools be closed on election days	990					991
3115 -	By Delegate Pushkin: Extending the prescription length of certain life sustaining emergency prescriptions	991					991
*3116 -	By Delegates Caputo, Hartman, Hornbuckle, Howell and Nelson: Removing current limitations on sales of nonintoxicating beer and nonintoxicating craft beer growers	991	1898				991, 1899, 1901
3117 -	By Delegates Sybolt and Jennings: Prohibiting the Legislature from negotiating with illegal strikers	991					991
3118 -	By Delegate Sybolt: Relating to mandatory drug testing for state legislators and teachers	991					991
3119 -	By Delegate Azinger: Relating generally to the ethical standards for elected and appointed officials and public employees	991					992
3120 -	By Delegates Doyle, Pyles and Hansen: West Virginia Beverage Container Recycling and Litter Control Act	992					992
3121 -	By Delegates S. Brown, Pyles, Zukoff, Walker and Lavender-Bowe: Enacting fair workweek employment standards	992					992
3122 -	By Delegates S. Brown, Pyles, Zukoff, Walker and Lavender-Bowe: Requiring state institutions of higher education adopt policies and programs relating to sexual assault, domestic violence, and stalking	992					993
3123 -	By Delegates S. Brown, Pyles and Lavender-Bowe: Taxpayer Protection Act	993					993

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3124 -	By Delegates Fleischauer, Higginbotham, Walker, S. Brown, Miley, C. Thompson, Linville, Lovejoy, Canestraro, Fluharty and Byrd: Prohibiting civil rights violations based on disability, gender identity or sexual orientation	993					993
3125 -	By Delegates Doyle, Campbell, Lavender-Bowe, Zukoff, Evans, Dean, Hornbuckle, Pyles and N. Brown: Coordinating a plan to provide the first two years of post-secondary education for free	993					993
3126 -	By Delegate Queen: Providing an exemption from the consumer sales and service tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of aircraft	993					994
3127 -	By Delegates Ellington, Porterfield, Kessinger, Fast, Wilson, Jennings and Worrell: Relating to the Secondary School Activities Commission and participation by home schooled students	994		2018, 2020			994, 1912, 1913, 2018, 2062, 2063
3128 -	By Delegates Toney, Paynter, Hornbuckle, Campbell, Dean and Evans: Changing the recommended guidelines for full-day and half-day cooks to the minimum ratio of one cook for every 110 meals	994	1516				994, 1516
3129 -	By Delegates Hornbuckle and Higginbotham: Be Exceptional Starting Today Act	994					995
3130 -	By Delegates Toney, Phillips, Steele, Pack, Lovejoy, Maynard, Paynter, Dean, Hornbuckle, Campbell and Evans: Creating three separate job titles for school bus operators	995					995
*3131 -	By Delegates Ellington, Hill, Summers, Rohrbach, Hollen, Pack, Atkinson, D. Jeffries and Rowan: Relating to providing salary adjustments to employees of the Department of Health and Human Resources (Chapter 204, Acts, Regular Session, 2019)	1021	1021, 1879	3866	3866	2011, 3869	1021, 1880, 1940, 2011, 3869, 4101, 4140
3132 -	By Delegate Rohrbach: Relating to exempting providers that serve no more than 30 patients with office-based medication-assisted treatment (Chapter 221, Acts, Regular Session, 2019)	1466	1466, 1725	1874	3835	1925	1466, 1804, 1874, 1925, 4098, 4140

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*3133 -	By Delegates Rohrbach, Pushkin and Robinson: Relating to requiring a parolee or probationer found to have suffered with addiction to participate in a support service	1466	1466, 1741			1926	1466, 1804, 1875, 1925, 1926
3134 -	By Delegates Shott, Hollen, Canestraro, Steele, Byrd and Harshbarger: Establishing criminal penalties for negligent homicide, and increasing criminal penalties for reckless driving	1711	1711	1926		1927	1739, 1802, 1868, 1926, 1927
3135 -	By Delegates Criss, Cowles, Ellington, Espinosa, Hardy, Rowan, Barrett, Hartman, Longstreth, Rowe and Williams: Expiring funds to the balance of the Department of Commerce, Development Office (Chapter 36, Acts, Regular Session, 2019)	1741	1741	3094	3094	1927, 3095	1804, 1875, 1927, 3095, 4084, 4139
3136 -	By Delegates Householder, Hardy, Butler, Espinosa and Criss: Relating to the Centers for Medicare and Medicaid Services	1755	1755	1940			1876, 1940, 2011, 2063, 2066
3137 -	By Delegates Householder, Graves, Hardy, Ellington, Maynard, Hill, Linville and Espinosa: Relating to the personal income tax fund	1756	1756	1940			1876, 1940, 2011, 2052
3138 -	By Delegates Capito, Hollen and Mandt: Relating to increasing salaries of certain state officers	1811	1811				1812
3139 -	By Delegates Criss, Ellington, Hartman, Bates and Barrett: Relating to funding of the Public Employees Health Insurance Program (Chapter 205, Acts, Regular Session, 2019)	1851	1851	1947, 4009, 4011	4009	2012, 4012	1851, 1947, 2011, 2012, 4012, 4101
3140 -	By Delegates Cowles, Hartman, Hardy, Espinosa, Ellington, Rowan, Pethel and Anderson: Relating to the Division of Natural Resources Infrastructure (Chapter 183, Acts, Regular Session, 2019)	1848	1848	1954, 2013, 2275	2275	2013, 2276	1848, 1849, 1954, 2012, 2013, 2277, 3286, 4140
3141 -	By Delegates Shott, Byrd, Fast, D. Kelly and Miller: Requiring capitol building commission authorization for certain renovations (Chapter 132, Acts, Regular Session, 2019)	1843	1843	2014, 3825, 3826	3825, 4076	2014, 3826	1843, 1954, 2013, 2014, 3826, 4101, 4140
3142 -	By Delegates Householder, Criss, Rowan, Linville and Maynard: Relating to reducing the severance tax on thermal or steam coal (Chapter 256, Acts, Regular Session, 2019)	1882	1882	2022, 2065, 3826	3826	2065, 3829	1956, 2022, 2064, 2065, 4101, 4140

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3143 -	By Delegates Shott, Capito, Nelson and Foster: Relating to requirements for consumer loans in West Virginia (Chapter 52, Acts, Regular Session, 2019)	1885	1885	3830, 4025	3829	2015, 4027	1885, 1954, 2014, 2015, 3830, 3833, 4025, 4027, 4101, 4140
3144 -	By Delegates Hartman, Storch, Skaff, Graves, Espinosa, Rowan, Maynard, Hill, Longstreth and Barrett: North Central Appalachian Coal Severance Tax Rebate Act (Chapter 257, Acts, Regular Session, 2019)	1883	1883	2022, 3631	3631	2066, 3652	1956, 2022, 2065, 2066, 3652, 4101, 4140
3145 -	By Delegates Hamrick, Westfall, Butler, Waxman and Atkinson: Relating to student financial aid resources	1887	1887	1954		2015	1887, 1954, 2015
3146 -	By Delegate Howell: Relating to retail licensees	1897		2078			1897, 1955, 2015, 2078, 2080
3147 -	By Delegate Howell: Requiring the Board of Insurance and Risk Management purchase life insurance products from state resident agents	1897					1897, 1901
3148 -	By Delegates Householder and Criss: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services	1902	1902		2349	2081	1902, 2023, 2081, 2082, 4083, 4104
3149 -	By Delegates Sponaule, Hardy, Williams, Skaff, Hartman, Ellington, Rowe, Barrett, Westfall, Criss and Bates: Relating to manufacturing and producing hard cider in West Virginia	1903	1903			2082	1904, 2023, 2082

REGULAR SESSION, 2019

*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 -	By Delegate Hanshaw (Mr. Speaker): Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly	23			167	23	23
2 -	By Delegates J. Kelly, Anderson, Azinger, Cooper, Hollen, Criss, Shott, Ellington, Summers, Hanshaw (Mr. Speaker) and McGeehan: Senator J. Frank Deem Memorial Bridge	117	1431		3072	1472	117, 1472, 1473
3 -	By Delegates Pack, Steele, Foster, Campbell, J. Jeffries, Phillips, Worrell, Mandt, Toney, Linville and Higginbotham: Urging Congress to call a convention of states to limit terms of office for elected members of the United States Senate	224					224
4 -	By Delegates Cooper, Rowan and Pack: Gold Star Families Highway	267	926, 1431			1472	267, 926, 1472, 1473
*5 -	By Delegates Cooper, Pack and Paynter: U. S. Army T/5 Maurice V. Mann Memorial Bridge	268	2329, 3107			3290	268, 2332, 3290, 3291
*6 -	By Delegates Rowe, Robinson and Estep-Burton: U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders Jr. Memorial Bridge	289	1964, 3108			3290	289, 1967, 3290, 3291
*7 -	By Delegates Rowe, Robinson and Estep-Burton: Kidd Brothers Bridge	291	924, 1431			1472	291, 925, 1472, 1473
8 -	By Delegates Kump, Bibby, Wilson, Householder and Hardy: Requesting the Division of Highways to update the previous preliminary engineering study on the extension of WV Rt 9	312	554				312, 554
*9 -	By Delegates Caputo, Longstreth and Angelucci: Kingmont Veterans Bridge PVT Jarrett Springer, U. S. Army WWII, PFC Benjamin "Benny" Hamrick, USMC Vietnam	312	1964, 3525			3525	312, 1967, 3525
10 -	By Delegates Westfall, D. Jeffries, Hott, Azinger, Nelson, Atkinson, Graves, Mandt, Jennings and Criss: Resiliency Weck	314	439, 2566			3274	313, 439, 3275

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*11 -	By Delegates Summers, Hamrick, Waxman, Queen, Miley, Sypolt and Jennings: U. S. Army Command Sergeant Major Timothy Allen Bolyard Memorial Bridge	315	924, 1431		3037	1473	315, 925, 1473
12 -	By Delegates Cooper, Cadle and Pack: Lee H. Johnson Bridge	318					317
13 -	By Delegates Howell, Cadle, Hanna, Hill, Hott, Linville, Pack, Phillips, Stagers, Steele, Wilson and Worrell: Chief Robert Edward Dorsey Memorial Highway	319	926, 1805		3072	1856	319, 926, 1855, 1856
14 -	By Delegates R. Thompson, Lovejoy, Linville, Rohrbach, Maynard and Hicks: U. S. Army CPT Benjamin Ronk Memorial Bridge	347	1962, 2566			3274	347, 1963, 3275
15 -	By Delegates Pack, Howell, Angelucci, Azinger, Bibby, Cadle, Hansen, Hott, D. Jeffries, J. Jeffries, C. Martin, Paynter, Phillips, Porterfield, Pyles, Stagers, Sypolt, Tomblin, Walker and Worrell: Requesting the Joint Committee on Government and Finance study the impact of business regulations and economic development incentives to recruit and retain small business	359	359, 2121			2147	360, 2147
16 -	By Delegates Hott, Howell, Cadle, Hanna, Hill, Linville, Pack, Phillips, Stagers, Steele, Wilson and Worrell: Caldwell Brothers Memorial Road	366					366
*17 -	By Delegates Robinson, Estep-Burton and Rowe: U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge	367	1964, 3525			3525	367, 1967, 3525
18 -	By Delegates Miley, Queen, Waxman and Hamrick: Gill Brothers World War II Veterans' Memorial Bridge	369					369
19 -	By Delegates Miley, Queen, Waxman and Hamrick: U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge	371	926, 1431		2124	1473	371, 926, 1473
20 -	By Delegates Westfall, Atkinson, Criss, Hollen, Cadle, Storch, Mandt, D. Kelly, McGeehan, Miller and Higginbotham: PFC Charles Everett Hurd Memorial Bridge	373	1962, 2121	3095	3095	2147, 3096	373, 1963, 2147, 3096
21 -	By Delegates R. Thompson and Hicks: Pap" and Mille "Mammie" Asbury Bridge	374					374

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
22 -	By Delegates Howell, Cadle, Hanna, Hill, Linville, Pack, Phillips, Stagers, Steele, Wilson and Worrell: C. William "Bill" Pancake, Jr. Road	375					375
23 -	By Delegate Hanshaw (Mr. Speaker): U. S. Army SGT Rodney David King and U. S. Army SGT James Harris King Memorial Bridge	377	926, 1431		3072	1473	377, 926, 1473
24 -	By Delegates Bates, S. Brown, Fleischauer, Kump, Pushkin, Wilson and Lavender-Bowe: Requesting study regarding a state-administered wholesale prescription drug importation program	441					440
25 -	By Delegates R. Thompson, N. Brown, Canestraro and Lovejoy: Requesting the Joint Committee on Government and Finance study the discrepancy between estimates and actual readings of electrical meters	399	765				399, 765
*26 -	By Delegates Cadle, Westfall, Higginbotham, Toney, Cooper, Hott, J. Jeffries, Sypolt, Pack, Atkinson and Harshbarger: George' Roush Memorial Bridge	399	925, 1431	3051	3051	1473, 3053	399, 926, 1473, 3053
27 -	By Delegates Linville, Rohrbach, Hanshaw (Mr. Speaker), Anderson, Angelucci, Atkinson, Azinger, Barrett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hardy, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGechan, Miley, Miller, Nelson, Pack, Paynter, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rowan, Rowe, Shott, Skaff, Sponaule, Stagers, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff: 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	401					401

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
28 -	By Delegates Lavender-Bowe, Capito, Estep-Burton, Nelson, Rowe, Robinson, Walker, J. Kelly, Graves, Angelucci and Campbell: Charleston Police Capt. Jerry D. Hill Memorial Bridge	402	2333, 2566			3274	402, 2334, 3275
29 -	By Delegates Pack and Cooper: Requesting the West Virginia Department of Veterans Assistance to research and make recommendations regarding construction of a veterans' nursing home facility in Summers County	405					405
30 -	By Delegates Westfall, Higginbotham, Cadle, J. Jeffries, Atkinson, Miller and Butler: Thomas Brothers Memorial Bridge	447					447
31 -	By Delegates R. Thompson, Rodighiero, Hicks and Maynard: CPL Lee Roy Young Memorial Bridge	448					448
*32 -	By Delegates Howell, Hanshaw (Mr. Speaker), Angelucci, Barrett, Bibby, S. Brown, Butler, Byrd, Cadle, Criss, Dean, Diserio, Doyle, Estep-Burton, Evans, Fast, Fluharty, Foster, Hamrick, Hanna, Hardy, Harshbarger, Hicks, Higginbotham, Hollen, Hott, Householder, J. Jeffries, Jennings, J. Kelly, Kessinger, Kump, Linville, Lovejoy, Mandt, C. Martin, P. Martin, Maynard, Miller, Pack, Paynter, Phillips, Pushkin, Pyles, Robinson, Rohrbach, Rowe, Sponaule, Staggers, Steele, Summers, Swartzmiller, Sypolt, C. Thompson, Toney, Walker, Waxman, Wilson, Worrell, Zukoff and Graves: Requesting the Secretary of the Department of Transportation to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways	450	925, 1805	3053	3053	1856, 3054	450, 926, 1855, 1856, 3054
33 -	By Delegates Wilson, Bibby, Paynter, Phillips, Worrell, Foster, Higginbotham, Malcolm, Sypolt, Steele, Harshbarger, Jennings, Mandt, Queen and Waxman: Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V	450	2566, 3107				450, 2566, 3285, 3393, 3395, 3396

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
34 -	By Delegates Caputo, Hornbuckle, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Canestraro, Diserio, Estep-Burton, Evans, Fleischauer, Fluharty, Hartman, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin and Walker: Requesting the Joint Committee on Government and Finance to study and review restitution issues facing West Virginia's counties	482					482
35 -	By Delegates Hartman, Pethtel, Diserio, C. Thompson, Staggers, Sponaugle and N. Brown: Robert 'Glen' Schoonover Memorial Bridge	483					483
36 -	By Delegates Hartman, C. Thompson, Pethtel, Sponaugle and N. Brown: SPEC 5 Garry Monzel 'Michael' Shannon Memorial Bridge	485	1963, 2566			3274	485, 1963, 3275
*37 -	By Delegates Hartman, N. Brown, Sponaugle, C. Thompson, Boggs and Doyle: SSGT Thomas Gavin Hess Memorial Bridge	486	1965, 3107			3290	486, 1967, 3290, 3291
38 -	By Delegate Rowe: Requesting the Joint Committee on Government and Finance to study the high unemployment rate and other socioeconomic problems confronting African Americans in this state.	509					509
39 -	By Delegates Caputo, Angelucci and Longstreth: U. S. Army PFC Thomas Howard Wills, Jr. Memorial Bridge	512					512
*40 -	By Delegates Sponaugle, Campbell, C. Thompson, Angelucci, Caputo, Barrett, Staggers, Hartman, Hott, Rowan, Lavender-Bowe, Boggs, N. Brown, S. Brown and Diserio: U. S. Army CAPT William H. Denney, Jr. Memorial Bridge	561	1965, 3107			3291	561, 1967, 3291
41 -	By Delegates Robinson, Estep-Burton, Rowe and Byrd: U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road	562					562
*42 -	By Delegates Atkinson, Westfall, D. Jeffries, J. Kelly and Canestraro: U. S. Navy Petty Officer 2d Class Joseph Allen Ashley Memorial Bridge	565	1965, 2566			3274	565, 1967, 3275

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
43 -	By Delegates Byrd, Capito, Nelson and Skaff: U. S. Army Air Corps T SGT Ralph H. Ray Bridge	566	926, 1431			1473	566, 926, 1473
44 -	By Delegates Miller, Tomblin, Rodighiero, Westfall and Maynard: U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge	599	926, 1431		3037	1473	599, 926, 1473
45 -	By Delegates Miller, Tomblin, Rodighiero, Westfall and Maynard: U. S. Navy MM2 Carl E. Keeney, U. S. Navy SN1 Frank Keeney and U.S. Army PFC Carl M. Nicholas Memorial Bridge	601					601
46 -	By Delegates Sponaugle, Hartman, N. Brown, Staggers, Barrett, Caputo, Miley, Diserio, Angelucci, S. Brown and Boggs: PVT Jack C. Evans Memorial Bridge	628	2333, 3525			3525	628, 2334, 3525
47 -	By Delegates Rowe, Caputo, Estep-Burton, Skaff, Robinson, Pushkin, Byrd, Capito, Malcolm, Nelson and Graves: U. S. Army PFC Arnold Miller Memorial Bridge	629	1963, 3525			3525	629, 1963, 3525
48 -	By Delegates Rowan, Boggs, Canestraro, Estep-Burton, Fluharty, Graves, Linville, Longstreth, Lovejoy, Malcolm, Mandt, Maynard, Pethel, Pyles, Rodighiero, Rohrbach, Sypolt, Toney and Williams: Urging the Commissioner of the Bureau for Public Health to designate Alzheimer's disease and other dementias as a public health issue	654	653, 1805		3037	1856	655, 1855, 1856
*49 -	By Delegates J. Kelly, Anderson, Wilson, Atkinson, D. Kelly, Azinger, Criss, Hollen, Cadle, Bibby, Waxman, Hanshaw (Mr. Speaker), Angelucci, Butler, Byrd, Campbell, Canestraro, Capito, Cooper, Cowles, Dean, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Graves, Hamrick, Hanna, Hansen, Hardy, Harshbarger, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Kessinger, Lavender-Bowe, Linville, Longstreth, Lovejoy, Mandt, Maynard, McGeehan, Miller, Pack, Paynter, Phillips, Porterfield, Pushkin, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Steele, Storch, Swartzmiller, Sypolt, R. Thompson, Tomblin, Toney, Walker, Westfall and Worrell: U. S. Marine Corps PFC Danny Marshall Memorial Bridge	664	2330, 3107			3290	664, 2332, 3290, 3291

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
50 -	By Delegates Kessinger, Capito, Hanshaw (Mr. Speaker), Barrett, Bates, Bibby, Byrd, Cadle, Campbell, Cooper, Criss, Dean, Ellington, Espinosa, Fast, Fleischauer, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, Kump, Lavender-Bowe, Linville, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, Nelson, Pack, Phillips, Porterfield, Robinson, Rohrbach, Rowan, Shott, Steele, Storch, Summers, Sypolt, Toney, Waxman and Worrell: Urging the United States Congress to designate the New River Gorge National River in West Virginia a national park	774					774
51 -	By Delegates Rodighiero, Tomblin, Maynard, Hicks and Miller: 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	776					776
*52 -	By Delegates Sponaugle, Hott, Rowan, Hartman, C. Thompson and Boggs: Dr. H. Luke Eye Memorial Bridge	778	2330, 3108			3290	778, 2332, 3290, 3291
*53 -	By Delegates Boggs, Caputo, Sponaugle and Campbell: Ray P. Reip Memorial Bridge	779	2330, 3525			3525	779, 2332, 3525
54 -	By Delegates Harshbarger, Worrell, Dean, Hamrick, Waxman, Hansen, Butler, McGeehan, Cadle, Mandt, D. Kelly and Queen: U. S. Navy AOAN David ‘Wayne’ Cornell Memorial Bridge	802	1963, 2566			3274	802, 1963, 3275
*55 -	By Delegates Atkinson, Westfall, J. Kelly, Hollen, Higginbotham and Canestraro: U. S. Navy Seaman 1st Class Brady William Milam Memorial Bridge	803	2330, 3108			3290	803, 2332, 3290, 3291
56 -	By Delegates Rodighiero, Tomblin, Maynard, Miller, Hicks and Evans: U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway	805					805
57 -	By Delegates Hanna, C. Martin and P. Martin: Colonel Morgan Morgan Memorial Bridge	838					838

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*58 -	By Delegate Rowe: U.S. Army SGT Tommy Meadows Memorial Road	840	1966, 3525			3525	840, 1967, 3525
59 -	By Delegates Linville, Higginbotham, J. Kelly, Hollen, Azinger, D. Kelly, Westfall, Barrett, Bates, Butler, Criss, Ellington, Graves, Hartman, Hill, Longstreth, Maynard, Rowan, Rowe, Skaff and Storch: Requesting the Governor of West Virginia, upon the death of Hershel 'Woody' Williams, to hold a celebration of his life memorial service at the West Virginia State Capitol	842					841
60 -	By Delegate Rodighiero: Complete Count Commission	895					894
61 -	By Delegates Pack, Phillips and J. Jeffries: Applying to and urging Congress to call a convention of the states to limit the terms of office	896	2566, 3108			3396	896, 2566, 3285, 3395, 3396
62 -	By Delegate Rowe: U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge	897	1963				897, 1963
63 -	By Delegates Hartman, C. Thompson, Sponaugle, Staggers and N. Brown: U. S. Army SSG Boggs G. Collins Memorial Road	899	1963, 3525			3525	899, 1963, 3525
*64 -	By Delegates Boggs, Hartman, N. Brown, Angelucci, C. Thompson, S. Brown, Staggers, Howell and Pethtel: U. S. Army CPL Jerry Lee Noble Memorial Bridge	938	1966, 2566			3274	938, 1967, 3275
65 -	By Delegates Cooper, Pack, J. Jeffries, Bibby and Hardy: Vietnam Veterans Memorial Highway	939	1963, 2121			2147	939, 1963, 2147
66 -	By Delegates D. Jeffries, Malcolm, C. Martin, Bibby, Mandt, D. Kelly, Jennings, Phillips, Sypolt, Wilson and Atkinson: U. S. Army SPC Thurman 'Duwayne' Young Memorial Bridge	940	1963, 2121		3072	2147	940, 1963, 2147
67 -	By Delegates Hartman, Boggs, Caputo, N. Brown, Staggers, Sponaugle and C. Thompson: Sharp Military Brothers Bridge	941					941
68 -	By Delegates Shott, Ellington and Porterfield: Bluefield Police Lt. Aaron L. Crook Memorial Road	944	1963, 2566			3274	944, 1963, 3275

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
69 -	By Delegates Linville, Graves, Hartman, Mandt, Cadle, Higginbotham, D. Kelly, Azinger, Barrett, Criss, Harshbarger, Kessinger, Longstreth, Maynard, Miller, Skaff and Westfall: Declaring the West Virginia Marching Band Invitational to be the state's official Marching Band Championship event	946					946
*70 -	By Delegates Atkinson, Westfall, Canestraro, D. Jeffries and Hollen: Danny Wayne Marks Memorial Bridge	1027	2331, 3108			3290	1027, 2332, 3290, 3291
71 -	By Delegates Sponaugle and Hartman: John and Wilbur Hahn Dutch Hollow Memorial Pioneers Bridge	1437					1437
*72 -	By Delegates Atkinson, J. Kelly, Harshbarger, Westfall, Jennings and Hollen: U. S. Army PFC Harold Paul Cottle Memorial Highway	1438	1966, 2567			3274	1438, 1967, 3275
73 -	By Delegates Evans, R. Thompson, Rodighiero, Zukoff, Williams, Pyles, Robinson, Doyle, Hornbuckle, S. Brown and Swartzmiller: U. S. Army SGT Matthew T. Miller Memorial Bridge	1496	1963, 2567			3274	1496, 1963, 3275
74 -	By Delegates Maynard, J. Jeffries, Paynter, Rohrbach, Hornbuckle, Lovejoy, Linville and Mandt: U. S. Army PFC James Leslie Pridemore Memorial Road	1498	1963, 2121			2147	1498, 1963, 2147
75 -	By Delegates Tomblin, Maynard, Hicks, Miller, Zukoff, Williams, R. Thompson and Rodighiero: U. S. Army SSG Henry Kilgore Bridge	1499					1499
*76 -	By Delegate Boggs: Reverend Lonnie Ramsey Memorial Bridge	1728	2331, 2567			3274	1728, 2332, 3275
77 -	By Delegate Linville: U.S.A.F. Lt Col Frederick Donald Belknap Memorial Bridge	1852					1851
*78 -	By Delegates Robinson, Estep-Burton and Rowe: U. S. Air Force Amn Kenneth Wayne Hammar Memorial Bridge	1854	1966, 3525			3525	1854, 1967, 3525

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*79 -	By Delegates C. Thompson, Hartman, Boggs, S. Brown, Angelucci, Sponaugle, Estep-Burton, Rodighiero, Zukoff, Rohrbach, Campbell, Bates, N. Brown, Doyle, Evans, Hornbuckle, Lavender-Bowe and R. Thompson: U. S. Army PFC Homer Jacob Day Memorial Bridge	1980	2331, 3108			3290	1980, 2332, 3290, 3291
80 -	By Delegates Householder, Kump, Bibby, Hardy, Wilson and Barrett: Norman A. Silver Memorial Bridge	1981					1981
81 -	By Delegates Maynard, Robinson, Capito, Angelucci, Atkinson, Azinger, Barrett, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Campbell, Canestraro, Cooper, Criss, Dean, Diserio, Doyle, Ellington, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Graves, Hamrick, Hanna, Hansen, Harshbarger, Hartman, Hicks, Hill, Hollen, Hornbuckle, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, J. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Longstreth, Malcolm, C. Martin, Miley, Miller, Pack, Paynter, Pethel, Phillips, Porterfield, Pyles, Queen, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaugle, Staggars, Steele, Storch, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff: Erecting a statue of Charles Elwood "Chuck" Yeager on the State Capitol Complex grounds	1982	2121			2147	1982, 2147
*82 -	By Delegates Boggs, Robinson, Estep-Burton, Rowe, C. Thompson, Sponaugle and S. Brown: U. S. Navy Veteran Samuel H. Slack, Jr. Memorial Bridge	1984	2332, 3525			3525	1984, 2332, 3525
83 -	By Delegate Hanshaw (Mr. Speaker): The creation of the West Virginia Distressed Water and Wastewater Utility Systems Viability Study Committee	1986	3108			3290	1986, 3290, 3291
84 -	By Delegates Hartman, Staggars, C. Thompson and Sponaugle: U. S. Army SGT Robert R. "Bob" Defibaugh Memorial Bridge	1989					1989

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
85 -	By Delegates Maynard and Hanshaw (Mr. Speaker): Requesting the Joint Committee on Government and Finance study the feasibility of combining the volunteer fire departments	2050	2567			3274	2050, 3275
86 -	By Delegates Howell, Pack, Azinger, Bibby, Cadle, Diserio, Hansen, Hicks, Hott, D. Jeffries, J. Jeffries, C. Martin, Nelson, Paynter, Phillips, Staggers, Swartzmiller, Sypolt, Walker and Worrell: Requesting study of municipal and county governments for efficiencies and economies of scale	2159	2159, 2567			3274	2163, 3275
87 -	By Delegates Howell, Pack, Azinger, Bibby, Cadle, Diserio, Hansen, Hicks, Hott, D. Jeffries, J. Jeffries, C. Martin, Nelson, Paynter, Phillips, Staggers, Swartzmiller, Sypolt, Walker and Worrell: Requesting the Joint Committee on Government and Finance study the Public Service Commission	2160	2159, 2567			3275	2163, 3275
88 -	By Delegates Howell, Pack, Azinger, Bibby, Cadle, Diserio, Hansen, Hicks, Hott, D. Jeffries, J. Jeffries, C. Martin, Nelson, Paynter, Phillips, Staggers, Swartzmiller, Sypolt, Walker and Worrell: Requesting the Joint Committee on Government and Finance study the Board of Risk and Insurance Management	2161	2159, 2567			3275	2163, 3275
89 -	By Delegates Cooper, Dean, Toney, J. Kelly, Paynter, Hott, Rohrbach, Campbell, Pack, R. Thompson, Lavender-Bowe and Rowan: Feasibility study of designating teachers and school superintendents	2260					2260
90 -	By Delegate Wilson: Study of authority and proper circumstances for mobilization of the National Guard into active duty for combat	2262					2261
91 -	By Delegate Hanna: U. S. Army SGT. Robert Henry Waggy Memorial Bridge	2350	2567			3275	2350, 3275
92 -	By Delegates Boggs, Sponaule, Butler, Hartman, Hill, Hardy, Caputo and Barrett: Impact study of current sentencing, fines, and punishments for driving under the influence of controlled substances	2352					2351

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
93 -	By Delegates Foster and Kessinger: Requesting the Joint Committee on Energy study legislation relating to the deregulation of natural gas	2467	3108			3290	2467, 3290, 3291
94 -	By Delegates Hamrick, Atkinson, Bibby, Cooper, Dean, Doyle, Estep-Burton, Evans, Hanna, Higginbotham, Hornbuckle, Jennings, J. Kelly, Rohrbach, R. Thompson, Toney and Zukoff: Interim study on first responder training in West Virginia	3104					3104, 3107
95 -	By Delegates Hamrick, Atkinson, Bibby, Cooper, Dean, Doyle, Estep-Burton, Evans, Hanna, Higginbotham, Hornbuckle, Jennings, J. Kelly, Rohrbach, R. Thompson, Toney and Zukoff: Interim study on public school finance	3105					3104, 3107
96 -	By Delegates Anderson, Atkinson, Azinger, Butler, Dean, Ellington, Graves, Harshbarger, Higginbotham, Hill, Hollen, Hott, D. Jeffries, Jennings, D. Kelly, J. Kelly, Linville, Mandt, Phillips, Queen, Rowan, Shott, Storch, Toney, Westfall, Wilson and Worrell: Non Opioid Pain Management	3288					3288
97 -	By Delegates Hill, Azinger, Cooper, Hott, J. Jeffries, Mandt, C. Martin, Maynard and Steele: Designating the Mountain Cur as West Virginia's official state dog	3276					3276
98 -	By Delegates Ellington, Bibby, Capito, Cooper, Dean, Fast, Foster, Harshbarger, Hill, Hollen, Hott, Howell, D. Jeffries, D. Kelly, Kessinger, Kump, Linville, Malcolm, Mandt, Nelson, Pack, Phillips, Rohrbach, Rowan, Shott, Steele, Storch and Sybolt: Audio telemedicine in West Virginia	3277					3276
99 -	By Delegate Rohrbach: Study of treatment of Substance Use Disorders (SUD), both medical and counseling, in West Virginia	3278					3277
100 -	By Delegates Sybolt, Rowan, Boggs, Linville, Longstreth, Lovejoy, C. Martin, P. Martin and Pyles: Study of the adoption process in West Virginia	3655					3655

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
101 -	By Delegates Rowan, Rohrbach, Boggs, Graves, Longstreth, Lovejoy, Malcolm, C. Martin, P. Martin, Pyles, Sypolt and Toney: Study relating to the state funding of local senior centers of West Virginia.	3656					3656
102 -	By Delegates Rowan, Boggs, Rohrbach, Graves, Longstreth, Lovejoy, Malcolm, C. Martin, P. Martin, Pyles and Sypolt: Feasibility study of the West Virginia Crime Victims Compensation Fund	3657					3657
103 -	By Delegates Graves, Rowan, Lovejoy, C. Martin and Sypolt: Relating to support and assistance of “Grandfamilies” in West Virginia	3658					3658
104 -	By Delegates Rowan, Graves, Lovejoy, Pyles and Sypolt: Study of child custody models	3659					3659
105 -	By Delegates Boggs, Rowan, Graves, Longstreth, Lovejoy, Malcolm, C. Martin, P. Martin, Pyles, Sypolt and Toney: Relating to elderly abuse	3661					3661
106 -	By Delegates Rowan, Graves, Longstreth, Lovejoy, Malcolm, C. Martin, P. Martin, Pyles and Sypolt: Study of the impact of human trafficking in West Virginia	3663					3662
107 -	By Delegate Pethel: Study of trespassing domestic animals	3664					3664
108 -	By Delegates Westfall, Azinger, Barrett, Bates, N. Brown, Capito, Criss, Espinosa, Estep-Burton, Graves, Hartman, Hott, Householder, D. Jeffries, Lovejoy, P. Martin, McGeehan, Nelson, Porterfield, Robinson, Rowe, Shott, Sponaugle, Waxman and Williams: Study of the peer-to-peer car sharing program	3529	3529		4076	3532	3532
109 -	By Delegate Harshbarger: Study of commercial guided bear hunting in the State of West Virginia	3665					3665

REGULAR SESSION, 2019

*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 -	By Delegate McGeehan: Super-Majority Required for Passage of Tax Bill Amendment	119					119
2 -	By Delegate Caputo: Homestead Exemption Increase Amendment	119					120
3 -	By Delegate Bates: Term Limits for Senators and Delegates in the West Virginia Legislature	120					120
4 -	By Delegates Wilson and Rowan: Life Begins at Conception Amendment	120					120
5 -	By Delegates Wilson and Kump: Senators and Delegates Service Limit Amendment	120					120
6 -	By Delegate Bates: State Apportionment Commission	120					121
7 -	By Delegate Sponaugle: Volunteer Emergency Service Personnel Property Tax Exemption Amendment	225					225
8 -	By Delegate Sponaugle: Right to Hunt and Fish in West Virginia Amendment	225					226
9 -	By Delegates Sponaugle and Rowan: Disabled Veteran's Property Tax Exemption Amendment	226					226
10 -	By Delegate Sponaugle: Veteran's Property Tax Exemption Amendment	226					226
11 -	By Delegate Howell: Senior Citizen Homestead Valuation Amendment	226					226
12 -	By Delegate Foster: Manufacturing Inventory and Equipment Tax Exemption Amendment	246					246
13 -	By Delegates Caputo, Longstreth, Pyles, Angelucci, Boggs, Miller, Fluharty, Campbell, Sponaugle, Hartman and Miley: Veteran's Additional Property Tax Exemption Amendment	269					269
14 -	By Delegates Pack, Steele, Foster, Campbell, J. Jeffries, Phillips, Worrell, Mandt, Toney, Linville and Higginbotham: Urging Congress to call a convention of the states limited to proposing amendments to the Constitution of the United States and to limit the terms of office for Members of the United States House of Representatives and set a limit on number of terms for a Members of the United State Senate	320					321

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
15 -	By Delegates Kump, Paynter, Wilson and McGeehan: Legislator Term Limit Amendment	321					321
16 -	By Delegates Pack and Cooper: Senators and Delegate Service Limit Amendment	321					321
17 -	By Delegates Householder, Anderson, Jennings, Waxman, Nelson, Steele, D. Jeffries, Foster, Criss, Wilson and Fast: Business Inventory, Machinery and Equipment Tax Exemption Amendment	321	439				321, 439
18 -	By Delegates Howell, Rowan, Anderson, Sponaugle, Williams, Hartman, Barrett, Butler, Hill and Maynard: Property Tax Relief for Seniors and Disabled Veterans Amendment	406	440				406, 440
19 -	By Delegates McGeehan, Hamrick, Dean, Howell, Butler, Wilson, Paynter, Bibby, Kump and Kessinger: Super-Majority Required for Passage of Tax Bill Amendment	453					454
20 -	By Delegates McGeehan, Paynter, J. Jeffries, Wilson, Kessinger, C. Martin, Storch, Hill, Hanna, Fast and P. Martin: Taxpayer Bill of Rights	454					454
21 -	By Delegates Harshbarger and Bibby: Elimination of Personal Property Tax Amendment	513					513
22 -	By Delegates Doyle, R. Thompson, Hornbuckle, S. Brown, Evans, Lavender-Bowe, Campbell and Pyles: State Redistricting Commission	513					513
23 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Just Cut Taxes and Win Amendment	604					604
24 -	By Delegates Steele, Graves, Pack, Butler, McGeehan, Maynard, Howell, Harshbarger and Higginbotham: Disabled Veteran's Property Tax Exemption Amendment	630					631
25 -	By Delegates Hansen, Miley, Walker, Zukoff, Fleischauer, C. Thompson, Doyle, Estep-Burton, S. Brown, Pyles, Diserio, Robinson, Lavender-Bowe, Sponaugle, Miller, Hicks, Longstreth, Canestraro, Lovejoy, Byrd and Bates: Natural Resources and the Public Estate Amendment	902					902

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
26 -	By Delegates Howell, Hamrick, C. Martin and Fleischauer: Giving the Legislature more control over the manufacture and sale of alcohol amendment	902	1957				902, 1957
27 -	By Delegates Wilson, C. Martin, Porterfield, Bibby, P. Martin, McGeehan, R. Thompson and Paynter: Initiative, Referendum, and Recall Amendment	947					947
28 -	By Delegates Doyle, Hornbuckle, R. Thompson, Evans, Pyles, Williams, Zukoff, Pushkin, Longstreth, Fluharty and Diserio: Requiring two-thirds vote of the Legislature to override a veto by the Governor amendment	947					948
29 -	By Delegates Nelson and Mandt: Limiting the terms of members of the House of Delegates amendment	948					948

REGULAR SESSION, 2019

*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
1 -	By Delegate Hanshaw (Mr. Speaker): Adopting Rules of the House of Delegates	25			110	110
2 -	By Delegate Hanshaw (Mr. Speaker): Authorizing publication of the Legislative Manual and authorizing payment of travel and other expenses of the House	110			110	110
3 -	By Delegate Hanshaw (Mr. Speaker): Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates	111			112	112
4 -	By Delegate Hanshaw (Mr. Speaker): Authorizing the appointment of employees for this, the First Regular Session of the Eighty-fourth Legislature, two thousand nineteen	112			117	117
5 -	By Delegates Stagers, Evans, Kessinger, Hamrick, N. Brown, Angelucci, Atkinson, Azinger, Barrett, Bates, Boggs, S. Brown, Butler, Caputo, Diserio, Doyle, Ellington, Fast, Graves, Hanna, Hansen, Hartman, Hornbuckle, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kump, Lavender-Bowe, Linville, Longstreth, Malcolm, C. Martin, McGeehan, Miley, Nelson, Pack, Pethtel, Phillips, Pushkin, Pyles, Rodighiero, Rowan, Rowe, Skaff, Sponaule, Steele, Swartzmiller, Sypolt, C. Thompson, Toney, Walker, Waxman, Westfall, Wilson and Zukoff: Honoring U. S. Army SPC4 Carmel Harvey Jr., Medal of Honor recipient	244	1805		1856	244, 1855
6 -	By Delegates Higginbotham, J. Kelly, Atkinson, Harshbarger, Maynard, Linville, Summers, Kessinger, Cowles, J. Jeffries, Mandt and P. Martin: Recognizing the importance of West Virginia's energy resources and critical energy infrastructure to support economic development and national security	310	557, 2567		3275	310, 557

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
7 -	<p>By Delegates J. Kelly, Anderson, Azinger, Criss, Hollen, Angelucci, Atkinson, Barrett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Nelson, Pack, Paynter, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponauble, Stagers, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff:</p> <p>Commemorating the passing of the Honorable John Franklin Deem, veteran, businessman and dedicated public servant</p>	428			430	430
8 -	<p>By Delegates Fast, Kessinger, Stagers, Anderson, Angelucci, Atkinson, Azinger, Barrett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kump, Lavender-Bowe, Linville, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Nelson, Pack, Paynter, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponauble, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff:</p> <p>Memorializing the life of the Honorable Paul W. McKown, veteran, athlete, teacher, coach and public servant</p>	502			503	503

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
9 -	<p>By Delegates Stagers, Sponaugle, Angelucci, S. Brown, Diserio, Barrett, Caputo, Miley, Campbell, Fleischauer, Rodighiero, Atkinson, Bates, Boggs, N. Brown, Canestraro, Fluharty, Hartman, Lavender-Bowe, Lovejoy, Swartzmiller, C. Thompson and Wilson: Recognizing and honoring the achievements of professional football player and coach, Lonnie Warwick</p>	508				508
10 -	<p>By Delegates Stagers, Caputo, Butler, Miley, Cadle, Higginbotham, Anderson, Angelucci, Atkinson, Azinger, Barrett, Bates, Bibby, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Capito, Cooper, Cowles, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Harshbarger, Hartman, Hicks, Hill, Hollen, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miller, Nelson, Pack, Paynter, Pethel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaugle, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff: Memorializing the life of the Honorable James Michael Casey, proud father, veteran, attorney, public servant and West Virginian</p>	650			652	651, 652
11 -	<p>By Delegates Anderson, J. Kelly, Harshbarger, Nelson, Hanshaw (Mr. Speaker), Paynter, J. Jeffries, Tomblin, Evans, Pethel, Atkinson, Azinger, Bibby, Boggs, Butler, Cadle, Capito, Criss, Fast, Foster, Hamrick, Hanna, Hardy, Hartman, Hicks, Higginbotham, Hollen, Hott, Householder, Jennings, D. Kelly, Kessinger, Linville, Mandt, C. Martin, P. Martin, Maynard, Phillips, Porterfield, Queen, Rohrbach, Rowan, Shott, Steele, Storch, Sypolt and Waxman: Recognizing the importance of the Atlantic Coast Pipeline</p>	769	2567		3275	769, 3275

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
12 -	By Delegate Wilson: Urging the House of Delegates to adopt articles of impeachment to impeach Jim Justice, Governor of West Virginia	773				773
13 -	By Delegate Byrd: Urging the Commissioner of the Bureau for Public Health to designate Alzheimer's Disease and other dementia as a public health issue	836				836
14 -	By Delegates Stagers, Boggs, Barrett, Miley, Lavender-Bowe, Hartman, Sponaugle, C. Thompson, S. Brown, Angelucci, Caputo and Anderson: Requesting the United States Congress to provide funding for the purchase of residential areas of Minden, Fayette County, West Virginia	937				937
15 -	By Delegates Fleischauer, Anderson, Angelucci, Atkinson, Azinger, Barrett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Caputo, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Nelson, Paek, Paynter, Pethel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaugle, Stagers, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff: Memorializing the life of the Honorable Mary Pearl Compton, teacher and public servant	1482			1483	1483

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
16 -	By Delegates Caputo, Angelucci, S. Brown, Barrett, Bates, Boggs, N. Brown, Campbell, Canestraro, Cooper, Dean, Diserio, Ellington, Hartman, Hill, D. Jeffries, J. Jeffries, Jennings, Lavender-Bowe, Lovejoy, C. Martin, Maynard, McGeehan, Miley, Paynter, Pethtel, Robinson, Rohrbach, Sponaule, Staggers, Steele, Storch, Swartzmiller, Sypolt, C. Thompson, Walker, Worrell and Zukoff: Recognizing the recent rise in Black Lung, particularly Progressive Massive Fibrosis, the most-deadly form of Black Lung in West Virginia	1978				1978
17 -	By Delegates Kessinger, Steele, Higginbotham, Robinson, Zukoff and Staggers: Assisting residents of Minden, West Virginia with both relocation assistance and specialized medical treatment as a result of their long-term exposure to Polychlorinated Biphenyl, dioxins, and dibenzofurans	2111				2111
18 -	By Delegates Rowe, Estep-Burton, Hansen, Pushkin, Walker, Robinson, Longstreth, Byrd, Williams, Zukoff, Pyles, Lavender-Bowe, Skaff, Bates, Canestraro, Fleischauer, Diserio, Pethtel, Angelucci, Boggs, C. Thompson, Sponaule, S. Brown, Hornbuckle, Evans and Fluharty: Supporting federal law protections for the health care of West Virginians	2465				2465
19 -	By Delegates Hanshaw (Mr. Speaker) and Linville: Appalachian Sky Executive Order	3287				3286
20 -	By Delegates Bibby, Butler, Cadle, Espinosa, Fast, Hanna, Hardy, Harshbarger, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, J. Kelly, Kessinger, Malcolm, C. Martin, P. Martin, Maynard, Phillips, Porterfield, Rowan, Summers, Sypolt and Waxman: Censuring Delegate Mike Caputo of the West Virginia House of Delegates	3279				3279, 3285, 3291, 3292
21 -	By Delegates Wilson and J. Jeffries: Expelling Delegate Mike Caputo from membership in the West Virginia House of Delegates	3280				3280, 3291
22 -	By Delegates Walker, Angelucci, Bates, S. Brown, Byrd, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hornbuckle, Longstreth, Miller, Pushkin, Pyles, Robinson, Rowe, Skaff, Staggers, Tomblin, Williams and Zukoff: Relating to the Affordable Care Act	3653				3653

REGULAR SESSION, 2019

*Denotes Committee Substitute

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*1 -	By Senators Carmichael (Mr. President), Sypolt, Cline, Takubo, Boso, Clements, Swope, Smith, Ihlenfeld, Baldwin, Stollings, Weld and Plymale: Increasing access to career education and workforce training (Chapter 133, Acts, Regular Session, 2019)	445, 4076	1887, 2168	2368, 2423, 2426, 2469	2468	445, 1887, 2322, 2368, 2468, 2470, 4090, 4140
*3 -	By Senators Boso, Clements, Swope, Takubo, Cline and Trump: Establishing WV Small Wireless Facilities Deployment Act (Chapter 42, Acts, Regular Session, 2019)	425, 2445	1962, 2127	2178, 2293	2292	425, 1962, 2127, 2178, 2292, 2294, 4088, 4140
*4 -	By Senators Weld, Plymale, Clements, Takubo, Sypolt, Swope, Cline and Ihlenfeld: Relating generally to Municipal Home Rule Program (Chapter 60, Acts, Regular Session, 2019)	659, 3540	2268	2607, 2620, 2621, 2622, 3540	2625, 3543	660, 2438, 2476, 2607, 2625, 3289, 3543, 4092, 4140
10 -	By Senators Blair, Boso and Swope: Relating to Second Chance Driver's License Program	307	1961			307, 1961
11 -	By Senators Blair and Boso: Relating to retirement and pension benefits of certain PERS and Teachers Retirement System members who serve in Legislature	1905				1905
*13 -	By Senator Blair: Relating to distributions from State Excess Lottery Fund (Chapter 111, Acts, Regular Session, 2019)	1024, 1905	1517	1857	1856	1024, 1738, 1770, 1856, 1857, 2132, 3286
*14 -	By Senators Blair, Boso, Weld, Jeffries, Sypolt, Stollings, Cline and Lindsay: Creating WV Farm-to-School Grant Program	930	2039			930, 2039
16 -	By Senators Cline and Swope: Authorizing expenditure of surplus funds by Wyoming County Commission (Chapter 266, Acts, Regular Session, 2019)	891	2327		3292	891, 2561, 3111, 3292, 4093, 4139
*17 -	By Senators Trump and Boso: Relating to probation eligibility (Chapter 77, Acts, Regular Session, 2019)	397	443		542	398, 499, 526, 542, 765, 929
*18 -	By Senators Trump, Boso, Takubo and Cline: Relating to crimes committed on State Capitol Complex (Chapter 68, Acts, Regular Session, 2019)	446	827		1029	446, 919, 998, 1029, 1030, 1709, 1967

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*19 -	By Senators Blair, Boso, Cline, Jeffries, Lindsay, Baldwin and Stollings: Relating to Senior Farmers Market Nutrition Program	930	2094			930, 2094
24 -	By Senators Blair, Baldwin, Takubo and Sypolt: Relating generally to local boards of health	308	2037			308, 2037
*26 -	By Senator Blair: Permitting certain employees of educational service cooperatives participate in state's teacher retirement systems (Chapter 89, Acts, Regular Session, 2019)	1024	1742		1915	1024, 1803, 1868, 1915, 2132, 3286
27 -	By Senator Blair: Removing restrictions on where certain traditional lottery games may be played (Chapter 112, Acts, Regular Session, 2019)	308, 769	531	613, 641	641	308, 590, 612, 641, 1805, 2095
28 -	By Senators Blair, Boso and Clements: Removing hotel occupancy tax limit collected for medical care and emergency services (Chapter 61, Acts, Regular Session, 2019)	308, 3543	506	587, 609, 3543	609, 3543	308, 550, 587, 608, 609, 3543, 4088, 4140
*29 -	By Senators Blair, Plymale, Stollings, Boso, Jeffries and Swope: Creating ten-year tax credits for businesses locating on post-coal mine sites	1718				1718
*30 -	By Senators Blair and Cline: Eliminating tax on annuity considerations collected by life insurer (Chapter 142, Acts, Regular Session, 2019)	891, 4077	2128, 2441	3111	3293	891, 2128, 2561, 3111, 3292, 3293, 4089, 4140
36 -	By Senators Weld and Boso: Allowing adjustment of gross income for calculating personal income liability for certain retirees (Chapter 240, Acts, Regular Session, 2019)	309, 4077	2441	3112	3293	309, 2441, 2443, 2562, 3111, 3293, 4094, 4139
*40 -	By Senator Weld: Establishing Military Service Members Court program (Chapter 78, Acts, Regular Session, 2019)	1432, 3912	2130, 2443	3112, 3294, 3912	3294, 3921	1433, 2130, 2562, 3112, 3293, 3294, 3922, 4089, 4139
47 -	By Senators Smith, Sypolt and Swope: Providing wind power projects be taxed at real property rate	1433				1433
*55 -	By Senators Boso and Jeffries: Relating to driving privileges and requirements for persons under 18	532				532
*60 -	By Senators Plymale and Stollings: Licensing practice of athletic training (Chapter 184, Acts, Regular Session, 2019)	1494, 2604	2038	2150, 2604	2171, 2605	1494, 2119, 2150, 2170, 2171, 2605, 4087, 4139

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*61 -	By Senators Weld and Trump: Adding certain crimes for which prosecutor may apply for court order authorizing interception of communications (Chapter 79, Acts, Regular Session, 2019)	398, 1718, 2463	826	998, 999, 1718, 2464	1030, 1719, 2465	398, 919, 998, 1030, 1719, 1958, 2463, 2464, 2465, 4090, 4140
*62 -	By Senators Weld and Clements: Requiring participation in drug court program before discharge of certain first-time drug offenses	425	622			425, 622
63 -	By Senator Weld: Relating to partial filling of prescriptions	560	828			560, 828
*66 -	By Senator Swope: Prohibiting certain misleading lawsuit advertising practices	1494				1494
*72 -	By Senators Woelfel, Stollings and Baldwin: Creating Sexual Assault Victims' Bill of Rights (Chapter 69, Acts, Regular Session, 2019)	597, 2446	2123	2203, 2294	2294	598, 2152, 2202, 2294, 2295, 4083, 4139
*74 -	By Senator Cline: Exempting nonpaid volunteers at ski areas from workers' compensation benefits	1467				1467
*86 -	By Senators Beach, Jeffries and Lindsay: Requiring county boards provide free feminine hygiene products in grades five to 12	1906				1906
*90 -	By Senator Rucker: Transferring Safety and Treatment Program from DHHR to DMV (Chapter 258, Acts, Regular Session, 2019)	891, 4015	2273	3123, 3140, 3331, 4015	3331, 4015	891, 2438, 2476, 3123, 3285, 3331, 3333, 4015, 4089, 4140
*100 -	By Senator Trump: Increasing court fees to fund law-enforcement standards training and expenses (Chapter 66, Acts, Regular Session, 2019)	743, 3037	2164	2354	2354	744, 2257, 2300, 2353, 2354, 4088, 4140
*101 -	By Senator Trump: Equalizing penalties for intimidating and retaliating against certain public officers and other persons (Chapter 70, Acts, Regular Session, 2019)	533	2129		2354	533, 2257, 2301, 2354, 4086, 4139
*102 -	By Senator Trump: Relating generally to powers and authority of courthouse security officers	598				598
*103 -	By Senator Trump: Relating generally to Public Defender Services (Chapter 113, Acts, Regular Session, 2019)	661, 4077	1460, 2328	3140, 3295	3295	661, 1460, 2562, 3140, 3294, 3296, 4094, 4140

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*105 -	By Senator Woelfel: Creating offense of impaired operation of motor vehicle placing nonpassengers at risk of physical injury	2096				2096
*106 -	By Senator Facemire: Alleviating double taxation on foreign income at state level	309	1460			309, 1460
*117 -	By Senator Palumbo: Relating to incentives for consolidating local governments	1719				1719
119 -	By Senators Trump and Boso: Specifying documents not subject to discovery in certain proceedings (Chapter 185, Acts, Regular Session, 2019)	398	443		543	398, 499, 526, 542, 543, 765, 886
*124 -	By Senators Clements, Weld and Baldwin: Creating felony offense for actions of cruelty to animals which causes serious injury or death of animal	533	2328			533, 2450
*127 -	By Senator Trump: Relating to parole officers' duties to perform alcohol and drug testing of litigants	832				832
*147 -	By Senator Blair: Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities	1720, 4077	2328	3142, 3296	3296	1720, 2562, 3142, 3296, 3297, 4089, 4128
149 -	By Senators Azinger and Weld: Exempting certain veterans from concealed weapons license fees	598				598
*152 -	By Senators Jeffries, Stollings, Woelfel and Lindsay: Relating generally to criminal offense expungement (Chapter 71, Acts, Regular Session, 2019)	425, 4077	652, 2443	3152, 3298	3297	426, 652, 2562, 3152, 3297, 3298, 4089, 4140
153 -	By Senators Jeffries, Stollings, Lindsay, Clements, Smith, Baldwin, Plymale, Ihlenfeld, Hamilton and Boso: Providing greater flexibility for making infrastructure project grants (Chapter 85, Acts, Regular Session, 2019)	1433	1961		2625	1433, 1961, 2440, 2477, 2625, 4094, 4139
*154 -	By Senators Jeffries, Baldwin, Stollings, Lindsay, Plymale, Hamilton and Boso: Using school facilities for funeral and memorial services for certain community members (Chapter 90, Acts, Regular Session, 2019)	799, 3054	2164	2355, 3054	2355, 3055	799, 2257, 2301, 2354, 2355, 3055, 4094, 4139
*157 -	By Senator Maynard: Authorizing Department of Administration promulgate legislative rules (Chapter 159, Acts, Regular Session, 2019)	799	1511, 1958		2115	800, 1511, 2032, 2083, 2114, 2115, 3524, 4139

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*163 -	By Senator Maynard: Authorizing DEP promulgate legislative rules (Chapter 160, Acts, Regular Session, 2019)	832	1724, 2129		2356	833, 1724, 2257, 2301, 2355, 2356, 4088, 4139
*175 -	By Senator Maynard: Authorizing DHHR promulgate legislative rules (Chapter 161, Acts, Regular Session, 2019)	800, 3037	1725, 2131	2302	2356	800, 1725, 2258, 2302, 2356, 2357, 4088, 4139
177 -	By Senator Maynard: Fire Commission rule relating to State Building Code (Chapter 162, Acts, Regular Session, 2019)	309	505		610	309, 550, 587, 609, 610, 883, 1467
*187 -	By Senator Maynard: Authorizing Department of Revenue to promulgate legislative rules (Chapter 163, Acts, Regular Session, 2019)	622	2095, 2264		2471	623, 2095, 2322, 2428, 2470, 2471, 4087, 4140
190 -	By Senator Maynard: DOH promulgate legislative rule relating to employment procedures	310	1962, 2129		2357	310, 1962, 2258, 2303, 2357, 4088, 4130
*199 -	By Senator Maynard: Authorizing certain miscellaneous agencies and boards promulgate legislative rules (Chapter 164, Acts, Regular Session, 2019)	624, 3518	1511, 2269	2477	2626	626, 1511, 2438, 2477, 2626, 2627, 4093, 4139
*223 -	By Senator Maynard: Authorizing Department of Commerce promulgate legislative rules (Chapter 165, Acts, Regular Session, 2019)	479, 3038	769, 2131	2303	2358	480, 769, 2258, 2303, 2357, 2358, 4088, 4139
233 -	By Senators Hamilton and Cline: Relating to age requirements for deputy sheriff	662	2271	2479		662, 2438, 2479, 2607
*236 -	By Senators Lindsay, Jeffries and Baldwin: Providing notice of eligibility to persons to vote after completion of punishment or pardon	560				561
*237 -	By Senators Jeffries, Cline and Baldwin: Improving ability of law enforcement to locate and return missing persons (Chapter 224, Acts, Regular Session, 2019)	891	2129		2358	892, 2258, 2303, 2358, 4086, 4140
*238 -	By Senators Baldwin, Cline, Jeffries and Lindsay: Increasing certain penalties for illegally passing stopped school bus (Chapter 259, Acts, Regular Session, 2019)	1968	2268		2627	1968, 2438, 2481, 2627, 4095, 4139
*240 -	By Senators Maynard, Trump, Cline and Swope: Repealing certain legislative rules no longer authorized or are obsolete (Chapter 166, Acts, Regular Session, 2019)	426, 931	653	863, 865, 866	866	427, 760, 791, 821, 862, 866, 867, 1484, 1726

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*241 -	By Senators Weld, Cline, Hamilton and Baldwin: Permitting county court clerks scan certain documents in electronic form (Chapter 233, Acts, Regular Session, 2019)	533, 3519, 4027	2036, 2272	2481, 4028	2627, 4028	534, 2036, 2438, 2481, 2627, 2628, 3519, 3833, 4027, 4028, 4029, 4089, 4139
*243 -	By Senator Weld: Requiring racetrack participate in WV Thoroughbred Development Fund	599				599
*248 -	By Senators Weld and Cline: Creating Prosecuting Attorney's Detectives Act	2041				2041
*249 -	By Senator Weld: Relating to administration of estates and trusts	2041				2041
*253 -	By Senators Jeffries, Lindsay, Baldwin, Beach and Hamilton: Protecting consumers from automatic purchase renewal and continuous service offers	507				508
*255 -	By Senators Boso, Baldwin and Maroney: Relating to Emergency Medical Services Advisory Committee (Chapter 206, Acts, Regular Session, 2019)	446	529		642	446, 590, 613, 641, 642, 883, 1467
256 -	By Senators Weld, Cline, Baldwin, Tarr, Clements and Maroney: Allowing certain deductions from individual personal income tax refunds	626				626
*258 -	By Senators Trump and Tarr: Establishing common law "veil piercing" claims not be used to impose personal liability	599				599
*259 -	By Senators Sypolt, Azinger, Beach, Boso, Clements, Hamilton, Maynard, Rucker, Smith, Stollings, Woelfel, Cline, Jeffries, Tarr and Maroney: Expanding Coyote Control Program	1518	2093			1518, 2094
*263 -	By Senators Prezioso, Woelfel, Baldwin, Sypolt, Jeffries, Maroney and Lindsay: Limiting number of days legislators may be compensated during extended and extraordinary sessions if budget bill not enacted	892				892
*264 -	By Senators Trump, Hamilton, Cline and Tarr: Requiring courts to order restitution to crime victims where economically practicable (Chapter 72, Acts, Regular Session, 2019)	662	2130, 2441		3299	662, 2130, 2562, 3165, 3298, 3299, 4093, 4139
*266 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Creating Intermediate Court of Appeals and WV Appellate Review Organization Act of 2019	1518				1520

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
267 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Requiring State Board of Education adopt policy detailing level of computer science instruction (Chapter 91, Acts, Regular Session, 2019)	801			915	801, 875, 915, 1484, 1726
268 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Updating meaning of federal taxable income in WV Corporation Net Income Tax Act (Chapter 241, Acts, Regular Session, 2019)	534	594		755	534, 646, 674, 754, 765, 1806, 2095
269 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Updating terms used in WV Personal Income Tax Act (Chapter 242, Acts, Regular Session, 2019)	534	594		755	534, 646, 674, 755, 756, 1806, 2095
*270 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Streamlining process for utilities access to DOH rights-of-way (Chapter 235, Acts, Regular Session, 2019)	662	1492		1758	663, 1704, 1730, 1757, 1758, 2131, 3286
272 -	By Senators Carmichael (Mr. President), Trump, Woelfel, Palumbo and Tarr: Updating code relating to Commission on Special Investigations (Chapter 114, Acts, Regular Session, 2019)	364, 626, 1814	443	543, 1815	543, 1824	365, 499, 526, 543, 544, 545, 765, 1813, 1814, 1824, 1825, 1883, 2133
*285 -	By Senators Sypolt, Azinger, Beach, Boso, Clements, Cline, Facemire, Hamilton, Maynard, Prezioso, Smith, Stollings, Swope, Takubo, Tarr, Trump, Rucker, Roberts and Maroney: Relating to sale of homemade food items (Chapter 3, Acts, Regular Session, 2019)	1433	2095, 2264	2428, 2472	2472	1434, 2095, 2322, 2428, 2471, 2472, 4087, 4139
*291 -	By Senators Sypolt, Baldwin, Maynard, Rucker and Roberts: Relating generally to survivor benefits for emergency response providers (Chapter 239, Acts, Regular Session, 2019)	1434, 4078	2441	3166	3299	1434, 2562, 3166, 3299, 4094, 4139
*295 -	By Senators Hamilton, Boso, Facemire, Ihlenfeld, Jeffries, Maynard, Smith, Sypolt, Cline, Trump, Rucker and Lindsay: Relating to crimes against public justice (Chapter 73, Acts, Regular Session, 2019)	1520, 2349, 3038, 3869	1958	2117, 3869	2147, 3877	1521, 2032, 2083, 2117, 2147, 2148, 2349, 2350, 3522, 3869, 3877, 4089, 4139

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
296 -	By Senators Hamilton, Boso, Facemire, Ihlenfeld, Jeffries and Smith: Providing 11-month window to permit members of PERS to purchase credited service	1434				1435
297 -	By Senators Hamilton, Boso, Facemire, Ihlenfeld, Jeffries, Smith, Sypolt, Cline, Trump, Roberts, Tarr, Lindsay and Baldwin: Extending expiration of military members' spouses' driver's license	626	2264			626, 2264
*310 -	By Senators Stollings, Jeffries, Beach, Takubo and Prezioso: Establishing certain requirements for dental insurance (Chapter 143, Acts, Regular Session, 2019)	1749, 2350	2038	2171	2171	1749, 2120, 2151, 2171, 2172, 4083, 4140
*316 -	By Senators Plymale, Woelfel, Lindsay, Stollings and Hamilton: Preserving previously approved state Municipal Policemen's or Firemen's pensions (Chapter 62, Acts, Regular Session, 2019)	1968, 3038	2040, 2164	2359	2359	1968, 2040, 2303, 2359, 2364, 4088, 4140
*317 -	By Senators Maynard, Cline and Sypolt: Authorizing three or more adjacent counties form multicounty trail network authority (Chapter 176, Acts, Regular Session, 2019)	931, 3519, 4029	2128, 2272	2482, 2628, 4029	2628, 4048	932, 2128, 2438, 2482, 2628, 2629, 3519, 3520, 3834, 4029, 4048, 4095, 4139
*318 -	By Senators Trump, Rucker, Cline, Roberts, Sypolt, Tarr, Hamilton and Azinger: Transferring Medicaid Fraud Control Unit to Attorney General's office (Chapter 138, Acts, Regular Session, 2019)	2096	2122, 2268		2629	2096, 2123, 2438, 2498, 2629, 2630, 2631, 4095, 4140
*323 -	By Senators Baldwin, Beach, Maynard, Romano, Rucker, Smith, Sypolt, Plymale, Cline, Roberts, Hamilton and Stollings: Establishing revenue fund and source to support Department of Agriculture's improvement to facilities (Chapter 4, Acts, Regular Session, 2019)	892			1031	893, 1002, 1030, 1031, 1709, 1967
324 -	By Senators Sypolt, Beach, Rucker, Smith, Weld, Boso, Cline, Clements, Tarr and Hamilton: Relating to Commissioner of Agriculture employees (Chapter 5, Acts, Regular Session, 2019)	744			817	744, 791, 817, 1484, 1726
*326 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Reorganizing state agencies involved in emergency and disaster planning	2096				2097

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*329 -	By Senators Cline and Hamilton: Relating to agricultural education in high schools (Chapter 92, Acts, Regular Session, 2019)	2041	2326		3300	2042, 2326, 2562, 3166, 3300, 4093, 4139
*330 -	By Senators Maynard and Cline: Requiring contact information be listed on agency's online directory and website (Chapter 115, Acts, Regular Session, 2019)	1906	2163	2359	2359	1906, 2258, 2303, 2359, 2360, 4086, 4140
331 -	By Senators Maynard, Cline and Smith: Using leashed dogs to track mortally wounded deer or bear	663	1018			663, 1019
332 -	By Senators Maynard and Cline: Relating to Class Q special hunting permit for disabled persons	663	1018			663, 1019
333 -	By Senators Maynard, Boso, Sypolt and Tarr: Exempting automobiles 25 years or older from personal property taxes	1720				1720
*339 -	By Senators Rucker, Azinger, Boso, Cline, Maynard, Sypolt, Tarr, Swope and Roberts: Allowing certain persons carry pepper spray in State Capitol Complex	1468				1468
*340 -	By Senators Trump and Stollings: Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company (Chapter 47, Acts, Regular Session, 2019)	1836	2128, 2440		3300	1838, 2129, 2562, 3166, 3300, 4093, 4139
343 -	By Senators Carmichael (Mr. President) and Prezioso: Relating to review and approval of state property leases	893				893
*344 -	By Senators Carmichael (Mr. President), Prezioso and Cline: Relating to operation of state-owned farms (Chapter 6, Acts, Regular Session, 2019)	1837	2040, 2163		2360	1837, 2040, 2258, 2303, 2360, 4086, 4041
*345 -	By Senators Carmichael (Mr. President) and Prezioso: Relating to fire service equipment and training funds for VFDs (Chapter 222, Acts, Regular Session, 2019)	1435, 4078	2039, 2450	3166, 3301	3301	1435, 2039, 2450, 3166, 3300, 3301, 4089, 4140
346 -	By Senators Carmichael (Mr. President) and Prezioso: Changing rate which certain judges are paid for mileage when traveling within state	893				893
*348 -	By Senators Takubo, Maroney, Prezioso, Stollings, Jeffries, Woelfel, Ihlenfeld, Baldwin and Cline: Relating to tobacco usage restrictions	2097				2098

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*352 -	By Senators Weld and Cline: Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities (Chapter 55, Acts, Regular Session, 2019)	932, 3675	1957, 2450	3181, 3675	3302, 3676	932, 1957, 2450, 3181, 3301, 3302, 3833, 3834, 4089, 4140
354 -	By Senators Blair, Boley, Maroney, Roberts, Swope, Sypolt, Tarr, Facemire, Ihlenfeld, Palumbo, Prezioso and Unger: Expiring funds to balance of Auditor's Office - Chief Inspector's Fund (Chapter 19, Acts, Regular Session, 2019)	446	686		868	446, 792, 821, 868, 1484, 1726
*356 -	By Senators Weld, Clements, Maroney, Cline and Swope: Requiring MAPS provide state and federal prosecutors information (Chapter 225, Acts, Regular Session, 2019)	893	1487		1758	894, 1704, 1730, 1758, 2131, 3286
*357 -	By Senators Weld, Clements and Cline: Relating generally to Division of Administrative Services (Chapter 226, Acts, Regular Session, 2019)	744	2271		2631	745, 2438, 2499, 2631, 4095, 4139
358 -	By Senators Weld, Clements, Cline and Swope: Exempting Purchasing Division purchases for equipment to maintain security at state facilities (Chapter 227, Acts, Regular Session, 2019)	745	1487		1759	745, 1704, 1730, 1759, 2131, 3286
*360 -	By Senator Trump: Relating to third-party litigation financing (Chapter 49, Acts, Regular Session, 2019)	1749, 3055	2129	2304, 3055	2361, 3067	1750, 2258, 2304, 2314, 2360, 2361, 3067, 4095, 4140
*361 -	By Senator Trump: Relating to Public Defender Services	745				745
*369 -	By Senators Takubo, Stollings and Baldwin: Relating to generic drug products (Chapter 186, Acts, Regular Session, 2019)	746	2037, 2329		3303	746, 2037, 2562, 3182, 3302, 3303, 4093, 4139
*373 -	By Senators Weld, Clements and Maroney: Relating to financial responsibility of inmates (Chapter 56, Acts, Regular Session, 2019)	746	1488, 2165		2361	746, 1488, 2258, 2315, 2361, 4088, 4140
377 -	By Senator Maynard: Relating to minimum wage and maximum hour standards (Chapter 157, Acts, Regular Session, 2019)	746, 1758	928	1503	1701	747, 1035, 1451, 1454, 1478, 1502, 1700, 1701, 1959, 2168

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*379 -	By Senators Maynard, Azinger, Cline, Roberts, Tarr, Maroney and Hamilton: Permitting county board of education to include faith-based electives in drug prevention programs	2098				2098
*383 -	By Senators Clements, Sypolt and Cline: Creating WV Healthy Food Crop Block Grant Program	1906				1907
*387 -	By Senator Weld: Relating generally to extradition (Chapter 80, Acts, Regular Session, 2019)	801	1487		1759	801, 1704, 1731, 1759, 2131, 3286
*389 -	By Senators Maynard, Beach, Cline and Hamilton: Allowing developmentally disabled person purchase base hunting license	747	1019			747, 1020
*390 -	By Senators Maynard, Tarr, Plymale, Cline and Sypolt: Requiring electric utilities submit feasibility studies of constructing and operating middle-mile broadband internet projects	663				664
*392 -	By Senators Weld and Clements: Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work	833	2271			833, 2438, 2499, 3182, 3285
*393 -	By Senators Sypolt, Azinger, Baldwin, Blair, Boso, Clements, Hamilton, Jeffries, Maynard, Hardesty, Rucker, Smith, Takubo, Tarr, Plymale, Beach, Cline, Roberts, Swope and Trump: Protecting right to farm (Chapter 7, Acts, Regular Session, 2019)	1495, 2446	2123	2295	2295	1495, 2152, 2295, 2296, 4083, 4140
*396 -	By Senators Tarr and Cline: Waiving occupational licensing fees for low-income individuals and military families (Chapter 187, Acts, Regular Session, 2019)	2098	2269, 2441		3303	2098, 2270, 2562, 3182, 3303, 4093, 4139
*398 -	By Senators Trump, Takubo, Stollings and Prezioso: Relating to compensation for senior judges (Chapter 67, Acts, Regular Session, 2019)	747, 3676	929, 2328	3182, 3304, 3676	3303, 3678	748, 929, 2562, 3182, 3303, 3305, 3678, 4089, 4139
399 -	By Senators Trump, Stollings and Beach: Relating to compensation for senior magistrates	748				749
*400 -	By Senators Romano and Takubo: Allowing Board of Dentistry create specialty licenses (Chapter 188, Acts, Regular Session, 2019)	1968, 3520	2272	2500	2632	1969, 2438, 2499, 2631, 2632, 4095, 4139

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*402 -	By Senators Sypolt, Beach, Stollings, Hamilton, Bosco, Cline, Baldwin, Maroney and Prezioso: Authorizing Division of Forestry investigate and enforce timber theft violations (Chapter 74, Acts, Regular Session, 2019)	1837, 3543, 4078	2094, 2272	2500, 3544	2632, 3544	1837, 2094, 2438, 2500, 2632, 3544, 4096, 4140
*404 -	By Senators Sypolt and Bosco: Relating generally to sediment control during commercial timber harvesting operations (Chapter 8, Acts, Regular Session, 2019)	1907	2268		2633	1907, 2438, 2501, 2632, 2633, 4095, 4140
*405 -	By Senator Sypolt: Increasing limit on additional expenses incurred in preparing notice list for redemption (Chapter 243, Acts, Regular Session, 2019)	1435, 3545, 3877, 4059	2272	2501, 2510, 4059	2633, 4071	1436, 2438, 2501, 2633, 3554, 3674, 3675, 3877, 3883, 4059, 4071, 4094, 4139
*408 -	By Senators Palumbo and Woelfel: Determining indigency for public defender services (Chapter 116, Acts, Regular Session, 2019)	932, 2350	1844	2172	2173	933, 1844, 1901, 2093, 2117, 2148, 2172, 2173, 4083, 4139
*414 -	By Senators Azinger, Cline, Maynard, Tarr and Bosco: Creating Protect Our Right to Unite Act	2098				2099
*415 -	By Senators Azinger, Cline, Maynard and Tarr: Creating Timber Cotenancy Modernization and Majority Protection Act and Unknown and Unlocatable Timber Interest Owners Act	1907				1908
421 -	By Senators Smith, Sypolt, Cline and Maroney: Relating to annual legislative review of economic development tax credit (Chapter 86, Acts, Regular Session, 2019)	1969	2267		2633	1969, 2439, 2512, 2633, 4095, 4139
424 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation to Civil Contingent Fund (Chapter 20, Acts, Regular Session, 2019)	3879			3880	3880, 3881, 4084, 4139
432 -	By Senators Sypolt and Bosco: Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact	1969				1971
435 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation to State Department of Education and Vocational Division (Chapter 21, Acts, Regular Session, 2019)	4072			4074	4073, 4074, 4084, 4139

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
440 -	By Senators Prezioso, Beach, Blair, Clements, Ihlenfeld, Maroney, Smith, Stollings, Sypolt, Takubo, Trump, Hamilton, Jeffries, Hardesty, Baldwin and Romano: Relating to Antihazing Law	1024	1958		2115	1024, 2032, 2083, 2115, 2116, 3524, 4131
*441 -	By Senators Prezioso, Beach, Blair, Clements, Ihlenfeld, Maroney, Smith, Stollings, Sypolt, Takubo, Jeffries, Trump and Weld: Relating to higher education campus police officers (Chapter 134, Acts, Regular Session, 2019)	1971	2120		2296	1971, 2152, 2209, 2296, 4083, 4139
442 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplementing, amending, and decreasing appropriation to Insurance Commission (Chapter 22, Acts, Regular Session, 2019)	1024	1518		1857	1025, 1738, 1771, 1857, 1858, 2132, 3286
443 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of federal moneys to DHHR divisions (Chapter 23, Acts, Regular Session, 2019)	1025	1518		1858	1025, 1739, 1771, 1858, 2132, 3286
444 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation to DHHR divisions (Chapter 24, Acts, Regular Session, 2019)	1025, 1908	1517	1771	1859	1025, 1739, 1771, 1858, 1859, 2132, 3286
*451 -	By Senators Rucker, Blair, Azinger, Boley, Cline, Maynard, Roberts and Trump: Comprehensive education reform	749, 1521	879, 929	1036, 1162, 1167, 1168, 1174, 1177, 1232, 1340, 1418, 1419, 1421, 1442	1441	752, 753, 844, 879, 929, 1017, 1036, 1440, 1445, 1669, 1670
452 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation to Second Chance Driver's License Program (Chapter 25, Acts, Regular Session, 2019)	1026	1489		1760	1027, 1704, 1731, 1759, 1760, 2131, 3286

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
453 -	By Senators Azinger and Cline: Relating to background checks of certain financial institutions (Chapter 38, Acts, Regular Session, 2019)	894, 2170	1465, 1958	2083	2116	894, 1465, 2032, 2083, 2116, 3524, 4140
461 -	By Senator Blair: Relating generally to lottery prizes (Chapter 117, Acts, Regular Session, 2019)	1436	2444		3305	1436, 2562, 3192, 3305, 3306, 4096, 4139
*467 -	By Senators Boso, Roberts and Cline: Clarifying PSC jurisdiction over water and sewer utilities	2099				2100
472 -	By Senators Sypolt and Baldwin: Exempting retirement income of certain uniformed services members from state income tax	2042				2042
*481 -	By Senator Trump: Relating to Judicial Vacancy Advisory Commission (Chapter 118, Acts, Regular Session, 2019)	1436, 3067, 3520, 4048	2129	2315, 2362, 4048	2361, 4050	1437, 2258, 2315, 2361, 2362, 3068, 4048, 4050, 4094
*485 -	By Senator Azinger: Clarifying notification requirements for property insurance purposes (Chapter 144, Acts, Regular Session, 2019)	1908	2269		2634	1908, 2439, 2512, 2634, 4095, 4140
*487 -	By Senators Maroney, Trump and Takubo: Relating to admissibility of health care staffing requirements in litigation	2100, 3554, 3881, 4050	2328	2512, 2635, 4050	2635, 4054	2100, 2329, 2512, 2634, 2635, 3554, 3555, 3652, 3653, 4050, 4053, 4054, 4094, 4132
*489 -	By Senators Maroney, Takubo and Tarr: Relating to Pharmacy Audit Integrity Act (Chapter 145, Acts, Regular Session, 2019)	1670, 2042	1807	1868, 1916	1916	1671, 1808, 1868, 1916, 1917, 2132, 2168
*491 -	By Senators Trump and Palumbo: Extending effective date for voter registration in conjunction with driver licensing (Chapter 101, Acts, Regular Session, 2019)	1026	2129	2315, 2363	2363	1026, 2258, 2315, 2362, 2364, 4086, 4139
493 -	By Senator Maynard: Correcting terminology referring to racing vehicles illegally on street (Chapter 260, Acts, Regular Session, 2019)	1909, 3039	2268	2514	2636	1909, 2439, 2514, 2635, 2636, 4086, 4140
*496 -	By Senators Sypolt, Smith and Maroney: Transferring authority to regulate milk from DHHR to Department of Agriculture (Chapter 9, Acts, Regular Session, 2019)	933, 3520, 4078	2271	2514	2636	934, 2439, 2514, 2636, 4096, 4140

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
499 -	By Senators Blair and Cline:934 Amending WV tax laws to conform to changes in partnerships for federal income tax purposes (Chapter 244, Acts, Regular Session, 2019)	934, 4078	2328	3192, 3306	3306	936, 2562, 3192, 3306, 3308, 4097, 4140
*502 -	By Senator Blair: Exempting sales of investment metal bullion and coins (Chapter 245, Acts, Regular Session, 2019)	1671	2327		3309	1671, 2563, 3194, 3308, 3309, 4089, 4140
*510 -	By Senators Takubo, Maroney and Weld: Relating to medical professional liability (Chapter 1, Acts, Regular Session, 2019)	1838	1958		2117	1838, 2032, 2092, 2116, 2117, 3524, 4140
*511 -	By Senators Trump and Boso: Creating alternating wine proprietorships (Chapter 15, Acts, Regular Session, 2019)	1972	2271		2637	1972, 2439, 2515, 2636, 2637, 4086, 4140
*512 -	By Senators Jeffries, Weld, Boso and Lindsay: Regulating pawnbrokers	1751				1751
*516 -	By Senators Boso, Swope and Maroney: Relating to attorney fees in subsidized adoptions	1495				1495
*518 -	By Senators Maroney, Plymale, Stollings, Tarr, Woelfel, Takubo and Swope: Restricting sale and trade of dextromethorphan (Chapter 53, Acts, Regular Session, 2019)	1495, 3042	1807	2117	2148	1495, 1875, 1901, 2093, 2117, 2148, 3524, 4139
519 -	By Senators Maroney, Plymale, Stollings, Woelfel, Takubo, Boso and Swope: Requiring county emergency dispatchers complete course for telephonic cardiopulmonary resuscitation (Chapter 228, Acts, Regular Session, 2019)	1894	2038, 2165		2364	1895, 2038, 2259, 2320, 2364, 4088, 4140
*520 -	By Senators Maroney, Plymale, Stollings, Tarr, Woelfel, Takubo, Boso, Baldwin, Hardesty and Swope: Requiring entities report drug overdoses (Chapter 207, Acts, Regular Session, 2019)	2042	2122	2209	2297	2042, 2152, 2209, 2296, 2297, 4083, 4140
*522 -	By Senators Smith, Maynard, Sypolt, Tarr, Plymale, Cline, Rucker and Maroney: Creating Special Road Repair Fund	2100, 3834, 3883, 4055	2450	3194, 3309, 4055	3309, 4057	2101, 2450, 3194, 3309, 3310, 3834, 3835, 4055, 4072, 4094, 4134

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*529 -	By Senators Trump, Tarr and Rucker: Clarifying provisions of Nonintoxicating Beer Act (Chapter 16, Acts, Regular Session, 2019)	1909, 3520, 4079		2515	2637	1910, 2016, 2450, 2515, 2637, 4093, 4140
*530 -	By Senator Trump: Relating to state employee merit system	2101				2102
531 -	By Senator Trump: Relating generally to workers' compensation claims (Chapter 265, Acts, Regular Session, 2019)	1910, 3039	2129	2365	2365	1910, 2259, 2321, 2364, 2365, 4088, 4139
535 -	By Senator Hamilton: Allowing City of Buckhannon begin collecting sales and service and use tax on July 1, 2019	1972	2327			1973, 2327, 2450
*537 -	By Senators Boso and Cline: Creating workgroup to review hospice need standards (Chapter 208, Acts, Regular Session, 2019)	2043, 3521, 4079	2266	2432, 2433, 2645	2638	2043, 2322, 2432, 2472, 2638, 2645, 2646, 4086, 4140
*538 -	By Senators Clements, Stollings, Plymale and Cline: Relating to WV Highway Design-Build Pilot Program (Chapter 236, Acts, Regular Session, 2019)	1973, 4078	2327	3311	3311	1973, 2563, 3197, 3310, 3311, 4093, 4140
*539 -	By Senators Mann, Baldwin, Facemire, Ihlenfeld, Jeffries, Maroney, Romano, Rucker, Stollings, Takubo, Weld, Woelfel, Unger, Hamilton, Hardesty, Beach, Prezioso, Plymale, Swope, Tarr, Cline and Lindsay: Relating to accrued benefit of retirees in WV State Police Retirement System Plan B (Chapter 198, Acts, Regular Session, 2019)	1973, 4079	2443	3197, 3312	3312	1973, 2563, 3197, 3312, 4095, 4140
542 -	By Senators Clements, Swope, Beach, Plymale and Roberts: Relating to registration fees for military-related special registration plates	936	1961			936, 1961
*543 -	By Senators Blair, Roberts and Tarr: Relating generally to automobile warranties and inspections (Chapter 50, Acts, Regular Session, 2019)	2102	2442	3202, 3204, 3313	3313	2102, 2442, 2563, 3202, 3313, 3314, 4095, 4140
544 -	By Senators Hamilton, Carmichael (Mr. President), Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel and Boso: Increasing salaries for members of WV State Police over three-year period (Chapter 199, Acts, Regular Session, 2019)	1973	2564	3206, 3315	3314	1973, 2564, 3206, 3314, 3315, 4095, 4139

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
545 -	By Senator Azinger: Relating to HIV testing (Chapter 167, Acts, Regular Session, 2019)	1671, 2292	1807	2118, 2119, 2149	2148	1672, 1875, 1901, 2093, 2118, 2148, 2149, 3524, 4140
*546 -	By Senators Takubo, Maroney and Stollings: Creating tax on certain acute care hospitals (Chapter 246, Acts, Regular Session, 2019)	1910	2266	2433, 2435, 2473	2473	1911, 2322, 2422, 2433, 2473, 2474, 4090, 4140
*547 -	By Senators Maynard, Beach, Cline and Swope: Limiting landowner liability for recreational use of lands	1974				1974
550 -	By Senators Blair, Boley, Facemire, Hamilton, Ihlenfeld, Maroney, Palumbo, Plymale, Prezioso, Roberts, Swope, Sypolt, Tarr, Stollings, Jeffries, Hardesty, Romano and Cline: Declaring certain claims to be moral obligations of state (Chapter 45, Acts, Regular Session, 2019)	1672, 4079	2442	3212	3315	1672, 2563, 3212, 3315, 3316, 4093, 4140
*553 -	By Senators Lindsay, Jeffries, Stollings and Beach: Relating to federal funds for land-grant institutions	1751	2167			1751, 2168
554 -	By Senator Clements: Removing salary caps for director of State Rail Authority (Chapter 200, Acts, Regular Session, 2019)	1975, 4079	2450	3212, 3316	3316	1975, 2450, 3212, 3316, 4096, 4140
555 -	By Senators Rucker, Blair, Trump, Unger and Boso: Relating to authority of Higher Education Policy Commission	2103				2103
*561 -	By Senators Trump, Takubo and Boso: Permitting Alcohol Beverage Control Administration request assistance of local law enforcement (Chapter 17, Acts, Regular Session, 2019)	2043, 4012	2442	3213, 3234, 3244, 3251, 3317, 3318, 4012, 4013	3318, 4014	2044, 2563, 3213, 3316, 3317, 3319, 4014, 4097, 4140
*563 -	By Senators Trump, Woelfel, Plymale, Boso and Rucker: Prohibiting sexual assault victim be subjected to certain physical examinations	1496				1496
*564 -	By Senators Takubo, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Prezioso, Romano, Stollings, Unger and Hamilton: Expanding comprehensive coverage for pregnant women through Medicaid (Chapter 139, Acts, Regular Session, 2019)	2103	2265, 2449	3320	3320	2103, 2265, 2449, 3251, 3319, 3320, 4094, 4140

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
566 -	By Senator Boso: Relating to compensation for State Athletic Commission members (Chapter 119, Acts, Regular Session, 2019)	2044, 3521	2273	2544	2638, 3522	2044, 2439, 2543, 2638, 3521, 3522, 4096, 4139
*574 -	By Senators Maroney and Stollings: Permitting authorized physician order involuntary hospitalization of individual if physician believes addicted or mentally ill	2103	2265			2104, 2265
*585 -	By Senators Weld, Ihlenfeld, Lindsay, Woelfel, Boso, Palumbo, Romano, Plymale, Prezioso and Tarr: Relating to criminal offenses of stalking and harassment generally	1911				1911
587 -	By Senator Trump: Relating to PEIA reimbursement of air ambulance providers (Chapter 146, Acts, Regular Session, 2019)	1751	2168		2474	1752, 2322, 2435, 2474, 4090, 4140
590 -	By Senators Maynard, Mann, Rucker, Smith, Sypolt and Cline: Permitting guided bear hunts by licensed outfitters and guides	1496				1496
592 -	By Senators Blair, Cline and Sypolt: Providing for collection of hotel occupancy tax by marketplace facilitators	1975				1975
593 -	By Senators Maroney, Stollings and Boso: Permitting critical access hospital become community outpatient medical center (Chapter 209, Acts, Regular Session, 2019)	1911			2149	1911, 2016, 2093, 2119, 2149, 2150, 3524, 4139
596 -	By Senators Weld, Stollings, Baldwin, Boso, Cline, Sypolt, Tarr and Maroney: Adjusting voluntary contribution amounts on certain DMV forms (Chapter 171, Acts, Regular Session, 2019)	1975, 3555, 3882, 4057	2267	2544, 2639, 4058	2639, 4058	1975, 2439, 2544, 2638, 2639, 3555, 3881, 4057, 4058, 4059, 4096, 4139
*597 -	By Senators Boso and Sypolt: Conforming state law to federal law for registration of appraisal management companies (Chapter 189, Acts, Regular Session, 2019)	1976	2271		2639	1976, 2439, 2546, 2639, 2640, 4086, 4140
*600 -	By Senators Trump and Boso: Relating to preservation of biological evidence obtained through criminal investigations and trials (Chapter 229, Acts, Regular Session, 2019)	2044, 4079	2269	2546, 2640	2640	2045, 2439, 2546, 2640, 2641, 4097, 4140
*601 -	By Senator Trump: Relating to mandatory supervision of adult inmates (Chapter 57, Acts, Regular Session, 2019)	1752	2329		3320	1752, 2563, 3251, 3320, 3321, 4097, 4139

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*603 -	By Senator Tarr: Exempting certain activities from licensing requirements for engaging in business of currency exchange (Chapter 39, Acts, Regular Session, 2019)	1976, 4079	2328	3257	3321	1976, 2563, 3256, 3321, 4096, 4140
605 -	By Senators Rucker, Boso, Maroney, Tarr, Baldwin, Cline and Sypolt: Permitting Secondary School Activities Commission discipline schools for not following protocol for concussions and head injuries (Chapter 93, Acts, Regular Session, 2019)	2104	2272		3322	2104, 2439, 2450, 2607, 3259, 3321, 3322, 4094, 4140
*613 -	By Senators Maroney, Plymale, Takubo, Jeffries, Hamilton, Stollings, Roberts, Baldwin and Woelfel: Requiring DNR include election of organ donation on hunting licenses (Chapter 210, Acts, Regular Session, 2019)	1895, 4080	2440	3322	3322	1895, 2563, 3259, 3322, 3323, 4093, 4140
*615 -	By Senators Trump, Plymale and Boso: Providing ongoing mechanism for county commissioners to allow compensation increases for elected officials every two years	2045	2270			2045, 2270
617 -	By Senators Azinger, Hamilton, Plymale and Ihlenfeld: Relating to method of payment to Municipal Pensions Security Fund (Chapter 63, Acts, Regular Session, 2019)	1720	2039, 2168	2436	2474	1720, 2040, 2322, 2436, 2474, 2475, 4087, 4139
*622 -	By Senator Tarr: Relating generally to regulation and control of financing elections (Chapter 102, Acts, Regular Session, 2019)	2045, 3922	2440	3333, 3385, 3922	3388, 3924	2047, 2563, 3259, 3324, 3333, 3387, 3390, 3924, 4097, 4140
*624 -	By Senators Rucker, Plymale, Roberts and Cline: Allowing county boards of education use alternative assessment provided in Every Student Succeeds Act	1911, 3555	2164	2321, 2366, 3556	2366, 3557	1912, 2259, 2321, 2365, 2366, 3557, 4093, 4135
625 -	By Senator Boso: Clarifying and defining authority of State Athletic Commission (Chapter 120, Acts, Regular Session, 2019)	2104	2271		2641	2105, 2439, 2547, 2641, 4087, 4139
627 -	By Senator Sypolt: Relating generally to Rural Rehabilitation Loan Program (Chapter 10, Acts, Regular Session, 2019)	1976	2449		3324	1976, 2449, 3260, 3324, 3325, 4093, 4139
*632 -	By Senators Maynard, Azinger, Blair, Boso, Cline, Roberts, Rucker, Smith, Sypolt, Tarr, Trump and Jeffries: Improving student safety (Chapter 94, Acts, Regular Session, 2019)	2105, 3883	2325	3260, 3262, 3326, 3883	3326, 3885	2105, 2325, 2342, 2563, 3260, 3325, 3327, 3885, 4095, 4140

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
633 -	By Senator Tarr: Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses	2105, 3522, 4080	2272	2547	2642	2106, 2439, 2547, 2641, 2642, 4087, 4138
635 -	By Senator Smith: Relating generally to coal mining activities (Chapter 170, Acts, Regular Session, 2019)	1838, 3678, 4080	2133	2209, 2297, 3679, 3729	2297, 3731	1839, 2152, 2209, 2297, 2299, 3732, 4089, 4140
636 -	By Senators Rucker, Azinger, Cline, Plymale, Roberts and Trump: Authorizing legislative rules for Higher Education Policy Commission (Chapter 135, Acts, Regular Session, 2019)	1752	2121		2300	1753, 2152, 2255, 2299, 2300, 4083, 4140
*637 -	By Senator Blair: Relating to revocation, cancellation, or suspension of business registration certificates	2106				2106
*640 -	By Senators Stollings and Maroney: Regulating sudden cardiac arrest prevention (Chapter 211, Acts, Regular Session, 2019)	2047	2326		3327	2047, 2563, 3264, 3327, 4096, 4140
*641 -	By Senators Maroney and Takubo: Relating to Primary Care Support Program (Chapter 212, Acts, Regular Session, 2019)	1912, 2350	2037	2151	2173	1912, 2120, 2151, 2173, 2174, 4083, 4140
*642 -	By Senators Maroney, Azinger, Rucker, Takubo, Trump and Roberts: Providing options in living wills and combined medical powers of attorney and living wills	2047				2047
*651 -	By Senator Maynard: Relating to DNR ability to enter into certain contracts	2048				2048
*653 -	By Senators Stollings and Maroney: Relating generally to practice of medical corporations (Chapter 190, Acts, Regular Session, 2019)	2048	2266	2436, 2437, 2475	2475	2048, 2322, 2436, 2475, 4087, 4139
*654 -	By Senator Azinger: Amending definition of "mortgage loan originator"	1977				1977
655 -	By Senator Trump: Relating to conservation districts generally (Chapter 11, Acts, Regular Session, 2019)	2049	2271		2642	2049, 2439, 2549, 2642, 4087, 4140
656 -	By Senators Blair and Trump: Relating to electronic filing of tax returns (Chapter 247, Acts, Regular Session, 2019)	1977, 4080	2328	3264, 3328	3327	1977, 2563, 3264, 3327, 3328, 4096, 4140
*657 -	By Senator Sypolt: Providing consumer protection regarding self-propelled farm equipment (Chapter 51, Acts, Regular Session, 2019)	2106			2642	2106, 2439, 2549, 2642, 2643, 4087, 4140

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
658 -	By Senator Romano: Relating to motor vehicle salesperson licenses (Chapter 172, Acts, Regular Session, 2019)	2106	2270		2643	2106, 2440, 2549, 2643, 4097, 4139
664 -	By Senators Azinger, Baldwin, Beach, Boso, Clements, Hardesty, Jeffries, Lindsay, Maynard, Romano, Smith, Woelfel and Trump: Authorizing certain members of federal judiciary perform marriages (Chapter 84, Acts, Regular Session, 2019)	1912	2130		2367	1912, 2259, 2321, 2367, 4088, 4140
665 -	By Senator Smith: Allowing for expedited oil and gas well permitting	1977, 4015	2443	3264	3328	1977, 2563, 3264, 3328, 3329, 4015, 4025
666 -	By Senator Maynard: Creating WV Motorsports Entertainment Complex Investment Act	1978				1978
667 -	By Senator Maynard: Creating WV Motorsport Committee (Chapter 87, Acts, Regular Session, 2019)	1978	2163, 2268		2368	1978, 2259, 2321, 2367, 2368, 4088, 4139
668 -	By Senators Azinger, Maynard, Palumbo, Prezioso, Roberts, Rucker, Stollings, Tarr, Takubo, Weld and Maroney: Relating to physician assistants collaborating with physicians in hospitals (Chapter 191, Acts, Regular Session, 2019)	2049, 2605	2122	2255, 2605	2300, 2606	2049, 2152, 2255, 2300, 2606, 4090, 4139
669 -	By Senators Azinger, Baldwin, Beach, Boso, Clements, Hardesty, Jeffries, Lindsay, Maynard, Romano, Rucker, Smith, Takubo, Weld, Woelfel and Trump: Allowing appointment of commissioners to acknowledge signatures (Chapter 234, Acts, Regular Session, 2019)	2049, 4080	2329	3329, 3330	3329	2050, 2563, 3273, 3329, 3330, 4096, 4140
670 -	By Senators Rucker, Blair, Azinger, Cline, Maynard, Plymale, Roberts and Trump: Relating to WV College Prepaid Tuition and Savings Program (Chapter 95, Acts, Regular Session, 2019)	2050	2167, 2444		3331	2050, 2167, 2564, 3273, 3330, 3331, 4096, 4139
671 -	By Senators Boso, Swope, Clements, Facemire, Ihlenfeld, Jeffries, Lindsay, Maroney, Palumbo, Smith, Sypolt and Tarr: Eliminating State Fire Marshal report on transfer of authority and responsibility of providing fire service to counties	2107				2107

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
672 -	By Senators Rucker, Blair, Azinger, Cline, Maynard, Roberts, Romano, Stollings and Trump: Authorizing School Building Authority to promulgate legislative rules (Chapter 96, Acts, Regular Session, 2019)	2107	2272		2644	2107, 2440, 2549, 2643, 2644, 4097, 4140
673 -	By Senators Rucker, Blair, Azinger, Cline, Maynard, Roberts, Romano, Stollings, Trump and Unger: Relating to public higher education accountability and planning (Chapter 136, Acts, Regular Session, 2019)	2107, 3557	2272	2549, 3110	3110, 3558	2108, 2440, 2549, 2644, 3110, 3111, 3558, 4096, 4140
674 -	By Senators Blair, Hamilton, Maroney, Roberts, Swope, Sypolt, Tarr, Facemire, Palumbo, Plymale and Stollings: Supplemental appropriation to Division of Human Services	2108				2108
675 -	By Senators Maynard, Mann, Beach, Cline, Facemire, Hamilton, Hardesty, Prezioso, Roberts, Rucker, Smith, Stollings and Sypolt: Requiring DEP create and implement Adopt-A-Stream Program (Chapter 106, Acts, Regular Session, 2019)	2108	2265		2476	2108, 2322, 2437, 2475, 2476, 4090, 4140
676 -	By Senators Maynard, Mann, Cline, Roberts, Rucker and Smith: Relating to off-road vehicle recreation	2109	2270		2645	2109, 2440, 2561, 2644, 2645, 4087, 4138
677 -	By Senators Blair, Boley, Hamilton, Maroney, Roberts, Swope, Sypolt, Takubo, Tarr, Facemire, Ihlenfeld, Palumbo, Prezioso, Stollings and Unger: Supplemental appropriation to Division of Health and Division of Human Services (Chapter 26, Acts, Regular Session, 2019)	3096, 4081		3392	3670	3096, 3392, 3670, 3671, 4084, 4139
678 -	By Senators Blair, Boley, Hamilton, Maroney, Roberts, Swope, Sypolt, Takubo, Tarr, Facemire, Ihlenfeld, Palumbo, Prezioso, Stollings and Unger: Supplemental appropriation from State Excess Lottery Revenue Fund to Office of Technology (Chapter 27, Acts, Regular Session, 2019)	3096			3671	3097, 3392, 3671, 3672, 4084, 4139
679 -	By Senators Blair, Boley, Hamilton, Maroney, Roberts, Swope, Sypolt, Takubo, Tarr, Facemire, Ihlenfeld, Palumbo, Prezioso, Stollings and Unger: Supplemental appropriation to Division of Finance (Chapter 28, Acts, Regular Session, 2019)	3097, 4081		3392	3672	3097, 3392, 3672, 4084, 4139

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
680 -	By Senators Blair, Boley, Hamilton, Maroney, Roberts, Swope, Sypolt, Takubo, Tarr, Facemire, Ihlenfeld, Palumbo, Prezioso, Stollings and Unger: Supplemental appropriations to various divisions in DMAPS (Chapter 29, Acts, Regular Session, 2019)	3097, 4081		3392	3673	3097, 3392, 3672, 3673, 4084, 4139
681 -	By Senators Blair, Boley, Hamilton, Maroney, Roberts, Swope, Sypolt, Takubo, Tarr, Facemire, Ihlenfeld, Palumbo, Prezioso, Stollings and Unger: Supplemental appropriation from Lottery Net Profits to Educational Broadcasting Authority (Chapter 30, Acts, Regular Session, 2019)	3098			3674	3098, 3393, 3673, 3674, 4085, 4139

REGULAR SESSION, 2019

*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
1 -	By Senators Carmichael (Mr. President), Takubo and Prezioso: Adopting joint rules of Senate and House of Delegates	24			24	24
2 -	By Senators Carmichael (Mr. President), Blair and Prezioso: Relating to payment of expenses of 84th Legislature	25			25	25
*4 -	By Senator Swope: US Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road	480, 4081	2332, 3108	3666	3667	480, 2332, 3666, 3667
5 -	By Senators Cline and Plymale: Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions sign	1468	2333, 3532		3533	1468, 2334, 3533
6 -	By Senators Stollings, Baldwin and Beach: US Army SP4 Darrell Gregory Triplett Memorial Bridge	1895	2333, 3532		3533	1895, 2334, 3533
*7 -	By Senators Sypolt, Baldwin, Cline and Smith: Urging Congress provide exceptions to weight limits on interstate	1471				1471
9 -	By Senators Hamilton, Boso, Jeffries, Maynard, Smith, Sypolt, Maroney and Lindsay: US Army PFC Winten L. Ways Memorial Bridge	481	2333, 3108		3290	481, 2334, 3290, 3291
11 -	By Senators Clements, Roberts, Rucker, Palumbo, Jeffries, Woelfel, Plymale, Swope, Boso, Unger, Sypolt, Stollings, Romano, Beach, Blair, Baldwin, Smith, Cline, Prezioso, Lindsay and Hamilton: Urging Congress pass fully funded long-term surface transportation and infrastructure measures	365				365
12 -	By Senators Stollings, Maroney and Swope: US Army CPL Lee Roy Young Memorial Bridge	627	1963, 3108		3290	627, 1963, 3290, 3291
16 -	By Senators Romano, Azinger, Baldwin, Beach, Hardesty, Jeffries, Lindsay, Maynard, Unger, Boso, Palumbo, Swope and Stollings: US Army SP4 Wilbur Allen Smith Memorial Bridge	833	2333, 3532		3533	833, 2334, 3533
17 -	By Senators Romano, Baldwin, Lindsay, Hardesty, Woelfel, Beach, Unger, Boso, Palumbo, Swope, Jeffries and Stollings: Sardis District Veterans Memorial Bridge	2135	2333, 3532		3533	2134, 2334, 3533
20 -	By Senators Maroney, Clements, Baldwin, Stollings and Swope: US Air Force SSGT Ryan David Hammond Memorial Bridge	835	2333, 3108		3290	835, 2334, 3290, 3291

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
23 -	By Senators Beach, Woelfel, Stollings, Baldwin, Swope, Lindsay and Maroney: Jeffrey Alan Clovis Memorial Bridge	753	2333, 2567		3273	753, 2334, 3275
*24 -	By Senators Swope, Woelfel, Stollings and Boso: Hazel Dickens Memorial Bridge	2135	2333, 3532		3533	2135, 2334, 3533
*25 -	By Senators Beach, Jeffries, Stollings, Baldwin, Palumbo and Swope: US Army PFC Andrew "Bo" Martin Harper Memorial Bridge	1672	2333, 2567		3274	1672, 2334, 3275
*26 -	By Senators Swope, Jeffries, Plymale, Beach, Lindsay, Stollings, Boso and Maynard: Thompson-Lambert Memorial Bridge	3039	3532		3533	3039, 3533
*27 -	By Senators Tarr, Boley, Clements, Cline, Hamilton, Maynard, Roberts, Rucker, Smith, Sypolt, Takubo, Stollings, Jeffries, Maroney and Baldwin: Requesting study supply or shortage of drivers with CDLs	2137				2137
*28 -	By Senators Jeffries, Baldwin, Beach, Facemire, Ihlenfeld, Lindsay, Plymale, Prezioso, Romano, Stollings, Unger and Hardesty: US Army SP5 James Henry Caruthers Memorial Road	2138	2332, 3532		3533	2138, 2333, 3533
31 -	By Senators Palumbo, Lindsay, Plymale, Stollings, Baldwin and Jeffries: SGT James E. Mattingly Bridge	3068	3532		3533	3068, 3533
32 -	By Senators Hardesty, Lindsay, Beach, Plymale, Stollings, Baldwin and Jeffries: US Army SSG Henry Kilgore Bridge	3070	3532		3533	3070, 3533
*34 -	By Senators Maroney, Stollings, Baldwin, Beach, Plymale and Boso: US Army SPC Julian Lee Berisford Memorial Bridge	2140	2334, 3532		3533	2140, 2334, 3533
35 -	By Senators Weld, Ihlenfeld, Jeffries, Stollings, Beach, Cline, Prezioso, Swope and Baldwin: Designating days for displaying Honor and Remember Flag at WV Veterans Memorial	1840	2122		2146	1839, 2146
*36 -	By Senators Maroney and Jeffries: US Army CPL Cory M. Hewitt Memorial Bridge	2142	2334, 3532		3533	2142, 2334, 3533
38 -	By Senators Plymale, Baldwin, Cline, Maynard, Woelfel, Jeffries, Lindsay, Stollings and Roberts: Urging CSX support New River Train	2109	3533		3533	2109, 3533

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
39 -	By Senators Trump, Baldwin, Swope, Plymale, Stollings, Ihlenfeld, Maroney and Rucker: Requesting creation of Joint Select Committee on Requirements Governing Water Quality Standards	2143	3285			2143, 3286
*40 -	By Senators Tarr, Baldwin, Jeffries, Stollings and Swope: US Army CPL Roy E. Clark Memorial Bridge	2145, 4081	2332, 3108	3667	3669	2145, 2333, 3289, 3667, 3669
*45 -	By Senators Romano, Facemire, Jeffries and Prezioso: US Army Corporal T-5 Albert John "Engine" Arco Memorial Bridge	3041	3533		3533	3040, 3533
48 -	By Senators Azinger, Baldwin, Beach, Boso, Clements, Cline, Hardesty, Jeffries, Lindsay, Maynard, Romano, Rucker, Smith, Weld and Trump: Requesting study of eliminating use of subminimum wage for people with intellectual, developmental, or other disabilities	2446				2446
65 -	By Senator Maynard: Requesting study allowing retailers pay sales tax for consumer as means of advertising	3882				3882

REGULAR SESSION, 2019

*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
*5 -	By Senators Trump and Boso: Clarification of the Judiciary's Role in Impeachment Proceedings Amendment	936	2327, 3107	3390		937, 2327, 3107, 3390, 3669, 3670

FIRST EXTRAORDINARY SESSION, 2019

*Denotes Committee Substitute

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
103 -	By Delegates Hanshaw (Mr. Speaker) and Miley: West Virginia Anti-hazing Law	4163					4163
104 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Authorizing the West Virginia Board of Physical Therapy to conduct criminal background checks on applicants	4163					4164
105 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating generally to medical cannabis	4164					4165
106 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to the Upper Kanawha Valley Resiliency and Revitalization Program	4166					4166
107 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to state purchasing generally	4166					4167
108 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to regulation of recovery residences	4167					4167
109 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating counseling in a medication-assisted treatment program	4167					4167
110 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Establishing health professionals' student loan programs	4167					4168
111 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to refunds of excise taxes collected from dealers of petroleum products (Chapter 43, Acts, 1st Extraordinary Session, 2019)	4168			4222	4169	4168, 4225, 4231
112 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating generally to the personal income tax (Chapter 44, Acts, 1st Extraordinary Session, 2019)	4169			4222	4171	4170, 4171, 4225, 4231

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
113 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Establishing tax incentive for new business activity in qualified opportunity zones (Chapter 45, Acts, 1st Extraordinary Session, 2019)	4171		4286	4416	4314	4171, 4172, 4286, 4314, 4402, 4405
115 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating generally to court actions in abuse and neglect proceedings (Chapter 28, Acts, 1st Extraordinary Session, 2019)	4172			4222	4173	4172, 4173, 4174, 4225, 4231
116 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating generally to persons eighteen years of age and older in the custody of the Bureau of Juvenile Services (Chapter 29, Acts, 1st Extraordinary Session, 2019)	4174		4223	4222	4175, 4223	4174, 4175, 4176, 4223, 4225, 4231
117 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities (Chapter 47, Acts, 1st Extraordinary Session, 2019)	4176			4231	4177	4176, 4177, 4226, 4231
118 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to the use of post-criminal conduct in professional and occupational initial licensure decision making (Chapter 34, Acts, 1st Extraordinary Session, 2019)	4177		4178, 4233	4233	4181, 4235	4178, 4181, 4182, 4236, 4401, 4405
119 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementing, amending, decreasing, and increasing items from the State Road Fund to the Department of Transportation (Chapter 1, Acts, 1st Extraordinary Session, 2019)	4182			4236	4183	4182, 4183, 4226, 4231
120 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementary appropriation to the Department of Transportation	4183	4193				4183, 4290, 4315, 4321
121 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementing, amending, decreasing, and increasing items from the State Road Fund to the Department of Transportation	4184					4184

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
122 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation by adding new items and increasing existing items to the Executive, Department of Agriculture	4184					4185
123 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementing and amending Chapter 31, Acts of the Legislature, regular session, 2019, known as the budget bill	4185					4185
124 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Executive, Governor's Office	4185					4185
125 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementing and amending appropriation to the Department of Health and Human Resources	4185					4185
126 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementing and amending by decreasing and increasing existing items of appropriation to the Department of Arts, Culture, and History	4186					4186
127 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementing and amending an existing appropriation and adding a new appropriation to the Department of Veterans' Assistance	4186					4186
128 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Secretary of State – General Administrative Fees Account	4186					4186
129 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Agriculture, Department of Agriculture Capital Improvements Fund	4186					4187
130 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementing and amending appropriations to the Department of Health and Human Resources, Division of Health – Central Office	4186					4187

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
131 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementing, amending, increasing and adding new items of appropriations to the Executive, Attorney General, Consolidated Federal Fund	4187					4187
132 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementing and amending existing items of appropriations to the Department of Agriculture (Chapter 2, Acts, 1st Extraordinary Session, 2019)	4187	4268	4406	4406	4322, 4408	4187, 4269, 4315, 4321, 4322, 4408, 4433, 4434
133 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to the admissibility of health care staffing requirements in medical professional liability litigation (Chapter 33, Acts, 1st Extraordinary Session, 2019)	4187			4236	4189	4188, 4189, 4226, 4231
134 -	By Delegates Hornbuckle, Estep-Burton, Tomblin, Walker, N. Brown, Hansen, Angelucci, Longstreth, Fleischauer, Boggs and Pushkin: Increasing annual salaries of public school teachers and school service personnel	4189	4282				4189, 4282, 4315, 4321
135 -	By Delegates Hornbuckle, Doyle, Miley, Caputo, Tomblin, Walker, Pushkin, Pyles, Boggs, Staggers and R. Thompson: Increasing the amount that a faculty senate of a public school may allocate to a classroom	4189					4190
136 -	By Delegates Hornbuckle, Doyle, Miley, Caputo, Lavender-Bowe, Fleischauer, Pyles, R. Thompson, Rowe, Sponaugle and Zukoff: Authorizing a study of student loan payments tax credits and a loan forgiveness program for teachers	4190					4191
137 -	By Delegates Hornbuckle, Miley, Caputo, Lavender-Bowe, Walker, Canestraro, Fleischauer, Pushkin, Pyles, C. Thompson and R. Thompson: Supplementary appropriation to the Department of Health and Human Resources, Division of Health – Central Office	4191					4191
138 -	By Delegates Hornbuckle, Miley, Skaff, Lavender-Bowe, N. Brown, Longstreth, Fleischauer, C. Thompson, R. Thompson, Hartman and Estep-Burton: Restoring local public school flexibility	4191					4191

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
139 -	By Delegates Hornbuckle, Doyle, Campbell, Robinson, Canestraro, Hansen, Diserio, Stagers, R. Thompson, Pyles and Walker: Authorizing a competitive grant program to implement vocational-technical education programs	4191					4191
140 -	By Delegate Cooper: Providing a bonus for teachers willing to teach in certain critical needs areas	4192					4192
141 -	By Delegate Cooper: Relating to school calendar and testing	4192					4192
142 -	By Delegates Hornbuckle, Doyle, Barrett, S. Brown, Williams, Sponaule, N. Brown, Longstreth, R. Thompson, Boggs and Hartman: Relating to modifications to the school aid formula	4192					4192
143 -	By Delegates Miley, Caputo, Canestraro, Evans, Zukoff, Lavender-Bowe, Hartman, S. Brown, Rowe, Sponaule and Stagers: Increasing the basic foundation allowance to the county for professional student support personnel	4192					4193
144 -	By Delegates Hanshaw (Mr. Speaker), Miley and Howell [By Request of the Executive]: West Virginia Business Ready Sites Program (Chapter 40, Acts, 1st Extraordinary Session, 2019)	4246		4322, 4330	4416	4330	4247, 4315, 4322, 4329, 4330, 4402, 4405
145 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: West Virginia Fairness in Competitive Bidding Act	4247					4247
146 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Establishing and funding of substance use disorder treatment and recovery facilities (Chapter 36, Acts, 1st Extraordinary Session, 2019)	4248	4268	4331	4416	4331	4248, 4269, 4315, 4330, 4331, 4403, 4405
147 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Creating a pilot program to encourage utility infrastructure development to certain lands	4248					4248
148 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Executive, Governor's Office (Chapter 3, Acts, 1st Extraordinary Session, 2019)	4248	4268		4416	4331	4249, 4269, 4316, 4331, 4332, 4402, 4405

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
149 -	By Delegates Hanshaw (Mr. Speaker), Miley, Linville, Mandt and Hornbuckle [By Request of the Executive]: Making a supplementary appropriation to the Executive, Governor's Office, Civil Contingent Fund (Chapter 4, Acts, 1st Extraordinary Session, 2019)	4249	4268		4416	4332	4249, 4269, 4316, 4332, 4333, 4402, 4405
150 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund (Chapter 5, Acts, 1st Extraordinary Session, 2019)	4249	4268		4417	4333	4249, 4269, 4316, 4333, 4334, 4402, 4405
151 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund (Chapter 6, Acts, 1st Extraordinary Session, 2019)	4249	4268		4417	4434	4249, 4268, 4316, 4334, 4335, 4402, 4405
152 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation by adding a new item and increasing the expenditure to the Department of Revenue, State Budget Office (Chapter 7, Acts, 1st Extraordinary Session, 2019)	4249	4268		4417	4335	4250, 4268, 4316, 4336, 4402, 4405
153 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, Central Office (Chapter 8, Acts, 1st Extraordinary Session, 2019)	4250	4268		4417	4336	4250, 4268, 4316, 4336, 4402, 4405
154 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Transportation, Division of Highways (Chapter 9, Acts, 1st Extraordinary Session, 2019)	4250	4294		4417	4295	4250, 4294, 4295, 4296, 4402, 4405

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*155 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Supplementing, amending and increasing an item from the State Road Fund to the Department of Transportation, Division of Highways (Chapter 10, Acts, 1st Extraordinary Session, 2019)	4250	4292		4418	4294	4250, 4293, 4294, 4402, 4405
156 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Environmental Protection, Division of Environmental Protection (Chapter 11, Acts, 1st Extraordinary Session, 2019)	4250	4268		4418	4337	4251, 4269, 4317, 4336, 4337, 4402, 4405
157 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management (Chapter 12, Acts, 1st Extraordinary Session, 2019)	4251	4269		4418	4338	4251, 4269, 4317, 4337, 4338, 4403, 4405
*158 -	By Delegates Shott, Jennings, Hamrick, Westfall, Paek, Rohrbach, Dean, Cooper, Wilson and Mandt: Improving education by requiring the state board to establish rules for student accountability regarding performance	4251	4272			4339	4251, 4174, 4317, 4338, 4339
159 -	By Delegates Foster, Espinosa, Shott, Summers, Graves, Kump, Hamrick, Porterfield, Harshbarger and Jennings: Relating to information technology access for the blind and visually impaired	4251	4275			4339	4251, 4275, 4317, 4339
160 -	By Delegates Phillips, Foster, Hamrick, Westfall, Graves, Kump, Espinosa, Cooper, Jennings, Shott and Summers: Ron Yost Personal Assistance Services Act	4252	4275			4342	4252, 4275, 4317, 4339, 4342
161 -	By Delegates Harshbarger, Summers, Cooper, Jennings, Phillips, Kump, Graves, Westfall, Hamrick, Shott and Porterfield: Removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions of code related to the School Building Authority	4252	4275			4343	4253, 4275, 4317, 4343

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*162 -	By Delegates Shott, Foster, Westfall, Graves, Espinosa, Summers, Kump, Phillips, Harshbarger and Jennings: Removing antiquated, redundant, or expired provisions of the code for the administration of education	4253	4272			4344	4254, 4274, 4317, 4343, 4344
163 -	By Delegates Summers, Espinosa, Cooper, Hamrick, Foster, Harshbarger, Westfall, Graves, Kump and Phillips: Removing sections of code relating to administration of education	4254	4275			4344	4254, 4275, 4317, 4344
164 -	By Delegate Hornbuckle: Creating a grant program to improve local education agency efforts to train K-12 students to write and develop computer software programs	4254					4254
165 -	By Delegate C. Thompson: Relating to public school support funding	4255					4255
166 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to school calendar	4255					4255
167 -	By Delegates Householder, D. Jeffries, Ellington, Steele, Waxman, Foster, Phillips, Harshbarger, Mandt, Hill and Hardy: Allowing a tax credit purposes for certain expenses paid by parent or legal guardian of student in providing private or home school	4255	4270				4256, 4271
168 -	By Delegates Shott, Householder, Harshbarger, Howell, Cowles, Espinosa, Cooper, D. Jeffries, Bibby, Mandt and Wilson: Establishing the West Virginia Equal Opportunity Education Scholarship program	4256	4270, 4296				4257, 4271, 4296, 4297, 4321
169 -	By Delegates Householder, Foster, Graves, Worrell, Howell, Cowles, Porterfield, Cooper, D. Jeffries, Bibby and Hanshaw (Mr. Speaker): Relating to modifications to federal adjusted income for qualified education expenses	4257					4258
170 -	By Delegate Hanshaw (Mr. Speaker) [By Request of the Executive]: Relating to student transfers	4258					4258
171 -	By Delegates Hornbuckle and Hanna: Relating to tax exemption for certain school supplies, school instructional materials, laptop and tablet computers, and sports equipment	4258	4270				4258, 4271

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
172 -	By Delegates Pushkin, Rowe and Fleischauer: Extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth	4258					4258
173 -	By Delegate C. Thompson: Providing an annual cost-of-living increase for retired teachers and service personnel	4258	4271				4259, 4271
*174 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Increasing and promoting school innovation and flexibility	4259	4269			4345	4259, 4270, 4318, 4344, 4345
175 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to personal leave for county board of education employees	4259					4259
176 -	By Delegate Espinosa: Relating to powers, duties, membership and meetings of local school improvement councils	4259					4260
177 -	By Delegate Hornbuckle: Creating a pilot program for expansion of school-based mental health and school-based diversion	4260					4261
178 -	By Delegate Hanshaw (Mr. Speaker): Relating to employment of individuals to teach elective courses	4261					4161
179 -	By Delegates Espinosa and Hanna: Increasing basic state aid of school systems with low local resources per student	4261					4161
180 -	By Delegate Espinosa: Relating to school board levy rates	4261					4261
181 -	By Delegate Bates: Education Adequacy Cost Study	4261					4261
182 -	By Delegate Pushkin: Relating to the special community development school pilot program	4262					4262
183 -	By Delegate Ellington: Creating an after school grant program	4262					4262
184 -	By Delegate C. Thompson: Increasing annual salaries of public school teachers and school service personnel	4262					4262
185 -	By Delegates Pushkin and Caputo: Authorizing the right of collective bargaining and the right to strike to teachers and school service personnel	4262					4262

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
186 -	By Delegates Campbell, Staggers and Lavender-Bowe: Expanding Mountaineer Challenge Academy at its existing location and to a new location subject to agreement required under federal law	4262					4262
187 -	By Delegates Lovejoy, Rohrbach, Miller, Hornbuckle, Canestraro, Williams, Robinson, Rowan, S. Brown and Byrd: Establishing the Summer Feeding for All initiative	4262					4263
188 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Funding for professional student support services	4263					4264
189 -	By Delegate Hanshaw (Mr. Speaker) [By Request of the Executive]: Modifying regular school board levy rates	4263					4263
190 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Increasing salaries for teachers	4263					4263
191 -	By Delegate Steele: Relating to exemptions from mandated immunizations	4263					4264
*192 -	By Delegates Shott, Graves, Howell, Kump, Worrell, Dean, Porterfield, Sypolt, Toney, Kessinger and Hill: Removing certain fees for teaching	4264	4283			4345	4264, 4283, 4318, 4345
*193 -	By Delegates Ellington, Linville, Waxman, Foster, Howell, Dean, Harshbarger, Summers, Hamrick, Bibby and Cooper: Relating to a statewide school personnel job bank (Chapter 41, Acts, 1st Extraordinary Session, 2019)	4264	4282	4408	4408	4346, 4410	4264, 4283, 4318, 4345, 4346, 4410, 4433, 4434
194 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to the public school support program	4264					4264
195 -	By Delegate C. Thompson: Requiring designation of teacher certification examinations and passing scores be set by rule of the State Board of Education	4265					4265
196 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to the Underwood-Smith Teaching Scholars Program	4265					4265
197 -	By Delegate C. Thompson: Reforming the Underwood-Smith Teacher Loan Assistance Program into a new program	4266					4266

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
198 -	By Delegate McGeehan: Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax	4266					4266
199 -	By Delegate Pushkin: Establishing a summer education and employment program for low income	4266					4266
200 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Providing additional pay for certain teachers providing math instruction	4266					4266
201 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Education expenses tax credits	4267					4267
202 -	By Delegate Hanshaw (Mr. Speaker): Establishing physical activity requirements in the schools	4267					4267
203 -	By Delegate Wilson: The Experimental School Zone Act	4305					4305
204 -	By Delegates D. Jeffries, C. Martin, P. Martin, Graves, Phillips, Wilson, Steele and Bibby: Eliminating the permit requirement for storing of a concealed handgun in a vehicle on school property	4305					4305
205 -	By Delegate Bates: Reducing compensation of legislators during the First Extraordinary Session of 2019	4306					4306
206 -	By Delegates Espinosa, Wilson, Bibby, Little, Foster, Householder, D. Jeffries, Malcolm, Waxman, Hardy and Phillips: Relating to public education (Chapter 31, Acts, 1st Extraordinary Session, 2019)	4275	4275	4347, 4350, 4355, 4364, 4365, 4371, 4373, 4377, 4379, 4387, 4389, 4393	4418	4392	4280, 4281, 4318, 4346, 4359, 4392, 4399, 4403, 4405
207 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Exempting from business and occupation tax certain merchant power plants (Chapter 46, Acts, 1st Extraordinary Session, 2019)	4422	4425	4425	4431	4427	4423, 4425, 4426, 4427, 4433, 4434

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
208 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Relating to residency, manager, and licensure requirements for West Virginia Alcohol Beverage Control Administration applicants and licensees	4423					4423
*209 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Providing that work performed for recovery from a declared state of disaster or emergency is subject to competitive bidding	4423	4429				4424
210 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Supplementing and amending items of appropriation to Auditor's Office, General Administration	4424	4425			4429	4424, 4427, 4428, 4429

FIRST EXTRAORDINARY SESSION, 2019

*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
101 -	By Delegate Hanshaw (Mr. Speaker): Authorizing adjournments of the Senate and House of Delegates	4144				4145	4144, 4145
102 -	By Delegates Espinosa, Ellington, Wilson, Rowan, Hardy, Bibby, Cowles, Householder, Kessinger and Foster: Desired Vision and Future for Public Education in West Virginia Interim Study	4244	4272			4272	4244, 4272
103 -	By Delegates Espinosa, Ellington, Wilson, Rowan, Hardy, Bibby, Cowles, Householder and Kessinger: Albert Yanni Programs Programs of Excellence in Vocational Education Interim Study	4245	4281			4282	4245, 4282
104 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Providing for the issuance of not to exceed \$600 million of bonds pursuant to the Roads to Prosperity Amendment of 2017	4419			4432	4420	4420
105 -	By Delegates Hanshaw (Mr. Speaker) and Miley [By Request of the Executive]: Providing for the issuance of not to exceed \$200 million of bonds after July 1, 2020 pursuant to the Roads to Prosperity Amendment of 2017	4421			4432	4422	4422

FIRST EXTRAORDINARY SESSION, 2019

*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
101 -	By Delegates Wilson and Kump: Supervision of Free Schools Amendment	4246					4246

FIRST EXTRAORDINARY SESSION, 2019

*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
101 -	By Delegate Hanshaw (Mr. Speaker): Authorizing the creation of select committees on education reform	4162			4163	4162

FIRST EXTRAORDINARY SESSION, 2019

*Denotes Committee Substitute

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
1001 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Upper Kanawha Valley Resiliency and Revitalization Program (Chapter 30, Acts, 1st Extraordinary Session, 2019)	4193			4195	4194, 4195, 4226, 4231
1004 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Antihazing law (Chapter 32, Acts, 1st Extraordinary Session, 2019)	4195			4196	4195, 4196, 4226, 4231
1006 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Authorizing WV Board of Physical Therapy to conduct criminal background checks on initial license applicants (Chapter 35, Acts, 1st Extraordinary Session, 2019)	4196			4198	4197, 4198, 4226, 4231
1009 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Establishing health professionals student loan programs (Chapter 42, Acts, 1st Extraordinary Session, 2019)	4198			4200	4199, 4200, 4226, 4231
1012 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Creating voluntary certification of recovery residences (Chapter 37, Acts, 1st Extraordinary Session, 2019)	4200			4201	4200, 4201, 4202, 4226, 4231
1013 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Permitting certain trained professionals to provide counseling in medication-assisted treatment program (Chapter 38, Acts, 1st Extraordinary Session, 2019)	4202			4203	4202, 4203, 4226, 4231
1015 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation to Secretary of State, General Administrative Fees Account (Chapter 13, Acts, 1st Extraordinary Session, 2019)	4203			4207	4203, 4283, 4306, 4307, 4403, 4406
1016 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation to DOT, Division of Highways (Chapter 14, Acts, 1st Extraordinary Session, 2019)	4204			4205	4204, 4205, 4226, 4231

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
1017 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation to Department of Arts, Culture, and History, Educational Broadcasting Authority (Chapter 15, Acts, 1st Extraordinary Session, 2019)	4205			4308	4205, 4284, 4307, 4308, 4403, 4406
1019 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplementing, amending, decreasing, and increasing existing appropriations from State Road Fund to DOH for fiscal year ending June 30, 2020 (Chapter 16, Acts, 1st Extraordinary Session, 2019)	4206			4206	4206, 4207, 4226, 4231
1020 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplementing and amending Chapter 31, Acts of the Legislature, 2019, known as Budget Bill (Chapter 17, Acts, 1st Extraordinary Session, 2019)	4207			4308	4207, 4284, 4308, 4309, 4403, 4406
1021 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Decreasing existing appropriation and adding appropriation to Department of Veterans' Assistance (Chapter 18, Acts, 1st Extraordinary Session, 2019)	4207			4309	4208, 4284, 4309, 4403, 4406
1023 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplementing, amending, increasing, and adding items of appropriations to Attorney General, Consolidated Federal Fund (Chapter 19, Acts, 1st Extraordinary Session, 2019)	4208			4310	4208, 4284, 4310, 4403, 4406
1024 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation to Department of Agriculture Capital Improvements Fund (Chapter 20, Acts, 1st Extraordinary Session, 2019)	4208			4311	4208, 4284, 4310, 4311, 4403, 4406
1025 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation to DHHR, Division of Human Services for fiscal year ending June 30, 2019 (Chapter 21, Acts, 1st Extraordinary Session, 2019)	4209			4312	4209, 4284, 4311, 4312, 4403, 4406

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
1026 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Expiring funds from Treasurer's Unclaimed Property Fund and supplementing appropriations to Governor's Office (Chapter 22, Acts, 1st Extraordinary Session, 2019)	4209			4210	4209, 4210, 4211, 4227, 4231
1027 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Adding new items and increasing existing items to various accounts (Chapter 23, Acts, 1st Extraordinary Session, 2019)	4211		4284	4312	4212, 4284, 4312, 4313, 4403, 4406
1037 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating generally to medical cannabis (Chapter 39, Acts, 1st Extraordinary Session, 2019)	4212			4221	4213, 4214, 4220, 4221, 4227, 4231
1038 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation to DHHR, Division of Health's Central Office (Chapter 24, Acts, 1st Extraordinary Session, 2019)	4221			4313	4222, 4286, 4313, 4314, 4403, 4406
1039 -	By Senators Carmichael (Mr. President), Rucker, Swope, Tarr, Trump, Blair, Boso, Azinger, Smith and Boley: Establishing Student Success Act	4236				4241, 4242
1040 -	By Senators Carmichael (Mr. President) and Rucker: Education Savings Account Act	4242				4243
1056 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplementing and amending items of appropriation to State Board of Education, State Aid to Schools (Chapter 25, Acts, 1st Extraordinary Session, 2019)	4411			4412	4411, 4412, 4433, 4434
1057 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplementing and amending items of appropriation to State Board of Education (Chapter 26, Acts, 1st Extraordinary Session, 2019)	4412			4413	4413, 4414, 4433, 4434
1058 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplementing and amending item of appropriation to Higher Education Policy Commission (Chapter 27, Acts, 1st Extraordinary Session, 2019)	4414			4415	4414, 4416, 4433, 4434

SECOND EXTRAORDINARY SESSION, 2019

*Denotes Committee Substitute

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
211 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Relating to Tourism Development Act	4440					4440
212 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Relating to expungement of DUI offenses	4440					4441
213 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Supplementing, amending, decreasing, and increasing items of existing appropriations from the State Road Fund	4441					4441

SECOND EXTRAORDINARY SESSION, 2019

*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
201 -	By Delegate Hanshaw (Mr. Speaker): Authorizing adjournments of the Senate and House of Delegates	4446			4450	4447	4447

SECOND EXTRAORDINARY SESSION, 2019

*Denotes Committee Substitute

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
2001 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Extending tax credits for certain tourism development projects (Chapter 3, Acts, 2nd Extraordinary Session, 2019)	4445			4452	4445, 4446, 4450, 4451, 4452, 4453, 4454
2002 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Limiting ability to expunge DUI offenses to those offenses which expungement complies with federal law (Chapter 2, Acts, 2nd Extraordinary Session, 2019)	4441			4443	4442, 4443, 4449, 4450
2003 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplementing, amending, decreasing, and increasing existing appropriations to DOH for fiscal year ending June 30, 2020 (Chapter 1, Acts, 2nd Extraordinary Session, 2019)	4443			4444	4443, 4444, 4445, 4449, 4450

SECOND EXTRAORDINARY SESSION, 2018

*Denotes Committee Substitute

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
201 -	By Delegates Fluharty, Brewer, E. Evans, Ferro, Hartman, Iaquina, Longstreth, Lynch, R. Miller, Sponaugle and Williams: Providing for a special election for State Supreme Court Justice when a vacancy has occurred as the result of impeachment	4514					4514

SECOND EXTRAORDINARY SESSION, 2018

*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
201 -	By Delegate Overington: Investigating allegations of impeachable offenses against the Chief Justice and Justices of the West Virginia Supreme Court of Appeals	4458			4464	4461, 4463
202 -	By Delegate Shott: Relating to the impeachment of Justices of the Supreme Court of Appeals of West Virginia	4469	4469	4486, 4487, 4488		4483
203 -	By Delegates Sponaugle, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Maynard, Moye, Pethel, Pushkin, Pyles, Rodighiero, Rowe and Williams: Recommending the public reprimand and censure of Supreme Court Justice Allen Loughry, II, Supreme Court Justice Robin Davis, Supreme Court Justice Margaret Workman, and Supreme Court Justice Elizabeth Walker	4505			4510	4509
204 -	By Delegate Folk: Recommending the public reprimand and censure of Menis Ketchum and Brent Benjamin, former Justices of the Supreme Court of Appeals of the State of West Virginia.	4510				4510
205 -	By Delegate Cowles: Providing for the appointment of a committee of five on the part of the House of Delegates to go before the Senate to deliver the articles of impeachment	4512			4514	4514

SECOND EXTRAORDINARY SESSION, 2018

*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
201 -	By Senator Weld: Authorizing adjournments of Senate and House of Delegates	4464			4465	4465

TOPICAL INDEX**HOUSE BILLS INTRODUCED THROUGH 03/09/2019**

(This index is arranged based on the general topic of the bills. For Proceedings on bills, *see* Tabular Indices to House Bills, page 4561)

Number**ACTIONS, SUITS AND LIENS**

- 2078. Adding “sexual orientation” and “gender identity” to the categories covered by the Human Rights Act
- 2088. Relating to admissibility of certain evidence in a civil action for damages
- 2478. Modifying the Fair Trade Practices Act
- 2614. Providing protective orders for victims of financial exploitation
- 2618. Including undue influence as a factor in the definition of financial exploitation of an elderly person or protected person
- 2642. Clarifying what constitutes an action requiring service to the Attorney General and notice to the Legislature
- 2670. Relating to damages for medical monitoring
- 2675. Employer Property Protection Act
- 2725. Relating to preventing compensatory damage awards for medical expenses from including certain sums
- 2761. Modernizing the self-service storage lien law
- 2889. Relating to judgment liens
- 3011. Prohibiting provisions within settlement agreements that prevent the disclosure of factual information related to a claim filed in a civil action
- 3082. Repealing antiquated provisions relating to gaming activities

ACTS

- 2113. Intrastate Coal and Use Act
- 2143. West Virginia Firearms Freedom Act
- 2162. West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act
- 2611. Ensuring Patient Safety Act

AGRICULTURE

- 2119. Prohibiting the performing of an onychectomy or flexor tendonectomy procedure on a cat
- 2359. Relating to exemptions to the commercial driver’s license requirements

- 2396. West Virginia Fresh Food Act
- 2461. Relating to cruelty to animals
- 2468. Department of Agriculture Capital Improvements Fund
- 2475. Department of Agriculture Capital Improvements Fund
- 2528. Relating to employees of the Commissioner of Agriculture
- 2532. Allowing certain donations by persons renewing their driver's license or vehicle registration
- 2560. Relating to the operation of state-owned farms
- 2564. Relating to modification of cottage food laws
- 2624. Relating to employees of the Commissioner of Agriculture
- 2643. West Virginia Farm Fresh Raw Milk Act
- 2644. Allowing an owner of Japanese quail to keep them as pets without having to obtain a license
- 2694. Relating to the state's ability to regulate hemp
- 2774. Relating to the right to farm
- 2796. Relating to analysis of samples of industrial hemp production
- 2837. Relating to the licensing of advance deposit wagering
- 2869. West Virginia Healthy Food Crop Block Grant Program
- 2900. Relating to the right to farm
- 2948. West Virginia Agriculture Investment Fund and the West Virginia Agriculture Investment Program
- 2964. Relating generally to the Rural Rehabilitation Loan Program
- 2981. Relating generally to the Rural Rehabilitation Loan Program
- 2986. Requiring retail pet stores to complete registration forms required by the county assessor
- 2998. Relating to agricultural and forest seeds
- 2999. Relating to state certification of industrial hemp and medical cannabis seed
- 3004. Amending the industrial hemp development act consistent with federal law
- 3007. Authorizing the Commissioner of Agriculture to require background checks
- 3021. Relating to the disposition of permit fees, registration fees and civil penalties imposed against thoroughbred horse racing licensees
- 3033. Senior Farmers Market Nutrition Program Fund
- 3059. Relating to buck deer rifle hunting season
- 3068. Relating to sales by pet stores of dogs, cats or rabbits

ALCOHOL

- 2061. Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs
- 2127. Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors

ALCOHOLIC LIQUORS AND BEERS

- 2121. Permitting retail liquor licensees to sell alcoholic beverages after one o'clock p.m. on Sundays
- 2168. Authorizing a temporary foreign brewers import license
- 2392. Allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for charitable events
- 2394. Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage
- 2481. Permitting retail sale of alcoholic beverages on Sundays after 1 p.m.
- 2504. Relating to complimentary samples of nonintoxicating beer or nonintoxicating craft beer
- 2603. Relating to the amount permitted to remain in the West Virginia Alcohol Beverage Control Administration's operating fund
- 2883. Expanding the definitions of locations where enhanced penalties for selling controlled substances to a minor are applicable
- 2916. Expanding the ability of hard cider manufactures to produce hard cider in this state
- 2943. Relating to deliveries by wine specialty shop
- 3031. Permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement
- 3098. Allowing the same business owner to brew and sell beer to also distill and sell liquor
- 3099. Relating to eliminating payments to the Alcohol Beverage Control Commissioner from distilleries and mini-distilleries
- 3100. Clarifying certain provisions of the Nonintoxicating Beer Act
- 3101. Modernizing certain nonintoxicating beer, nonintoxicating craft beer, beer, wine, and liquor laws by permitting certain hours of operation
- 3102. Creating alternating wine proprietorships for wineries and farm wineries
- 3103. Authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises
- 3104. Relating to exception to restrictions on nonresident brewers, manufacturers and distributors
- 3105. Permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement
- 3106. Requiring retail licensees to purchase at least 10 percent of available SKUs from the commissioner
- 3108. Relating to the normalization of cannabis laws
- 3116. Removing current limitations on sales of nonintoxicating beer and nonintoxicating craft beer growlers

ANIMALS

- 2582. Exempting all veterans of the Armed Forces or any reserve component thereof from having to obtain a hunting, trapping fishing license

APPROPRIATIONS

- 2831. Finding and declaring certain claims against the state and its agencies to be moral obligations of the state
- 2855. Allowing rebate moneys to be used for the operation and maintenance of accounting and transparency systems of the State Auditor
- 3080. Redirecting a percentage of any surplus to state institutions of higher education to restore their state allocation funding levels

ATHLETICS

- 2141. Providing for the use of neck braces by football players

BANKING AND FINANCE

- 2538. Providing banking services for medical cannabis
- 2621. Relating to background checks of certain financial institutions
- 2958. Authorizing the State Auditor to conduct regular financial examinations or audits of all volunteer fire companies
- 2968. Adding remote service unit to the definition of customer bank communications terminals
- 3061. Relating to requirements for making consumer loans in West Virginia

BANKS AND BANKING

- 2613. Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance

BOARDS AND COMMISSIONS

- 2038. Relating to the procedure to determine if an occupation or profession should be regulated
- 2039. Requiring county boards of education to employ a certified library media specialist in each county school
- 2122. Relating to more equitable disbursement of funds to county boards
- 2125. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers
- 2153. Relating to social determinants of health
- 2204. Prohibiting state licensing boards from hiring lobbyists
- 2307. Relating to creating a provisional license for practicing barbering and cosmetology
- 2360. Placing the Athletic Commission under the Lottery Commission
- 2385. Providing limited prescriptive authority to a licensed psychologist who meets certain criteria
- 2407. Relating to registered professional nurses
- 2486. Using records of criminal conviction to disqualify a person from receiving a license for a profession or occupation

- 2524. Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances
- 2544. Authorizing local boards of health to assess, charge and collect increased environmental fees for restaurants
- 2592. Requiring all boards referred to in Chapter 30 of the code be located in the same area in the state
- 2598. Relating to submitting a certifying statement attesting to status as a charitable or public service organization
- 2619. Allowing veterans with certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter
- 2637. Excluding electric generating facilities designated as an exempt wholesale generator from being regulated by the PSC
- 2648. Continuing education for registered nurses and advanced nurse practitioners
- 2658. Relating to the State Fire Marshall's comprehensive report
- 2663. Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code
- 2676. Permitting common carriers to operate in any county of this state
- 2697. The Occupational Licensing Consumer Choice Act
- 2760. Relating to performance reviews of state agencies and regulatory boards
- 2804. Relating to termination of the Women's Commission
- 2849. Establishing different classes of pharmacy technicians
- 2863. Establishing an advisory council on rare diseases
- 2872. Authorizing law-enforcement officers to assist the State Fire Marshal
- 2896. Establishing a program to monitor and regulate dangerous pharmaceutical distribution practices
- 2901. Allowing for the establishment of a secondary location for racetrack video lottery terminals
- 2923. Reforming the practice of securing state insurance
- 2929. Authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers
- 2951. Placing the regulation of non-medical professions and occupations in a new chapter of the code
- 2977. Permitting the Board of Dentistry to create specialty certifications
- 3016. Relating to the State Aeronautics Commission
- 3018. Relating to the West Virginia Public Employees Insurance Agency's reimbursement of air-ambulance providers
- 3115. Extending the prescription length of certain life sustaining emergency prescriptions

CHILD WELFARE

- 2161. Prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility
- 2577. Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act
- 2631. Relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children's Health Insurance Program

CIVIL SERVICE

- 2130. Establishing seniority rights for public employees

CONSTITUTIONAL OFFICERS

- 2435. Authorizing Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations
- 2867. Transferring the Medicaid Fraud Control Unit to the Attorney General's office
- 2989. State Settlement and Recovered Funds Accountability Act

CONSUMER PROTECTION

- 2024. Allowing a home improvement transaction to be performed under an oral contract
- 2114. Purchasing certain items from local suppliers
- 2115. Right to Repair Act
- 2129. Prohibiting the use of a credit score in casualty insurance rate filings
- 2163. Relating to consumer protection of new manufactured home warranties
- 2180. Relating to the Consumer Credit and Protection Act
- 2198. Relating to pyramid promotional schemes
- 2341. West Virginia Residential Furniture and Children's Products Flame Retardants Act
- 2380. Protecting consumers from surprise bills by health care providers
- 2478. Modifying the Fair Trade Practices Act
- 2514. Permitting pawn brokers to disclose whether any specific property has been sold or pledged
- 2585. Promulgating a rule for the state building code to require large venues to have portable exit barriers to guide people to targeted exit areas
- 2591. Requiring lighted exit signs in buildings where members of the public may frequent
- 2671. Prevention of Deceptive Lawsuit Advertising and Solicitation Practices Act
- 2680. Relating to third-party litigation financing

- 2811. Relating to generic drug products
- 2996. Repealing the article on unfair trade practices
- 2997. Conforming the state Consumer Credit and Protection Act to the federal Fair Debt Collection and Practices Act
- 3061. Relating to requirements for making consumer loans in West Virginia

CORPORATIONS

- 2736. Relating to standards of proof in civil actions where business structure sought to be disregarded
- 2887. Establishing a West Virginia business growth in low-income communities tax credit
- 2969. Amending the definition of mortgage loan originator
- 3060. Amending the definition of mortgage loan originator

CORPORATIONS AND BUSINESS ENTITIES

- 2576. Establishing a tax credit for new businesses that locate in the state

CORRECTIONS

- 2083. Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license
- 2116. Relating to monitoring, copying and emailing certain inmate mail
- 2368. Relating to education to children and adults housed in correctional facilities and regional jails
- 2462. Issuing a certificate to correctional employees to carry firearms
- 2507. Eliminating good time credit for inmates who have been convicted on a prior occasion of another felony offense in an unrelated matter
- 2535. Relating to purchasing exemptions and procedures
- 2640. Making all inmates regardless of sex eligible to work on a state convict road force
- 2750. Relating to salary increase for Regional Jail Authority employees
- 2764. Relating to the financial responsibility of inmates in relation to civil awards
- 2772. Relating to the Division of Corrections and Rehabilitations acquiring and disposal of services
- 2888. Allowing the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish a work program
- 3008. Reentry Task Force

COUNTIES

- 2025. Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person
- 2044. Relating to pecuniary interest of county and district officers, teachers and school officials in contracts

- 2067. Prohibiting counties, municipalities, and cities from passing any sanctuary ordinances, policies, and procedures
- 2312. Authorizing county commissions to initiate collection actions for emergency ambulance service
- 2444. Prosecuting Attorney's Detectives Act
- 2773. Granting the State Auditor the authority to audit the books and records of local economic development authorities
- 2808. Requiring local entities to enforce immigration laws
- 2840. Allowing a county commission in certain counties to impose an amusement tax to support medical care
- 2861. Local Control and Accountability Act
- 2881. Altering the color scheme for county vehicle registration plates
- 2967. Permitting a county to retain the excise taxes for the privilege of transferring title of real estate
- 2995. Providing county commissioners an ongoing mechanism to consider compensation increases for elected officials
- 3002. Expanding county commissions' ability to dispose of county or district property
- 3055. Permitting levies to pass with a majority of the vote
- 3088. Providing county commissioners an ongoing mechanism to consider compensation increases for elected officials
- 3093. Relating to standards for factory-built homes
- 3130. Creating three separate job titles for school bus operators

COUNTY OFFICIALS

- 2044. Relating to pecuniary interest of county and district officers, teachers and school officials in contracts
- 2410. Requiring county commissions to maintain websites with specific information that is available to the public at no charge
- 2827. Removing the residency requirements for hiring deputy assessors
- 2876. Relating to the commission allowed to a sheriff for collection of taxes
- 2884. Permitting the clerk of a circuit court to charge and collect a fee to search electronic records that requires special programming
- 3034. Relating to Deputy Sheriff Retirement System

COURTS

- 2003. Extending expungement of certain criminal convictions
- 2029. Relating to Public Defender Services
- 2109. Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations
- 2133. Creating an additional magistrate court deputy clerk position for Marion County
- 2164. Clarifying that appeals to the Supreme Court are a matter of right

- 2197. Increasing the salaries of circuit court judges, family court judges, and magistrates
- 2212. Requiring bail bondsman and bail bond enforcer be subject to random drug testing
- 2221. Reducing the cost of the fee for a state license to carry a concealed weapon
- 2222. Requiring the Insurance Commissioner to regulate professional bondsmen
- 2352. Clarifying that appeals to the Supreme Court are a matter of right
- 2495. Authorizing certain West Virginia courthouse security officers to carry concealed firearms
- 2506. Providing that attorneys-at-law may not be involuntarily appointed as counsel in any judicial matter
- 2517. Permitting salary increases for full time official court reporters based upon years of service
- 2566. Changing the rate at which certain judges are paid for mileage
- 2622. Allowing certified facility dogs to accompany witnesses at criminal trials
- 2864. Increasing salaries of magistrates, supreme court justices, circuit court judges, and family court judges
- 2907. Requiring a form of a certified commitment order to the Division of Corrections and Rehabilitation
- 2922. Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids
- 3029. Requiring court reporters be licensed
- 3039. Relating to a court's consideration of the expression of a preference by a child in certain child custody matters
- 3057. Relating to the Adult Drug Court Participation Fund
- 3064. Establishing an intravenous drug user treatment and commitment process
- 3073. Authorizing a court administrator to make determinations of financial eligibility for public defender services

COURTS — MAGISTRATE

- 2091. Increasing the minimum number of magisterial districts in a county

CREDITORS AND DEBTORS

- 2129. Prohibiting the use of a credit score in casualty insurance rate filings

CRIME

- 2033. Establishing procedures for carrying out the death sentence
- 2044. Relating to pecuniary interest of county and district officers, teachers and school officials in contracts
- 2047. Relating to penalties incurred from obstructing, fleeing from and making false statements to law-enforcement

- 2066. Establishing an alternative methodology for pretrial release of persons charged with crimes
- 2092. Providing that any person lawfully entitled to possess a firearm may store a firearm in a motor vehicle on West Virginia State Capitol Complex
- 2109. Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations
- 2158. Relating to alternate sentencing for nonviolent felony offenders
- 2173. Allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance
- 2185. Relating to the removal of animals left unattended in motor vehicles
- 2190. Modifying bail requirements
- 2194. Creating a domestic violence registry
- 2195. Creating the West Virginia Sentencing Commission
- 2196. Creating a felony penalty of life without mercy for the first degree murder of a law-enforcement officer
- 2215. Making it a felony to knowingly expose another individual to HIV
- 2221. Reducing the cost of the fee for a state license to carry a concealed weapon
- 2376. Relating to the legalization of marijuana
- 2382. Making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property
- 2412. Relating to criminal acts concerning government procurement of commodities and services
- 2419. Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance
- 2423. Prohibiting certain sex offenders from being in a supervisory position over children
- 2434. Relating to the Commission on Special Investigations
- 2435. Authorizing Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations
- 2453. Relating to eligibility for parole
- 2467. Relating to permitting nonresidents to obtain state licenses to carry a concealed deadly weapon
- 2471. Increasing criminal penalties for impersonation of law-enforcement officers or officials
- 2485. Relating to expungement of criminal convictions
- 2488. Relating to the theft of consumer identity protections
- 2494. Relating to the ineligibility for home incarceration for offenders under certain circumstances
- 2502. Prohibiting registered sex offenders from participating in Halloween activities
- 2505. Relating to the ineligibility for probation of certain defendants
- 2508. Relating to certain defendants ineligible for probation

- 2509. Clarifying that theft of a controlled substance is a felony
- 2526. Creating an offense for public intoxication due to drug use
- 2527. Relating to forgery and other crimes concerning lottery tickets
- 2562. Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test
- 2563. Relating to civil asset forfeiture
- 2571. Providing that the sale and purchase of copper as scrap metal may not be completed with the payment of cash
- 2587. Prohibiting violations of an individual's civil rights because of disability or sexual orientation
- 2602. Including possession of known stolen property in the offense of receiving or transferring stolen property
- 2608. Repealing the requirement of printing the date a consumer deposit account was opened on paper checks
- 2691. Providing that a license to carry a concealed deadly weapon expires on the holder's birthday
- 2693. Relating to traffic violations as qualifying for deferred adjudication
- 2712. Relating to death penalty for first degree murder
- 2717. Authorizing the Division of Forestry to investigate and enforce timber theft violations
- 2718. Requiring purchasers of roundwood to collect and maintain certain information
- 2739. Relating to contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board
- 2751. Abolishing mandatory prison sentences
- 2752. Adding to the persons who have access to the information kept by the Board of Pharmacy
- 2792. Prohibiting activities connected with sexual abuse of an animal
- 2814. Making it a felony to transport certain drugs into the state with intent to deliver
- 2815. Raising the value of goods or chattels that are taken in a larceny to constitute grand larceny
- 2820. Relating to criminal penalties for reckless driving
- 2822. Creating an enhanced penalty for certain aggravated serious traffic offenses
- 2835. Changing provisions regarding polygraph examinations of sex offenders
- 2838. Relating to a court ordered examination
- 2883. Expanding the definitions of locations where enhanced penalties for selling controlled substances to a minor are applicable
- 2892. Including digital and virtual information in the definition of property that can be searched and seized by a warrant
- 2894. Creating the offense of disturbing the peace by barking or howling dogs
- 2895. Allowing victims of certain crimes to get a restraining order

- 2915. Restricting the performance of abortions and acquiring, providing, receiving, otherwise transferring, or using fetal body parts
- 2933. Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury
- 2940. Relating to admissibility of evidence
- 2959. Relating to unlawful panhandling and solicitation
- 2975. Relating to imposition of sexual acts on persons incarcerated
- 3000. Relating to crimes against public justice
- 3037. Relating to criminal procedure
- 3066. Relating to extended supervision for certain drug offenders
- 3069. Relating to the right of certain persons to limit possession of firearms on premises
- 3109. Implementing the Statewide Sexual Assault Evidence Collection Kit Tracking System
- 3110. Removing the statute of limitations on any misdemeanor which involves a child under 18 years of age
- 3111. Creating the Sexual Assault Victims' Bill of Rights
- 3122. Requiring state institutions of higher education adopt policies and programs relating to sexual assault, domestic violence, and stalking
- 3124. Prohibiting civil rights violations based on disability, gender identity or sexual orientation

CRIMES

- 2218. Modifying the definition of child abuse or neglect to exclude accidental injury
- 2610. Creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated
- 2689. Relating to replacing the present crime of burglary with the crime of home invasion

DISABILITIES

- 2134. Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability
- 2633. Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder

DOMESTIC RELATIONS

- 2175. Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs
- 2188. Nullifying certain adoption orders
- 2313. Relating to adoption records
- 2348. Authorizing magistrates to order emergency removal of child when parent's drug use creates unsafe environment

- 2460. Creating a statutory right to petition circuit and family courts for sibling visitation
- 2503. Relating to court actions
- 2682. Establishing a bill of rights for foster parents
- 2905. Requiring the amount of child support to be paid is effective from the date the petition for the modification was filed
- 3039. Relating to a court's consideration of the expression of a preference by a child in certain child custody matters
- 3074. Ensuring that legal or biological parents have equal access to any and all copies of birth registry forms
- 3091. Relating to a person being required to undergo a psychological or mental health evaluation during divorce or child custody proceeding

DRUGS AND DRUG PARAPHERNALIA

- 2177. Relating to drug testing of legislators

ECONOMIC DEVELOPMENT

- 2014. West Virginia Intellectual Property and Trade Secrets Act
- 2076. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system
- 2083. Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license
- 2085. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
- 2160. Economic and Community Development Task Force
- 2363. Relating to the Upper Kanawha Valley Resiliency and Revitalization Program
- 2420. Establishing the Mountaineer Trail Network Recreation Authority
- 2550. Creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program
- 2939. West Virginia Call Center Jobs Act of 2019
- 2941. Reinstating the film investment tax credit
- 3097. West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act
- 3099. Relating to eliminating payments to the Alcohol Beverage Control Commissioner from distilleries and mini-distilleries
- 3112. Relating to job creation and incentives
- 3123. Taxpayer Protection Act
- 3129. Be Exceptional Starting Today Act

EDUCATION

- 2370. Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax

- 2374. Discontinuing the use of common core standards and assessments in the state
- 2395. Providing school days to register and transport students to vote
- 2742. Making available elective courses on the history of the Old and New Testaments of the Bible
- 2747. Allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent
- 2778. Providing that school nutrition plans include take home meals for low income students

EDUCATION (AND RELATED SUBHEADINGS)

- 2039. Requiring county boards of education to employ a certified library media specialist in each county school
- 2128. Allowing state employees to take paid leave to attend parent-teacher conference for their children
- 2426. Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction

EDUCATION — RETIREMENT

- 2104. Increasing benefits of retired state personnel and retired teachers
- 2152. Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits

EDUCATION (AND RELATED SUBHEADINGS)

- 2126. Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office

EDUCATION (HIGHER)

- 2004. Providing for a program of instruction in workforce preparedness
- 2021. Relating to relocation or closure of state higher education institutions
- 2034. Prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing
- 2059. Expanding the amount of PROMISE scholarship funds awarded to persons majoring in science, technology, engineering and mathematics
- 2065. Expiring the PROMISE Scholarship Program, and establishing the Promise for All Scholarship Program
- 2072. Relating to tuition and fees at community and technical colleges
- 2146. Creating a loan tuition forgiveness program to encourage students in selected and necessary fields to remain in the state
- 2350. Permitting public employees the right to collectively bargain

- 2377. Making Promise scholarships available for students pursuing certificates or degrees through an accredited community and technical college
- 2455. Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency
- 2513. Relating to campus police officers of state institutions of higher learning
- 2519. The Campus Self Defense Act
- 2520. Relating to the Antihazing Law
- 2541. Requiring certain safety measures be taken at public schools
- 2586. Providing programs to train firefighters and emergency medical technicians
- 2604. Permitting service credit in the Teachers Retirement System to persons with alternative school teaching experience
- 2674. Creating a student loan repayment program for a mental health provider
- 2793. Expanding applicability of educational facilities for the West Virginia College Prepaid Tuition and Savings Program
- 2853. Establishing the West Virginia Program for Open Education Resources
- 2862. Relating to the Underwood-Smith scholarship and loan assistance program and teacher scholarship and loan program
- 2882. Creating a health professionals' student loan programs
- 3020. Relating to sole source contracts for goods and services with nonprofit corporations affiliated with the respective education institutions
- 3048. Permitting adjunct professors to serve on the institutional governing boards
- 3096. Relating to four-year higher education
- 3125. Coordinating a plan to provide the first two years of post-secondary education for free

EDUCATION (K12)

- 2002. Education Savings Account Act
- 2004. Providing for a program of instruction in workforce preparedness
- 2009. Creating a new category of Innovation in Education grant program
- 2013. Providing a bonus for teachers willing to teach in certain critical needs areas
- 2022. Permitting county boards of education to accumulate instructional days and use them when needed
- 2093. Relating to seniority rights and school consolidation
- 2095. Assessing the college- and career-readiness of 11th and 12th grade students

- 2100. Establishing a pilot program to develop school-based mental and behavioral health services
- 2205. Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition
- 2322. Providing a salary increase for special education teachers
- 2327. Relating to public school education in dating violence, domestic abuse and sexual violence prevention
- 2345. Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's receptive and expressive language
- 2350. Permitting public employees the right to collectively bargain
- 2363. Relating to the Upper Kanawha Valley Resiliency and Revitalization Program
- 2367. Creating a state program allowing high school students advance to getting a college degree or technical training while in high school
- 2368. Relating to education to children and adults housed in correctional facilities and regional jails
- 2378. Relating generally to grounds for revocation of a teaching certificate
- 2383. Creating a pilot program for expansion of school-based mental health and school-based diversion
- 2386. School Consolidation Task Force
- 2391. Requiring school counselors in public schools to spend 100 percent of their time on comprehensive school counseling programs
- 2397. Requiring county school boards to provide adequate mental health and counseling services
- 2422. Relating to the time for the observation of "Celebrate Freedom Week"
- 2425. Defining a work day for school service personnel and removing a provision relating to employment of licensed practical nurses
- 2433. Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day
- 2448. Middle School Technical Education Program Act
- 2450. Increasing access to career education and workforce training
- 2451. Katherine Johnson Hope Scholarship Act
- 2457. Educational Equality Act
- 2464. Requiring free feminine hygiene products in grades 6 through 12
- 2539. Allowing private entities to lease buildings to local school boards in cases of emergency or condemnation
- 2541. Requiring certain safety measures be taken at public schools
- 2549. Relating to compulsory school attendance
- 2551. Requiring the State Board of Education to develop a method for funding student transportation costs as a stand-alone consideration
- 2554. Relating to transfers and enrollment policies for students in public schools
- 2561. Expanding the eligibility for service on county school boards

- 2593. Limiting the increase or decrease of state funding to a county board of education
- 2604. Permitting service credit in the Teachers Retirement System to persons with alternative school teaching experience
- 2606. Requiring 30 minutes of unstructured play time daily for students in kindergarten through grade 5
- 2615. Requiring the state board of education to develop an elective course on Vocational Agriculture
- 2620. Modifying the contact requirements with a student's guardians upon accrual of unexcused absences
- 2630. Requiring each county school board to employ at least one full time school nurse
- 2632. Tim Tebow Act
- 2639. Placing a limit on the salary of a county superintendent of schools
- 2688. Requiring air conditioning on all school buses
- 2710. Prohibiting manufacturing plants from locating within two air miles of an existing public school
- 2713. Expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers
- 2719. Establishing an optional bus operator in residence program for school districts
- 2758. Establishing minimum numbers of school counselors
- 2766. Relating to a student not advancing to the next grade by teacher recommendation
- 2775. Requiring each high school student to complete a one-half credit course of study in personal finance
- 2777. Requiring schools to offer elective vocational courses in middle schools
- 2787. Requiring schools to have persons with first aid and cardiopulmonary resuscitation training on-site
- 2794. Establishing the Summer Feeding for All initiative
- 2799. Requiring county boards of education to conduct regular structural inspections of school facilities and structures
- 2800. Permitting vocational education classes for homeschooled and private schooled students
- 2803. Increasing the number of days a retired teacher may accept employment
- 2805. Relating to persons to whom schools are open
- 2824. Relating to teacher to pupil ratio in grades first through third
- 2826. Altering the school calendar to begin the Tuesday after Labor Day and end the Friday before Memorial Day
- 2842. Increasing the amount that a faculty senate of a public school may allocate to a classroom teacher or librarian for academic materials
- 2847. Relating to exemptions from mandated immunizations

- 2852. Increasing the expenditure for academic materials, supplies, and equipment
- 2853. Establishing the West Virginia Program for Open Education Resources
- 2859. Authorizing certain teachers to use alternative teaching programs
- 2860. Relating to mandatory drug testing of all classes of employees in K through 12 schools
- 2865. Changing the school aid formula Step 7 allowances for instructional technology and enrollment advanced placement and dual credit
- 2870. Reducing the number of students and schools that a school nurse must serve
- 2913. Relating to language development milestones
- 2917. Relating to classroom teachers retaining seniority
- 2919. Establishing an Education Employees Fund
- 2921. Extending period in which county boards of education may hire certified, retired teachers in areas of critical shortages of certified teachers
- 2938. Relating to vocational and technical education programs
- 2952. Reducing the personnel of the State Department of Education
- 2963. Modifying the school calendar
- 2965. Providing that schools that do not follow protocol on head injuries in interscholastic athletes are subject to disciplinary actions
- 2994. Requiring cursive writing to be taught in grades K-5
- 3001. Increasing compensation of county board of education members
- 3006. Providing school day to register and transport students to vote
- 3058. Granting full time employees of county boards of education three months of paid leave following the birth of a child
- 3090. Relating to employment, promotion and transfer of professional personnel by county boards of education
- 3113. Directing county school boards to construct covered bus stops
- 3114. Eliminating the requirement that schools be closed on election days
- 3118. Relating to mandatory drug testing for state legislators and teachers
- 3127. Relating to the Secondary School Activities Commission and participation by home schooled students
- 3128. Changing the recommended guidelines for full-day and half-day cooks to the minimum ratio of one cook for every 110 meals
- 3130. Creating three separate job titles for school bus operators

ELECTED OFFICIALS

- 2126. Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office
- 2176. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists

ELECTIONS

- 2008. Relating to nonpartisan election of justices of the Supreme Court of Appeals
- 2169. Allowing a group of affiliated voters to become a recognized political party under certain criteria
- 2179. Allowing nonmembers of a political party to request that party's partisan ballot at a primary election
- 2217. Requiring all local special elections to be held on the days and hours of general, primary or state-wide elections
- 2309. Allowing municipalities to cancel elections when only one person is running
- 2362. Ardala Miller Memorial Act
- 2395. Providing school days to register and transport students to vote
- 2432. Electing members of county school boards on a nonpartisan basis in general elections
- 2456. Relating to the definition of a political party for all state and local elections
- 2499. Relating to the publication of sample ballots for electronic voting machines
- 2547. Relating to the election prohibition zone
- 2600. Relating to publication of sample ballots
- 2605. Relating to the regular election of officers on state general election day
- 2692. Relating to primary elections and procedures
- 2707. Relating to the apportionment of representation
- 2753. Permitting stand-in candidates for gubernatorial and presidential contests
- 2910. Eliminating the automatic voter registration program
- 2990. Redistricting of the Senate
- 3006. Providing school day to register and transport students to vote
- 3041. Relating to electioneering or distributing literature at early voting locations
- 3077. Permitting election day registration of voters
- 3094. Relating to political affiliation of elected officials

ENERGY

- 2102. Relating generally to horizontal well control standards
- 2131. Establishing the Legislative Oversight Commission on Energy Workers Safety
- 2138. Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling
- 2537. West Virginia Black Lung Program
- 2568. Increasing the tax on the privilege of severing natural gas and oil
- 2726. Entitling natural resource producers to the economic opportunity tax credit

- 2767. Reducing the severance tax on thermal or steam coal
- 2812. Allowing the Office of Miners' Health, Safety and Training to inspect the records of employers of certified persons for compliance purposes
- 2832. Requiring drug testing companies to have contractor IDs and mandatory safety training before performing work on mine property
- 2866. Relating to the termination, expiration, or cancellation of oil or natural gas leases
- 2875. Relating generally to coal mine safety
- 2960. Relating to entry onto private property for certain purposes by a federally regulated natural gas company

ENVIRONMENT

- 2073. Implementing the recommendations of the studies required by the Natural Gas and Horizontal Well Control Act
- 2076. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system
- 2496. Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities
- 2544. Authorizing local boards of health to assess, charge and collect increased environmental fees for restaurants
- 2555. Banning plastic bags
- 2556. Relating to required notices for air quality permits prior to the permit being granted
- 2673. Creating the Oil and Gas Abandoned Well Plugging Fund
- 2711. Requiring public hearing for applicant for air quality permit relating to facility of certain investment value
- 2979. Relating to abandoned mines
- 3120. West Virginia Beverage Container Recycling and Litter Control Act

ENVIRONMENTAL PROTECTION

- 2113. Intrastate Coal and Use Act

ESTATES AND TRUSTS

- 2193. Providing a specific escheat of US savings bonds
- 2552. Relating to the intestate share of a decedent's surviving spouse
- 2609. Relating to presumptions of abandonment and indication of ownership in property
- 2740. Barring a parent from inheriting from a child in certain instances
- 2746. Relating to administration of estates
- 2759. Providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration

ETHICS

- 2044. Relating to pecuniary interest of county and district officers, teachers and school officials in contracts
- 2176. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2497. Relating to the whistle-blower law
- 3119. Relating generally to the ethical standards for elected and appointed officials and public employees

FINANCE AND ADMINISTRATION

- 2035. Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit
- 2144. Relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions
- 2145. Relating to payment by paper warrant
- 2166. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle
- 2720. Authorizing certain investigators and first responders to carry firearms
- 2756. Requiring contractors performing work for government contracts on computers use software to verify the hours
- 2769. Citizen and State Accountability Act
- 2790. West Virginia Monument and Memorial Protection Act of 2019
- 2843. Creating an Office for Federal Surplus Property
- 2972. Authorizing local units of government to adopt local energy efficiency partnership programs
- 3051. Relating to requiring state, county, and municipal government agencies to provide all employees an annual statement of total compensation

FIRE FIGHTING AND PREVENTION

- 2107. Providing meetings and conference rights for members of municipal fire departments
- 2208. Reducing federal adjusted gross income for volunteer fire department and rescue squad members

FIREARMS

- 2143. West Virginia Firearms Freedom Act
- 2223. Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation

FUEL

- 2134. Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability

FUNDS

2776. Providing one-time supplements to all annuitants when they reach the age of seventy

GOVERNMENTAL AGENCIES

2176. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
2581. Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card

GOVERNOR — BILLS REQUESTED BY

2020. Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution
2366. West Virginia Appellate Review Reorganization Act of 2019
2413. Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act
2414. Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act
2415. Requiring the State Board of Education to adopt a policy detailing the appropriate level of computer science instruction
2416. Relating to the use of state owned rights-of-way
2449. WV Invests Grant Program
2452. Creating the West Virginia Cybersecurity Office
2482. Relating to the reorganization of state agencies involved in emergency and disaster planning
2483. Relating to incentives for mathematics teachers
2557. Exempting social security and tier one railroad retirement benefits from personal income tax
2567. Allowing an individual to petition a circuit court for the expungement of misdemeanor offenses
2584. Relating generally to funding of Public Employees Health Insurance Program
2665. Supplemental appropriation for PEIA Rainy Day Fee
2666. Supplemental appropriation to the Department of Veterans' Assistance
2667. Supplemental appropriation to the Department of Military Affairs and Public Safety, Division of Corrections
2668. Supplemental appropriation to the Department of Administration, Public Defender Services
2702. Relating to the wireless enhanced 911 fee
2730. Increasing the compensation of the membership of the State Police and the salaries for public school teachers and school service personnel

- 2782. Supplementary appropriation to the Department of Health and Human Resources
- 2783. Supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Justice and Community Services
- 2795. Supplementing and amending by decreasing an existing appropriation and adding a new appropriation to the Department of Revenue
- 3084. Supplementary appropriation to Governor's Office, Civil Contingent Fund
- 3085. Supplementary appropriation to the State Board of Education
- 3086. Allowing contracts for services related to response, recovery or relief of a declared state of emergency to be entered into without bidding
- 3087. Relating to interagency procurement of commodities and services

HAZARDOUS MATERIALS

- 2136. Clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates

HEALTH

- 2074. Life at Conception Act of 2019
- 2077. Prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present
- 2079. Removing certain limitations on medical cannabis grower, processor and dispensary licenses
- 2080. Authorizing possession and smoking of medical cannabis by approved persons
- 2081. Allowing medical cannabis to be grown outdoors by licensed growers
- 2082. Authorizing the earlier issuance of identification cards to approved medical cannabis consumers and caregivers
- 2084. Permitting certain felons to work in licensed behavioral health facilities
- 2189. Relating generally to the disclosure of certain confidential information
- 2214. Requiring applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors
- 2227. Nondiscrimination in Involuntary Denial of Treatment Act
- 2319. Creating a state-administered wholesale drug importation program
- 2323. Raising the legal age for purchase of tobacco and tobacco products
- 2326. Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health
- 2331. Relating to legalizing cannabis production, sales and adult consumption

- 2337. Assessing the health impact of any new, or modification to, rule proposed by the Secretary of the Department of Environmental Protection
- 2345. Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's receptive and expressive language
- 2383. Creating a pilot program for expansion of school-based mental health and school-based diversion
- 2408. Requiring hospitals and birthing centers to also test newborn infants for spinal muscular atrophy
- 2424. Changing the name of the Health Care Authority to the Health Care Cost Review Authority
- 2428. Creating a state administered wholesale drug importation program
- 2430. Prohibiting forcing currently owner-occupied residences to be required to participate in a public sewer or public water system
- 2436. Relating to diseases in newborn children
- 2490. Preventing proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades
- 2493. Nondiscrimination in Involuntary Denial of Treatment Act
- 2525. Tobacco Cessation Therapy Access Act
- 2537. West Virginia Black Lung Program
- 2544. Authorizing local boards of health to assess, charge and collect increased environmental fees for restaurants
- 2558. Adding the definition of grantee to include state spending units and local governments
- 2581. Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card
- 2583. Family Planning Access Act
- 2607. Relating to the licensure of nursing homes
- 2612. Proposing rules related to the completion or updating of source water protection plans
- 2652. Relating to public health
- 2656. Health Care Choice Act
- 2729. Recognition of Emergency Medical Services Personnel Licensure Interstate Compact
- 2731. Exempting from a certificate of need obstetrics maternity and delivery services provided by an acute care hospital
- 2768. Reducing the use of certain prescription drugs
- 2788. Relating to life-sustaining treatment policies of health care facilities; "Simon's Law"
- 2801. Requiring abortions to be performed by a licensed physician
- 2806. Relating generally to the Pharmacy Audit Integrity Act and the regulation of pharmacy benefit managers
- 2817. Youth Mental Health Protection Act
- 2825. Creating a workgroup to review the hospice need standards in this state

- 2847. Relating to exemptions from mandated immunizations
- 2848. Relating to the West Virginia ABLE Act
- 2890. Relating to the expansion of newborn testing to include Adrenoleukodystrophy
- 2903. Fetal Heartbeat Act
- 2908. Relating to HIV testing
- 2915. Restricting the performance of abortions and acquiring, providing, receiving, otherwise transferring, or using fetal body parts
- 2936. Relating to medical cannabis organizations
- 2945. Relating to vendors paying a single annual fee for a permit issued by a local health department
- 2950. Relating to employees of local boards of health
- 2953. Permitting a critical access hospital to become a community outpatient medical center
- 2956. Expanding comprehensive coverage for pregnant women through Medicaid
- 2961. Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly
- 2978. Improving the quality of West Virginia's Medicaid program
- 2983. Relating to therapeutic rights of minors
- 2987. Relating to Involuntary treatment for alcohol and other drug abuse
- 2988. Relating to tobacco usage restrictions
- 3005. Requiring patients who are pregnant while undergoing medication-assisted treatment to receive prenatal care
- 3018. Relating to the West Virginia Public Employees Insurance Agency's reimbursement of air-ambulance providers
- 3019. Health Care Transparency Act
- 3028. Workplace Violence Prevention for Health Care and Social Service Workers Act
- 3042. Requiring prescriptions be made by electronic means
- 3049. Improving dissemination of boiled water advisories to affected communities

HOLIDAYS

- 2747. Allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent

HUMAN RIGHTS

- 2025. Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person
- 2050. Prohibiting confidential settlement terms of a contested case involving sexual harassment, sexual abuse, or sexual assault
- 2062. The Healthy and Safe Workplace Act
- 2074. Life at Conception Act of 2019

- 2078. Adding “sexual orientation” and “gender identity” to the categories covered by the Human Rights Act
- 2320. Establishing a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States
- 2335. Family Protection Act
- 2349. Prohibiting discrimination based upon age or sexual orientation
- 2406. Exempting persons with valid religious objections from having their photographs taken and placed on government licenses
- 2546. Excluding from tax equipment installed in a motor vehicle for use of a person with a medical necessity
- 2553. The Motion Picture Open Captioning Act
- 2741. Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act
- 2755. Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act
- 2763. Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act
- 2816. Removing the terms “hearing impaired,” “hearing impairment,” and “deaf mute” from the West Virginia Code and substituting terms
- 2899. Creating the West Virginia Intrastate Commerce Improvement Act
- 2985. West Virginia Faith Freedom Act

HUMAN SERVICES

- 2007. Eliminating the certificate of need program
- 2010. Relating to foster care
- 2084. Permitting certain felons to work in licensed behavioral health facilities
- 2154. Creating a litigation practice license for social workers
- 2206. Transitioning foster children into managed care
- 2328. Relating to designation of social workers in the Department of Health and Human Services
- 2336. Relating to the state’s Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver
- 2381. Exempting certain contracts between the Department of Health and Human Resources and West Virginia University, Marshall University or the School for Osteopathic Medicine from state purchasing requirements
- 2437. Relating to transitioning foster children into managed care
- 2447. Exempting certain kindergartens, preschools and school education programs that are operated by a private school from state licensure requirements
- 2459. Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law
- 2492. Relating to mandatory reporting procedures of abuse and neglect of adults and children

- 2664. The West Virginia Refugee Absorptive Capacity Act
- 2669. West Virginia Child Advocate for the Protection of Children Act
- 2683. Establishing a bill of rights of children in foster care
- 2893. Increasing minimum salaries for Bureau for Child Support Enforcement attorneys
- 2902. Relating to wages of persons with disabilities
- 2955. Adding one member to the Medicaid Advisory Panel from the West Virginia Chiropractic Society
- 2956. Expanding comprehensive coverage for pregnant women through Medicaid
- 2971. Permitting public libraries to purchase or contract with the most fiscally responsible Internet service providers
- 2978. Improving the quality of West Virginia's Medicaid program

INFRASTRUCTURE

- 2099. Relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom

INSURANCE

- 2053. Providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015
- 2063. Prohibiting use of a person's credit history in certain insurance transactions
- 2213. Mountain State Employee Compensation Realignment Act
- 2222. Requiring the Insurance Commissioner to regulate professional bondsmen
- 2224. Relating to insurance coverage for breast cancer screening
- 2310. Repealing the Public Employees Insurance Agency Finance Board
- 2332. Relating to insurance unfair trade practices
- 2361. Establishing certain requirements for dental insurance
- 2393. Fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee
- 2394. Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage
- 2399. Relating to regulating prior authorizations
- 2400. Eliminating taxation on annuity considerations collected and received by a life insurer
- 2474. Relating to a reserving methodology for health insurance and annuity contracts
- 2476. Relating to the valuation of a motor vehicle involved in an insurance claim
- 2479. Corporate Governance Annual Disclosure Act

- 2480. Relating to the regulation of an internationally active insurance group
- 2536. Relating to the Mine Subsidence Insurance program
- 2617. Relating to the form for making offer of optional uninsured and underinsured coverage by insurers
- 2647. Self Storage Limited License Act
- 2651. Relating to pharmacy benefit managers
- 2656. Health Care Choice Act
- 2677. Repealing the article providing for Provider Sponsored Networks
- 2690. Relating to guaranty associations
- 2700. Requiring the Public Employees Insurance Agency to use the West Virginia Medicaid Prescription Plan
- 2754. Establishing certain requirements for dental insurance
- 2770. Fairness in Cost-Sharing Calculation Act
- 2781. Permitting a person to obtain a 12-month supply of contraceptive drugs
- 2810. Modifying the method of calculation of the employer and employee contribution percentages for public employee insurance premiums
- 2873. Establishing an insurance program for health and medical insurance coverage to be offered in counties with limited insurance providers
- 2908. Relating to HIV testing
- 2909. Relating to definition of terms
- 2954. Defining certain terms used in insurance
- 2993. Defining a reduction in coverage and clarifying what is a termination for property insurance
- 3018. Relating to the West Virginia Public Employees Insurance Agency's reimbursement of air-ambulance providers
- 3038. Increasing access to contraceptive drugs, devices, and procedures
- 3052. Ensuring coverage for residents with preexisting conditions
- 3067. Relating to third-party litigation financing
- 3078. Relating generally to paid family and medical leave

INSURANCE — HEALTH

- 2575. Freezing PEIA employee premiums for three years
- 2577. Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act
- 2613. Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance
- 2631. Relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children's Health Insurance Program
- 2649. Providing state health care services for all active and inactive duty military personnel

INSURANCE — MOTOR VEHICLES

2613. Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance

INSURANCE (AND RELATED SUBHEADINGS)

2125. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers
2129. Prohibiting the use of a credit score in casualty insurance rate filings

JUVENILES

2096. Relating to the juvenile justice reform oversight committee
2174. Relating to the placement of juvenile status offenders
2317. Requiring the release of an unemancipated minor's medical records for drug testing
2383. Creating a pilot program for expansion of school-based mental health and school-based diversion
2460. Creating a statutory right to petition circuit and family courts for sibling visitation
2578. Allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license
2983. Relating to therapeutic rights of minors

LABOR

2004. Providing for a program of instruction in workforce preparedness
2023. Repealing provision prohibiting employers from discriminating for use of tobacco products
2045. Removing the requirement for contactors to file payroll information on public improvement construction projects
2048. Relating to the definition of an "employee" for purposes of payment of minimum wages, maximum hours, and overtime compensation
2056. Repealing the West Virginia Workplace Freedom Act and restoring prior law
2057. Reestablishing prevailing wages for certain state government contracts
2125. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers
2350. Permitting public employees the right to collectively bargain
2441. Removing certain requirements related to wages for construction of public improvements
2470. Allowing public school education or employer-sponsored training programs to count towards occupational certification and/or licensure

- 2534. Requiring available materials, supplies, equipment and other items purchased by the state and its agencies to be made in the United States
- 2646. Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees
- 2786. Uniform Worker Classification Act
- 2845. Relating to apprenticeship programs
- 2871. Increasing the state minimum wage
- 2875. Relating generally to coal mine safety
- 2906. Providing for security of private, employer-sponsored insurance and/or retirement plans
- 2939. West Virginia Call Center Jobs Act of 2019
- 3121. Enacting fair workweek employment standards

LAW ENFORCEMENT

- 2061. Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs
- 2137. Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement
- 2333. Relating to career progression of members of the State Police

LAW ENFORCEMENT — STATE POLICE

- 2105. Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service
- 2106. Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers
- 2135. Requiring the Superintendent of the State Police to implement a plan to increase the number of troopers

LEGAL GAMING

- 2178. Legalizing interactive gaming
- 2184. Removing restrictions on where certain traditional lottery games may be played
- 2191. Relating generally to limited video lottery
- 2346. Changing the licensing requirement for certain casino employees
- 2527. Relating to forgery and other crimes concerning lottery tickets
- 2839. Making changes in distribution of racetrack video lottery net terminal income
- 2857. Relating to qualifications for a limited video lottery operator's license
- 2931. Clarifying that the State Lottery Commission has no authority over nonlottery games

- 2932. Transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards
- 2934. West Virginia Lottery Interactive Wagering Act
- 3025. Providing for the Racing Commission to approve number of racing days requested by racing association

LEGISLATURE

- 2147. Limiting pay of members of the Legislature when a budget bill has not been passed
- 2172. Limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session
- 2176. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2181. Prohibiting lobbying by certified candidates for a seat in the West Virginia Legislature
- 2434. Relating to the Commission on Special Investigations
- 2439. Relating to fire service equipment and training funds for volunteer and part-volunteer fire companies
- 2445. Creating the Independent Redistricting Commission of the Joint Committee on Government and Finance
- 2506. Providing that attorneys-at-law may not be involuntarily appointed as counsel in any judicial matter
- 2705. Redistricting of the Senate into 16 two-member senatorial districts and redistricting the House into 96 single member districts
- 2707. Relating to the apportionment of representation
- 2760. Relating to performance reviews of state agencies and regulatory boards
- 2831. Finding and declaring certain claims against the state and its agencies to be moral obligations of the state
- 2904. Implementing drug testing for legislators of the State of West Virginia
- 2928. Relating to the Public Service Commission
- 3117. Prohibiting the Legislature from negotiating with illegal strikers
- 3118. Relating to mandatory drug testing for state legislators and teachers

LEGISLATURE—RULE MAKING

- 2231. Department of Administration, Purchasing Division
- 2232. Department of Agriculture, Farm to Food Bank Tax Credit
- 2233. DEP, Air Quality Board, Ambient Air Quality Standards
- 2234. DEP, Air Quality Board, Standards of Performance for New Stationary Sources
- 2235. DEP, Air Quality Board, Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities

- 2236. DEP, Air Quality Board, Emission Standards for Hazardous Air Pollutants
- 2237. DEP, Air Quality Board, Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded, or Approved
- 2238. DEP, Air Quality Board, Provisions for Determination of Compliance with Air Quality Management Rules
- 2239. DEP, Air Quality Board, Cross-State Air Pollution Rule
- 2240. Fire Commission, State Building Code
- 2241. Department of Health and Human Resources, Newborn Screening System
- 2242. Health and Human Resources, Chronic Pain Management Clinic Licensure
- 2243. Department of Health and Human Resources, rule relating to collection and exchange of data related to overdoses
- 2244. Health Care Authority, rule relating to cooperative agreement approval and compliance
- 2245. Division of Highways, rule relating to employment procedures
- 2246. Division of Labor, rule relating to wage payment and collection
- 2247. Division of Labor, rule relating to regulation of heating, ventilating, and cooling work
- 2248. Board of Medicine, rule relating to licensing and disciplinary procedures: physicians; podiatric physicians and surgeons
- 2249. Board of Medicine, rule relating to permitting and disciplinary procedures: educational permits for graduate medical interns, residents, and fellows
- 2250. Office of Miners' Health, Safety, and Training, rules and regulations governing the safety of those employed in and around surface mines
- 2251. Office of Miners' Health, Safety, and Training, rules and regulations governing the submission and approval of a comprehensive mine safety program
- 2252. Office of Miners' Health, Safety, and Training, rules for operating diesel equipment in underground mines
- 2253. Board of Osteopathic Medicine, rule relating to licensing procedures for osteopathic physicians
- 2254. Board of Pharmacy, rule relating to licensure and practice of pharmacy
- 2255. Board of Pharmacy, rule relating to board of pharmacy rules for registration of pharmacy technicians
- 2256. Board of Pharmacy, rule relating to regulations governing pharmacy permits
- 2257. Board of Pharmacy, rule relating to regulations governing pharmacists
- 2258. Board of Registered Professional Nurses, rule relating to advanced practice registered nurse

- 2259. Secretary of State, filing and formatting rules and related documents and other documents for publication in the State Register
- 2260. Secretary of State, rule relating to loan and grant programs under the Help America Vote Act
- 2261. Secretary of State, rule relating to early voting in-person satellite precincts
- 2262. Secretary of State, rule relating to notaries public
- 2263. Board of Social Work, rule relating to code of ethics
- 2264. State Tax Department, rule relating to aircraft operated under a fractional ownership program
- 2265. State Tax Department, rule relating to senior citizen tax credit for property taxes paid
- 2266. State Tax Department, rule relating to administration of tax on purchases of wine and liquor inside and outside of municipalities
- 2267. State Tax Department, rule relating to exchange of information agreement between Tax Division and Division of Environmental Protection
- 2268. State Tax Department, rule relating to exchange of information agreement between the State Tax Division and the Alcohol Beverage Control Administration
- 2269. State Tax Department, rule relating to exchange of information pursuant to written agreement
- 2270. State Tax Department, rule relating to exchange of information agreements
- 2271. State Tax Department, legislative rule relating to exchange of information agreement
- 2272. State Tax Department, rule relating to exchange of information agreement between the State Tax Department and the Office of the State Fire Marshal
- 2273. Department of Administration, rule relating to state-owned vehicles
- 2274. Department of Administration, rule relating to leasing of space and acquisition of real property on behalf of state spending units
- 2275. Commissioner of Agriculture, rule relating to animal disease control
- 2276. Commissioner of Agriculture, rule relating to industrial hemp
- 2277. Commissioner of Agriculture, rule relating to rural rehabilitation loan program
- 2278. Commissioner of Agriculture, rule relating to captive cervid farming
- 2279. Commissioner of Agriculture, rule relating to agritourism
- 2280. Commissioner of Agriculture, rule relating to farmers markets
- 2281. Commissioner of Agriculture, rule relating to seed certification program
- 2282. Relating to administrative rules of the West Virginia State Athletic Commission

2283. Department of Environmental Protection, rule relating to requirements governing water quality standards
2284. Board of Licensed Dietitians, rule relating to licensure and renewal requirements
2285. Department of Health and Human Resources, rule relating to behavioral health centers licensure
2286. Department of Health and Human Resources, rule relating to assisted living residences
2287. Department of Health and Human Resources, rule relating to food establishments
2288. Department of Health and Human Resources, rule relating to food manufacturing facilities
2289. Department of Health and Human Resources, rule relating to medication-assisted treatment-office-based medication-assisted treatment
2290. Division of Labor, rule relating to child labor
2291. Lottery Commission, rule relating to West Virginia Lottery sports wagering rule
2292. Division of Natural Resources, rule relating to commercial whitewater outfitters
2293. Division of Natural Resources, rule relating to rules for Cabwaylingo State Forest trail system two- year pilot project permitting ATVs and ORVs
2294. Board of Pharmacy, rule relating to rules for the substitution of biological pharmaceuticals
2295. Racing Commission, rule relating to thoroughbred racing
2296. Real Estate Appraiser Licensing and Certification Board
2297. Registered Professional Nurses, rule relating to policies, standards, and criteria for the evaluation and accreditation of colleges, or schools of nursing
2298. Board of Examiners for Registered Professional Nurses, rule relating to requirements for registration and licensure
2299. Board of Examiners for Registered Professional Nurses, rule relating to standards for scope of professional nursing practice
2300. Board of Registered Professional Nurses, rule relating to fees for services rendered by the board
2301. Board of Examiners for Registered Professional Nurses, rule relating to dialysis technicians
2302. Board of Social Work, rule relating to qualifications for the profession of social work
2303. State Tax Department, rule relating to payment of taxes by electronic funds transfer
2304. Treasurer's Office, rule relating to reporting and claiming unknown and unlocatable interest owners reserved interests

2760. Relating to performance reviews of state agencies and regulatory boards

LIBRARIES

2039. Requiring county boards of education to employ a certified library media specialist in each county school

LICENSES

2150. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents

LOCAL AND SPECIAL LAWS

2831. Finding and declaring certain claims against the state and its agencies to be moral obligations of the state
3045. Exempting certain complimentary hotel rooms from hotel occupancy tax

MILITARY AFFAIRS

2223. Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation
2582. Exempting all veterans of the Armed Forces or any reserve component thereof from having to obtain a hunting, trapping fishing license
2649. Providing state health care services for all active and inactive duty military personnel

MILITARY AND VETERANS

2030. Permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license
2058. Exempting retirement income of members of certain uniformed services from state income tax
2064. Relating to a five percent bid preference on certain state contracts for businesses owned fifty-one percent by honorably discharged resident veterans
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
2388. Relating to property exempt from taxation for military and veterans who have been honorably discharged
2427. Paying a monthly allotment to certain veterans
2466. Providing for state employees to drive veterans to and from certain appointments
2533. Relating to military service credit for retirement purposes

- 2545. Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee
- 2619. Allowing veterans with certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter
- 2672. Exempting honorably discharged veterans of the from payment of fees and costs for a license to carry deadly weapons
- 2732. Defend the Guard Act
- 2926. Requiring the Secretary of the Department of Veterans' Affairs to study the housing needs of veterans

MINES AND MINERALS

- 2113. Intrastate Coal and Use Act
- 2131. Establishing the Legislative Oversight Commission on Energy Workers Safety

MOTOR VEHICLES

- 2036. Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park
- 2060. Relating to the procedures for driver's license suspension and revocation in criminal proceedings for driving under the influence of alcohol, controlled substances or drugs
- 2069. Requiring all commercial and professional drivers be fingerprinted and undergo a background check
- 2094. Exempting motor vehicles from personal property tax
- 2166. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle
- 2183. Clarifying where a charge of DUI may be brought against an individual
- 2207. Requiring that a state employee with a commercial driver's license have a current medical evaluation certification
- 2214. Requiring applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors
- 2219. Authorizing certain motor vehicle manufacturers to operate as new car dealers
- 2329. Providing a special license plate for pollinators
- 2338. Allowing the owner of an antique military vehicle to display alternate registration insignia
- 2343. Permitting inspectors working within the Division of Dealer Services of the Division of Motor Vehicles to carry a concealed weapon on duty
- 2355. Limiting the continuous operation of a vehicle in the left lane
- 2359. Relating to exemptions to the commercial driver's license requirements

- 2369. Creating a special motor vehicle collector license plate
- 2390. Exempting from certain contract and common carrier laws motor vehicles used exclusively in the transportation of railroad personnel
- 2417. Clarifying that a vehicle may not be backed into a public street or highway unless it does not interfere with other traffic
- 2429. Creating the Vehicle Registration Scofflaw Elimination Program
- 2440. Granting a veteran with a hundred percent service-connected disability a \$10,000 exemption from the assessed value for one vehicle
- 2458. Providing that West Virginia will not participate in the REAL ID Act of 2005
- 2501. Authorizing municipal fire departments specialized license plates
- 2511. Requiring members of the State Police to follow the towing services policy of the county
- 2512. Authorizing the Department of Motor Vehicles to issue certain vital records in the custody of the State Registrar
- 2516. Making it easier the renewal of driver license with the designation of "Veteran" and to provide a lifetime license for certain veterans
- 2522. Authorizing minors with a graduated driver's license to pump gasoline
- 2532. Allowing certain donations by persons renewing their driver's license or vehicle registration
- 2545. Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee
- 2546. Excluding from tax equipment installed in a motor vehicle for use of a person with a medical necessity
- 2596. Providing for a special "Don't Tread On Me" license plate
- 2616. Providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage
- 2627. Removing all costs and fees from a Silver Star registration plate
- 2653. Creating a presidential service registration plate
- 2654. Removing certain vehicles from the requirement for vehicle inspection
- 2657. Relating to registration of military surplus vehicles
- 2723. Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle
- 2784. Extending the expiration of driver's licenses for active military members' spouses
- 2820. Relating to criminal penalties for reckless driving
- 2822. Creating an enhanced penalty for certain aggravated serious traffic offenses
- 2846. Relating to special vehicle registration plates
- 2850. Relating to qualifications for commercial driver's license
- 2851. Providing a special license plate to support adoption
- 2868. Requiring federal agencies register vehicles based in this state

- 2886. Establishing requirements for a Division Motor Vehicles office or Division of Motor Vehicles Now kiosk to be present in a county
- 2910. Eliminating the automatic voter registration program
- 2930. Relating to emergency vehicles
- 2935. Relating to licensing of drivers utilizing bioptic telescopic devices
- 2942. Relating to the contents of driver's license
- 2949. Requiring applications for an instruction permit or a driver's license desires to contain an option for contributions to the West Virginia Department of Veterans Assistance
- 2970. Jeff Jones Act

MOTOR VEHICLES (AND RELATED SUBHEADINGS)

- 2426. Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction

MUNICIPALITIES

- 2006. Relating to municipal home rule
- 2067. Prohibiting counties, municipalities, and cities from passing any sanctuary ordinances, policies, and procedures
- 2085. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
- 2107. Providing meetings and conference rights for members of municipal fire departments
- 2117. Relating to the approval of the Historic Landmarks Commission
- 2118. Relating to the power of local government authorities to regulate vehicular traffic within their borders
- 2120. Providing local government the authority to place video cameras at road intersections
- 2216. Defining the term minor boundary adjustment
- 2305. Relating to the authority of municipalities to restrict firearm possession
- 2316. Relating to municipal home rule
- 2498. Allowing municipalities to prepay their annual contributions to the policemen's or firemen's pension and relief fund
- 2572. Making the written plans of municipalities that have been approved by the Municipal Home Rule Board permanent
- 2699. Relating to municipal annexation by minor boundary adjustment
- 2708. Local Government Labor and Consumer Marketing Regulatory Limitation Act
- 2728. Establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program
- 2743. Eliminating reference to municipal policemen's pension and relief funds and firemen's pension and relief funds in section restricting investment
- 2808. Requiring local entities to enforce immigration laws

- 2881. Altering the color scheme for county vehicle registration plates
- 2973. Local Energy Efficiency Partnership Act
- 3043. Clarifying that municipalities may enact ordinances for rates, fees, and charges based upon actual use of services
- 3093. Relating to standards for factory-built homes

NATURAL RESOURCES

- 2030. Permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license
- 2055. Prohibiting drilling units from being established without consent of all owners
- 2110. Reallocating and dedicating the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin
- 2111. Relating to pension benefits exempt from state income taxation
- 2137. Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement
- 2150. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents
- 2151. Relating to the beginning and expiration of hunting and fishing licenses
- 2334. Establishing an industrial water extraction fee
- 2373. Streamlining the process of abandoned mineral interests
- 2384. Establishing the West Virginia Division of Natural Resources Police Officer Retirement System
- 2404. Providing an increase in compensation for natural resources police officers
- 2420. Establishing the Mountaineer Trail Network Recreation Authority
- 2442. Increasing compensation for conservation officers
- 2484. Mountaineer Trail Network Recreation Authority
- 2518. Authorizing the tracking of wounded or injured deer or bear with leashed dogs
- 2521. Relating to permitting fur-bearer parts
- 2540. Prohibiting the waste of game animals, game birds or game fish
- 2578. Allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license
- 2597. Creating a hunting permit to safely accommodate visually impaired hunters
- 2599. Awarding service weapons to special natural resources police officers upon retirement
- 2636. Exempting volunteer firefighters from fees for hunting, fishing and trapping licenses and permits

- 2641. Requiring owners of oil and gas wells to install and maintain separate meters that calculate the amount of production from those wells
- 2709. Relating to hunting licenses
- 2714. Relating generally to sediment control during commercial timber harvesting operations
- 2715. Relating to Class Q special hunting permit for disabled persons
- 2716. Relating to vessel lighting and equipment requirements
- 2727. Relating to conducting a study of the Upper Mud River Lake
- 2791. Allowing persons with developmental disabilities to receive a base hunting license
- 2809. Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area
- 2834. Updating and modernizing the minimum spacing provisions for the drilling of horizontal deep wells
- 2858. Permitting the taking of bait fish with a net not exceeding 12 foot in radius
- 2879. Authorizing lifetime hunting, fishing, and trapping licenses for foster or adoptive children
- 2980. Mine Trespass Act
- 2984. Relating to the licensing process for hunting and fishing licenses
- 3032. Modifying the types of bolts and arrows that may be used in crossbow hunting
- 3053. Relating to rules for hunting antlered deer
- 3065. Orphan Oil and Gas Well Prevention Act

OIL AND GAS

- 2131. Establishing the Legislative Oversight Commission on Energy Workers Safety

PARKS AND RECREATION

- 2140. Providing a ten percent discount to residents at state parks and forests
- 2150. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents

PROFESSIONS AND OCCUPATIONS

- 2049. Relating to a prime contractor's responsibility for wages and benefits
- 2052. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2090. Relating to advertising by physicians and podiatrists
- 2119. Prohibiting the performing of an onychectomy or flexor tendonectomy procedure on a cat

- 2192. Requiring pawnbrokers to providing certain information to law-enforcement agencies
- 2199. Requiring pawnbrokers to providing certain information to law-enforcement agencies
- 2203. West Virginia Contractor Licensing Act
- 2210. Relating to the criminal offense of therapeutic deception
- 2324. Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy
- 2347. Providing long-term care and substance abuse treatment
- 2401. Licensing the practice of athletic training
- 2443. Granting the West Virginia Board of Examiners for Registered Professional Nurses the sole authority for the accreditation of nursing schools
- 2472. Providing a special license plate for pollinators
- 2510. Relating to special funds of boards of examination or registration
- 2634. Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses
- 2671. Prevention of Deceptive Lawsuit Advertising and Solicitation Practices Act
- 2681. Providing guidance for prosecuting attorneys in cases involving abused and neglected children
- 2714. Relating generally to sediment control during commercial timber harvesting operations
- 2811. Relating to generic drug products
- 2947. Relating generally to telemedicine prescription practice requirements and exceptions
- 2982. Amending and updating the laws relating to auctioneers
- 3023. Including home confinement officers in definition of law-enforcement officers
- 3029. Requiring court reporters be licensed
- 3042. Requiring prescriptions be made by electronic means
- 3089. Modifying licensing requirements for the practice of telemedicine and surgery or podiatry

PUBLIC EMPLOYEES

- 2128. Allowing state employees to take paid leave to attend parent-teacher conference for their children
- 2130. Establishing seniority rights for public employees
- 2132. Increasing the amount of annual and incremental salary increases for eligible state employees
- 2133. Creating an additional magistrate court deputy clerk position for Marion County

- 2577. Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act
- 2628. Including volunteer firefighters within the Public Employees Insurance Act
- 2635. Granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase
- 2650. Establishing seniority rights for public employees
- 2721. Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind
- 2748. Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System
- 2750. Relating to salary increase for Regional Jail Authority employees

PUBLIC SAFETY

- 2031. Permitting persons who have been issued state licenses to carry concealed deadly weapons to carry those weapons on the grounds of the State Capitol Complex
- 2032. Permitting the carrying of concealed weapons on the campus of a state institution of higher education
- 2070. Permitting persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet
- 2097. Relating to the hunting of coyotes
- 2155. Relating to Capitol Complex security access
- 2170. Right to keep and bear arms
- 2171. Increasing frequency of the State Police updating the state sex offender registry
- 2341. West Virginia Residential Furniture and Children's Products Flame Retardants Act
- 2350. Permitting public employees the right to collectively bargain
- 2411. Relating to accounting for the use of funds from state grants and from formula distributions to volunteer and part-volunteer fire departments
- 2439. Relating to fire service equipment and training funds for volunteer and part-volunteer fire companies
- 2446. Blue Alert Plan
- 2473. Prohibiting the private ownership or operation of a prison
- 2502. Prohibiting registered sex offenders from participating in Halloween activities
- 2511. Requiring members of the State Police to follow the towing services policy of the county
- 2563. Relating to civil asset forfeiture
- 2626. Relating to emergency medical services

- 2645. Relating to power of security guards to arrest individuals
- 2685. Refugee Information Act
- 2695. Relating to purchases made by the Director of the Division of Protective Services for equipment to maintain security at state facilities
- 2698. Authorizing the Division of Corrections and Rehabilitation to release to county prosecutors of this state certain information
- 2757. Authorizing the Governor to seek the return of fugitives
- 2765. Allowing firearms-qualified tax division investigators to carry firearms
- 2821. Updating provisions for command, clerical and other pay
- 2880. Relating to training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation
- 2885. Increasing salaries for members of the West Virginia State Police
- 2920. Creating state and local law-enforcement review boards
- 2958. Authorizing the State Auditor to conduct regular financial examinations or audits of all volunteer fire companies
- 3070. Relating to the accrued benefit of retirees in the West Virginia State Police Retirement System

PUBLIC SERVICE COMMISSION

- 2124. Expanding the authority of motor carrier inspectors
- 2202. Relating to net metering
- 2430. Prohibiting forcing currently owner-occupied residences to be required to participate in a public sewer or public water system
- 2589. Relating to solar energy on formerly mined land
- 2660. Relating to the manner in which actual investment of capital and costs and a natural gas utility's expedited cost recovery are calculated
- 2661. Relating to natural gas utilities
- 2722. Requiring the use of statutory income tax rates for ratemaking purposes for certain public utilities
- 2830. Establishing Next Generation 911 services in this state
- 2898. Relating to billing practices of public utilities
- 2928. Relating to the Public Service Commission
- 2946. Clarifying Public Service Commission jurisdiction over water and sewer utilities owned by political subdivisions
- 2974. Exempting businesses relating to transporting certain used tires to storage, disposal, or recycling locations from provisions of chapter
- 3017. Relating to the deregulation of natural gas for certain consumers
- 3024. West Virginia Business Ready Sites Program
- 3075. Terminating the Public Service Commission
- 3076. Transferring jurisdiction over vehicle weight enforcement and excess weight permit issuances to the State Police

3092. Creating a pilot program to encourage utility infrastructure development to certain lands

REAL AND PERSONAL PROPERTY

2085. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
2123. Uniform Partition of Heirs Property Act
2163. Relating to consumer protection of new manufactured home warranties
2180. Relating to the Consumer Credit and Protection Act
2187. Requiring that lien releases filed with county clerk's office include the Deed of Trust Book and page numbers
2563. Relating to civil asset forfeiture
2590. Relating to payment of taxes by co owner or others
2601. Relating to the review and approval of state property leases
2696. Creating an additional index system for state-owned lands
2779. Providing that proceeds from certain oil and gas wells to persons whose name or address are unknown are to be kept in a special fund
2802. Uniform Partition of Heirs Property Act
2866. Relating to the termination, expiration, or cancellation of oil or natural gas leases
2937. Increasing fees for late payment of self-storage rental fees
2944. Relating to paving contracts
3046. Relating to compensation paid to landowners when interest in property taken by eminent domain is for a nongovernmental entity
3054. Relating to the state agency for surplus property
3056. Providing protections, under certain circumstances, to owners of livestock and other domestic animals
3062. Relating to sale of delinquent tax liens

REAL PROPERTY

2094. Exempting motor vehicles from personal property tax
2139. Allowing quarterly payment of real and personal property taxes

RECORDS AND PAPERS

2024. Allowing a home improvement transaction to be performed under an oral contract
2142. Issuing identification documents to homeless individuals residing at homeless shelters
2200. Prohibiting a person appointed agent under a power of attorney from exerting undue influence over the principal
2356. Requiring each executive branch agency to maintain a website that contains certain information
2679. Relating to state issued identification cards

RETIREMENT

- 2051. Annual retirement annuity adjustment West Virginia State Police Retirement System
- 2229. Adding violations of law upon which a public servant's retirement plan may be forfeited
- 2409. Preserving previously approved pensions awarded through the state Municipal Policemen's or Municipal Firemen's Pension and Relief Funds
- 2418. Including family court judges in the Judges' Retirement System
- 2421. Establishing a minimum monthly retirement annuity of \$750 for certain retirees
- 2431. Relating to eligibility in the Public Employees Retirement System for those newly elected or appointed members of the State Legislature
- 2498. Allowing municipalities to prepay their annual contributions to the policemen's or firemen's pension and relief fund
- 2533. Relating to military service credit for retirement purposes
- 2580. Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income
- 2595. Establishing the West Virginia Division of Natural Resources Police Officer Retirement System
- 2604. Permitting service credit in the Teachers Retirement System to persons with alternative school teaching experience
- 2635. Granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase
- 2706. Relating to statement and computation of teachers' service for members of the State Teachers Retirement System
- 2738. Authorizing prepayment of certain required payments into a policemen's pension and relief fund or a firemen's pension and relief fund
- 2743. Eliminating reference to municipal policemen's pension and relief funds and firemen's pension and relief funds in section restricting investment
- 2748. Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System
- 2771. Relating to deputy sheriff retirement system act
- 2780. Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System
- 2785. Reopening period to allow purchase of State Teachers Retirement System service credit following transfer
- 2789. Increasing the amount excluded from the gross income of individuals receiving retirement benefits as police officers or firefighters

- 2818. Reopening period to allow purchase of State Teachers Retirement System service credit by transfer
- 2912. Requiring the Consolidated Public Retirement Board to increase by one percent, the monthly annuity payment for each retiree
- 3010. Establishing a 911 Emergency Services Retirement System
- 3030. Relating to the West Virginia Public Employees Retirement Act
- 3034. Relating to Deputy Sheriff Retirement System
- 3035. Members of certain state, county, and municipal public employee retirement plans option to purchase credit for Peace Corps service
- 3036. Relating to the West Virginia State Police Retirement System
- 3047. Providing that moneys in the West Virginia Emergency Medical Services Retirement Fund are exempt from taxation, garnishment and other process
- 3095. Establishing a minimum monthly retirement annuity for certain retirees

RETIREMENT — EDUCATION PERSONNEL

- 2104. Increasing benefits of retired state personnel and retired teachers
- 2152. Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits

RETIREMENT — PUBLIC EMPLOYEES

- 2104. Increasing benefits of retired state personnel and retired teachers
- 2111. Relating to pension benefits exempt from state income taxation

RETIREMENT (AND RELATED SUBHEADINGS)

- 2111. Relating to pension benefits exempt from state income taxation

ROADS AND HIGHWAYS

- 2426. Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction

ROADS AND TRANSPORTATION

- 2011. Road Maintenance Program
- 2012. Establishing country roads accountability and transparency
- 2027. Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers
- 2112. Relating to failure to maintain state and public roads
- 2148. Requiring recycling of metal if cost effective
- 2159. Requiring paving contracts for state highways to have special requirements to prevent potholes
- 2387. Requiring the Commissioner of Highways to verify legal employment status of contractors and vendor's employees for certain road and bridge contracts
- 2487. Pothole app and map

- 2565. Collecting a user fee from oil and gas producers who use secondary roads in the state
- 2594. Prohibiting railroads from blocking crossings on privately owned streets
- 2629. Ending tolls on the West Virginia Turnpike effective July 1, 2019
- 2638. Increasing the penalties for overtaking and passing a school bus
- 2687. Exempting law enforcement and emergency vehicles from paying turnpike tolls
- 2701. Relating to general restrictions for outdoor advertising
- 2723. Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle
- 2735. Relating to state road construction
- 2762. Modernizing rental car transactions
- 2823. Requiring Department of Highways to make available a calendar of projects and related information for each district
- 2836. Providing a special license plate for spay and neuter advocates
- 2877. Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access
- 2897. Relating to driving restrictions in school zones
- 2924. Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website
- 3014. Aligning the salary of the Director of the State Rail Authority with similar positions in state government
- 3027. Relating generally to the West Virginia Highway Design-Build Pilot Program
- 3044. Requiring the Commissioner of Highways to develop a formula for allocating road funds

SAFETY

- 2131. Establishing the Legislative Oversight Commission on Energy Workers Safety
- 2135. Requiring the Superintendent of the State Police to implement a plan to increase the number of troopers
- 2138. Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling
- 2141. Providing for the use of neck braces by football players
- 2161. Prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility
- 2634. Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses

SALARIES

- 2105. Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service

- 2106. Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers
- 2127. Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors
- 2132. Increasing the amount of annual and incremental salary increases for eligible state employees
- 2213. Mountain State Employee Compensation Realignment Act
- 2308. Katherine Johnson Fair Pay Act of 2019
- 2404. Providing an increase in compensation for natural resources police officers
- 2442. Increasing compensation for conservation officers
- 2463. Increasing the minimum wage based upon increases in the consumer price index
- 2639. Placing a limit on the salary of a county superintendent of schools
- 2925. Changing the title of the Commissioner of Culture and History to the Curator of Arts, Culture, and History
- 3022. Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated
- 3051. Relating to requiring state, county, and municipal government agencies to provide all employees an annual statement of total compensation

SENIOR CITIZENS

- 2533. Relating to military service credit for retirement purposes
- 2625. Establishing reimbursement rates for congregate and in-home meals
- 2776. Providing one-time supplements to all annuitants when they reach the age of seventy

STATE PERSONNEL

- 2051. Annual retirement annuity adjustment West Virginia State Police Retirement System
- 2053. Providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015
- 2054. Giving all honorably discharged veterans ten extra points when successfully completing a civil service examination
- 2166. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle
- 2182. Prohibiting certain persons from operating state-owned vehicles
- 2213. Mountain State Employee Compensation Realignment Act
- 2310. Repealing the Public Employees Insurance Agency Finance Board
- 2325. Relating to net neutrality for state government

- 2343. Permitting inspectors working within the Division of Dealer Services of the Division of Motor Vehicles to carry a concealed weapon on duty
- 2350. Permitting public employees the right to collectively bargain
- 2393. Fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee
- 2438. Relating generally to survivor benefits for emergency response providers
- 2455. Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency
- 2491. Providing certain employees of the Highways increases in annual pay
- 2497. Relating to the whistle-blower law
- 2559. Requiring a special report by the Division of Personnel
- 2570. Providing that schools be closed for two weeks during the holiday season preceding Christmas Day and following New Year's Day
- 2713. Expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers
- 2765. Allowing firearms-qualified tax division investigators to carry firearms
- 2810. Modifying the method of calculation of the employer and employee contribution percentages for public employee insurance premiums
- 2844. Relating to the state employee merit system
- 2874. Increasing annual compensation for the West Virginia State Police, public school teachers, and school service personnel
- 2912. Requiring the Consolidated Public Retirement Board to increase by one percent, the monthly annuity payment for each retiree
- 3051. Relating to requiring state, county, and municipal government agencies to provide all employees an annual statement of total compensation

TAXATION

- 2001. Relating to exempting social security benefits from personal income tax
- 2005. Broadband Expansion Act of 2019
- 2026. Relating to gasoline and fuel excise tax
- 2058. Exempting retirement income of members of certain uniformed services from state income tax
- 2068. Providing counties the power to establish a county sales tax under certain circumstances
- 2071. Exempting a percentage of social security benefits from personal income tax
- 2075. Exempting certain law-enforcement officers from payment of income and personal property taxes

- 2076. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system
- 2087. Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties
- 2089. Relating to erroneous tax assessments and overpayments to the county
- 2098. Home Instruction Tax Relief Act
- 2101. Modifying the tax on soft drinks to only cover sugary drinks
- 2108. Creating the West Virginia Earned Income Tax Credit
- 2149. Relating to the Farm-To-Food Bank Tax Credit
- 2156. Creating a tax credit for improving facades in historic districts
- 2157. Relating to the right of municipalities and counties to buy real estate for delinquent taxes
- 2168. Authorizing a temporary foreign brewers import license
- 2201. Relating to personal income taxes
- 2211. Budget and Spending Transparency Act
- 2220. Exempting percentages of social security benefits from personal income tax for certain taxpayers
- 2225. Providing a tax credit for first time home buyers
- 2226. Providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid
- 2228. Allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants
- 2230. Exempting from personal income tax the entirety of any income received under the federal Social Security system for certain persons
- 2311. Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired
- 2318. Changing the persons responsible for the taxes on soft drinks and soft drink syrups
- 2334. Establishing an industrial water extraction fee
- 2339. Establishing the "Stay in State" tax credit
- 2340. West Virginia Earned Income Tax Credit
- 2342. Taxation With Representation Act
- 2344. Livable Home Tax Credit
- 2370. Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax
- 2371. Abolishing the Personal Income Tax
- 2372. Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans
- 2375. Save the Hospitals Act
- 2388. Relating to property exempt from taxation for military and veterans who have been honorably discharged
- 2398. Exempting all-terrain vehicles and utility terrain vehicles used as farm equipment from the sales tax

- 2402. Exempting social security benefits from personal income tax
- 2403. Exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes
- 2405. Imposing a healthcare related provider tax on certain health care organizations
- 2440. Granting a veteran with a hundred percent service-connected disability a \$10,000 exemption from the assessed value for one vehicle
- 2454. Allowing low income senior citizens to receive certain tax credits without filing a state income tax return
- 2455. Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency
- 2457. Educational Equality Act
- 2477. Establishing different rates of taxation for tobacco products for certain border counties
- 2489. Relating to the removal of the severance tax on oil and gas produced from low producing oil and natural gas wells
- 2500. Exempting certain hygiene products from sales tax
- 2515. Exempting the sale and installation of mobility enhancing equipment from the sales and use tax
- 2523. Increasing the amount of time a taxpayer has to seek relief from a county commission from an erroneous assessment
- 2529. Exempting social security benefits from state personal income tax
- 2543. Increasing the tax on the privilege of severing natural gas and oil
- 2546. Excluding from tax equipment installed in a motor vehicle for use of a person with a medical necessity
- 2548. Creating a healthy living tax credit against the personal income tax
- 2569. Reinstating the film tax credits
- 2572. Making the written plans of municipalities that have been approved by the Municipal Home Rule Board permanent
- 2574. Repealing the soft drink tax
- 2576. Establishing a tax credit for new businesses that locate in the state
- 2579. Relating to the collection of tax and the priority of distribution of an estate or property in receivership
- 2580. Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income
- 2590. Relating to payment of taxes by co owner or others
- 2623. Requiring the assessor of each county to, within three months of a deed filing in the county clerk's office of each county, prepare a new property tax ticket
- 2655. Increasing the modification reducing income for personal income tax for retired teachers and retired state employees
- 2659. Establishing a tax on the production of natural gas to fund the public employees insurance program

- 2678. Eliminating the personal property tax on new vehicles
- 2684. Relating to exempting "specie" from taxation
- 2703. Relating to refunds of excise taxes collected from dealers of petroleum products
- 2724. Small Business Tax Credit
- 2726. Entitling natural resource producers to the economic opportunity tax credit
- 2737. Relating to training of State Tax Division employees
- 2744. Relating to officer liability for unremitted consumers sales and service tax
- 2745. Authorizing railroads and commercial watercraft to claim a refundable exemption from the variable rate component of the motor fuel excise tax
- 2749. Relating to quarterly payment of real and personal property taxes
- 2765. Allowing firearms-qualified tax division investigators to carry firearms
- 2767. Reducing the severance tax on thermal or steam coal
- 2786. Uniform Worker Classification Act
- 2797. Relating to modification reducing federal adjusted gross income for social security benefits
- 2798. Amending tax laws to conform to changes in how partnerships and their partners are treated for federal income tax purposes
- 2807. Creating an additional modification to the West Virginia adjusted gross income of shareholders of S corporations engaged in banking
- 2813. Relating generally to collection of use tax
- 2819. Relating generally to contractors
- 2827. Removing the residency requirements for hiring deputy assessors
- 2829. Relating to the termination of severance taxes on limestone and sandstone
- 2854. Exempting sales from the consumers sales and service tax and use tax by not for profit volunteer school support groups raising funds for schools
- 2876. Relating to the commission allowed to a sheriff for collection of taxes
- 2891. Creating tax credits for new and/or existing small businesses
- 2918. Imposing an additional assessment on certain real property
- 2927. Establishing a tax credit for a taxpayer family member of a child in the custody of the taxpayer due to the addiction of one or both parents
- 2941. Reinstating the film investment tax credit
- 2957. Permitting residential customers to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income
- 2962. Providing a four-day sales tax holiday for certain school supplies
- 2966. County Budget Flexibility Act

- 2967. Permitting a county to retain the excise taxes for the privilege of transferring title of real estate
- 2976. Economic Diversification Act of 2019
- 3003. Relating generally to the effect on regular levy rate when appraisal results in tax increase
- 3009. The Young Professional Tax Credits
- 3012. Providing new graduates of an in-state or out-of-state higher educational institution a tax credit on the personal property tax
- 3013. College Graduate Tax Credit
- 3015. West Virginia Residential Incentive Tax Credit Act
- 3026. Establishing a tax credit for businesses who hire, promote and develop women and minorities into executive, professional or administrative roles
- 3043. Clarifying that municipalities may enact ordinances for rates, fees, and charges based upon actual use of services
- 3045. Exempting certain complimentary hotel rooms from hotel occupancy tax
- 3047. Providing that moneys in the West Virginia Emergency Medical Services Retirement Fund are exempt from taxation, garnishment and other process
- 3050. West Virginia Municipal Broadband Expansion Act
- 3062. Relating to sale of delinquent tax liens
- 3063. Relating to a home Instruction and private school tax credit
- 3071. Relating to electronic cigarettes
- 3079. Relating to withholding tax on income from natural resources royalty payments
- 3081. Relating to Good Samaritan Food Donation Act
- 3097. West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act
- 3104. Relating to exception to restrictions on nonresident brewers, manufacturers and distributors
- 3107. Requiring the Secretary of the Department of Revenue to post on the Internet a unified economic development report
- 3126. Providing an exemption from the consumer sales and service tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of aircraft

TAXATION — PERSONAL & CORPORATE INCOME TAX

- 2111. Relating to pension benefits exempt from state income taxation
- 2139. Allowing quarterly payment of real and personal property taxes

TAXATION — PROPERTY

- 2139. Allowing quarterly payment of real and personal property taxes

TOURISM

2150. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents

TRANSPORTATION

2633. Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder

UNEMPLOYMENT COMPENSATION

2365. Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation

UNIFORM LAWS

2086. Uniform Real Property Electronic Recording Act
2306. Revised Uniform Fiduciary Access to Digital Assets Act
2389. Model Veterans Treatment Court Act
2856. Relating to the administration of the operating fund of the securities division of the Auditor's office
2914. Establishing commissioners for out-of-state notarizations of documents relating to West Virginia property

UTILITIES

2364. Relating to the underbilling of customers by public utilities
2430. Prohibiting forcing currently owner-occupied residences to be required to participate in a public sewer or public water system
2573. Relating to payment for the construction of any expanded or upgraded public service district facilities in certain circumstances
2734. Relating to reduced rates for low-income residential customers of privately-owned sewer and combined water and sewer utilities
2911. Permitting third party ownership of on-site renewable and alternative generating facilities
2928. Relating to the Public Service Commission
3072. Permitting customers and developers to enter into solar power purchase agreements

WORKERS COMPENSATION

2321. Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder
2588. Relating to occupational pneumoconiosis claims
2833. Relating to occupational pneumoconiosis
3040. Repealing the law which makes prime contractors liable for the failure of subcontractors to make proper payments for workers' compensation

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Regular Session, 2019**HOUSE BILLS**

Bill No. Chapter	Bill No. Chapter	Bill No. Chapter
2001 248	2481 18	2709 179
2004 97	2490 213	2715 180
2009 98	2492 141	2716 181
2010 44	2509 54	2737 201
2020 31	2510 124	2739 75
2036 261	2515 251	2740 83
2049 158	2521 177	2743 64
2083 58	2524 195	2746 109
2183 262	2525 214	2759 110
2191 121	2538 40	2761 169
2193 107	2540 178	2768 218
2204 122	2541 100	2770 155
2209 192	2547 104	2809 182
2307 193	2550 88	2813 252
2311 249	2583 215	2816 126
2324 194	2600 105	2821 231
2351 147	2601 125	2827 65
2359 173	2607 216	2829 253
2362 103	2608 48	2831 46
2378 237	2609 108	2846 174
2396 12	2612 217	2848 219
2405 250	2617 152	2849 196
2422 99	2618 2	2850 175
2439 223	2647 153	2853 168
2446 230	2662 238	2854 254
2452 123	2665 32	2856 127
2459 140	2666 33	2872 232
2462 59	2667 34	2907 81
2474 148	2668 35	2926 263
2476 149	2690 154	2934 128
2479 150	2691 264	2945 220
2480 151	2694 13	2947 197

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Regular Session, 2019**HOUSE BILLS****-Continued-**

Bill No. Chapter	Bill No. Chapter	Bill No. Chapter
2954 156	3021 131	3135 36
2958 129	3045 255	3139 205
2968 41	3057 82	3140 183
2975 76	3083 202	3141 132
2982 37	3093 43	3142 256
3007 14	3095 203	3143 52
3016 130	3131 204	3144 257
3020 137	3132 221	

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Regular Session, 2019**SENATE BILLS**

Bill No. Chapter	Bill No. Chapter	Bill No. Chapter
1 133	238..... 259	377 157
3 42	240..... 166	387 80
4 60	241..... 233	393 7
13 111	255..... 206	396 187
16 266	264..... 72	398 67
17 77	267..... 91	400 188
18 68	268..... 241	402 74
26 89	269..... 242	404 8
27 112	270..... 235	405 243
28 61	272..... 114	408 116
30 142	285..... 3	421 86
36 240	291..... 239	424 20
40 78	295..... 73	435 21
60 184	310..... 143	441 134
61 79	316..... 62	442 22
72 69	317..... 176	443 23
90 258	318..... 138	444 24
100 66	323..... 4	452 25
101 70	324..... 5	453 38
103 113	329..... 92	461 117
119 185	330..... 115	481 118
152 71	340..... 47	485 144
153 85	344..... 6	489 145
154 90	345..... 222	491 101
157 159	352..... 55	493 260
163 160	354..... 19	496 9
175 161	356..... 225	499 244
177 162	357..... 226	502 245
187 163	358..... 227	510 1
199 164	360..... 49	511 15
223 165	369..... 186	518 53
237 224	373..... 56	519 228

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Regular Session, 2019**SENATE BILLS****-Continued-**

Bill No. Chapter	Bill No. Chapter	Bill No. Chapter
520 207	596 171	655 11
529 16	597 189	656 247
531 265	600 229	657 51
537 208	601 57	658 172
538 236	603 39	664 84
539 198	605 93	667 87
543 50	613 210	668 191
544 199	617 63	669 234
545 167	622 102	670 95
546 246	625 120	672 96
550 45	627 10	673 136
554 200	632 94	675 106
561 17	635 170	677 26
564 139	636 135	678 27
566 119	640 211	679 28
587 146	641 212	680 29
593 209	653 190	681 30

DISPOSITION OF BILLS ENACTED

The first column gives the chapter assigned and the second column gives the bill number.

Regular Session, 2019

House Bills = 4 Digits

Senate Bills = 1-3 Digits

Chapter..... Bill No.	Chapter Bill No.	Chapter Bill No.
1.....510	33.....2666	65.....2827
2.....2618	34.....2667	66.....100
3.....285	35.....2668	67.....398
4.....323	36.....3135	68.....18
5.....324	37.....2982	69.....72
6.....344	38.....453	70.....101
7.....393	39.....603	71.....152
8.....404	40.....2538	72.....264
9.....496	41.....2968	73.....295
10.....627	42.....3	74.....402
11.....655	43.....3093	75.....2739
12.....2396	44.....2010	76.....2975
13.....2694	45.....550	77.....17
14.....3007	46.....2831	78.....40
15.....511	47.....340	79.....61
16.....529	48.....2608	80.....387
17.....561	49.....360	81.....2907
18.....2481	50.....543	82.....3057
19.....354	51.....657	83.....2740
20.....424	52.....3143	84.....664
21.....435	53.....518	85.....153
22.....442	54.....2509	86.....421
23.....443	55.....352	87.....667
24.....444	56.....373	88.....2550
25.....452	57.....601	89.....26
26.....677	58.....2083	90.....154
27.....678	59.....2462	91.....267
28.....679	60.....4	92.....329
29.....680	61.....28	93.....605
30.....681	62.....316	94.....632
31.....2020	63.....617	95.....670
32.....2665	64.....2743	96.....672

DISPOSITION OF BILLS ENACTED

The first column gives the chapter assigned and the second column gives the bill number.

Regular Session, 2019**-Continued-**

House Bills = 4 Digits

Senate Bills = 1-3 Digits

Chapter	Bill No.	Chapter	Bill No.	Chapter	Bill No.
97.....	2004	129.....	2958	161.....	175
98.....	2009	130.....	3016	162.....	177
99.....	2422	131.....	3021	163.....	187
100.....	2541	132.....	3141	164.....	199
101.....	491	133.....	1	165.....	223
102.....	622	134.....	441	166.....	240
103.....	2362	135.....	636	167.....	545
104.....	2547	136.....	673	168.....	2853
105.....	2600	137.....	3020	169.....	2761
106.....	675	138.....	318	170.....	635
107.....	2193	139.....	564	171.....	596
108.....	2609	140.....	2459	172.....	658
109.....	2746	141.....	2492	173.....	2359
110.....	2759	142.....	30	174.....	2846
111.....	13	143.....	310	175.....	2850
112.....	27	144.....	485	176.....	317
113.....	103	145.....	489	177.....	2521
114.....	272	146.....	587	178.....	2540
115.....	330	147.....	2351	179.....	2709
116.....	408	148.....	2474	180.....	2715
117.....	461	149.....	2476	181.....	2716
118.....	481	150.....	2479	182.....	2809
119.....	566	151.....	2480	183.....	3140
120.....	625	152.....	2617	184.....	60
121.....	2191	153.....	2647	185.....	119
122.....	2204	154.....	2690	186.....	369
123.....	2452	155.....	2770	187.....	396
124.....	2510	156.....	2954	188.....	400
125.....	2601	157.....	377	189.....	597
126.....	2816	158.....	2049	190.....	653
127.....	2856	159.....	157	191.....	668
128.....	2934	160.....	163	192.....	2209

DISPOSITION OF BILLS ENACTED

The first column gives the chapter assigned and the second column gives the bill number.

Regular Session, 2019**-Continued-**

House Bills = 4 Digits

Senate Bills = 1-3 Digits

Chapter	Bill No.	Chapter	Bill No.	Chapter	Bill No.
193	2307	218.....	2768	243	405
194	2324	219.....	2848	244	499
195	2524	220.....	2945	245	502
196	2849	221.....	3132	246	546
197	2947	222.....	345	247	656
198	539	223.....	2439	248	2001
199	544	224.....	237	249	2311
200	554	225.....	356	250	2405
201	2737	226.....	357	251	2515
202	3083	227.....	358	252	2813
203	3095	228.....	519	253	2829
204	3131	229.....	600	254	2854
205	3139	230.....	2446	255	3045
206	255	231.....	2821	256	3142
207	520	232.....	2872	257	3144
208	537	233.....	241	258	90
209	593	234.....	669	259	238
210	613	235.....	270	260	493
211	640	236.....	538	261	2036
212	641	237.....	2378	262	2183
213	2490	238.....	2662	263	2926
214	2525	239.....	291	264	2691
215	2583	240.....	36	265	531
216	2607	241.....	268	266	16
217	2612	242.....	269		

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

First Extraordinary Session, 2019**HOUSE BILLS**

Bill No.Chapter	Bill No..... Chapter	Bill No. Chapter
11143	133..... 33	153 8
11244	144..... 40	154 9
11345	146..... 36	155 10
11528	148..... 3	156 11
11629	149..... 4	157 12
11747	150..... 5	193 41
11834	151..... 6	206 31
1191	152..... 7	207 46
1322		

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

First Extraordinary Session, 2019**SENATE BILLS**

Bill No. Chapter	Bill No. Chapter	Bill No. Chapter
1001 30	1017 15	1027 23
1004 32	1019 16	1037 39
1006 35	1020 17	1038 24
1009 42	1021 18	1056 25
1012 37	1023 19	1057 26
1013 38	1024 20	1058 27
1015 13	1025 21	
1016 14	1026 22	

DISPOSITION OF BILLS ENACTED

The first column gives the chapter assigned and the second column gives the bill number.

First Extraordinary Session, 2019

House Bills = 4 Digits

Senate Bills = 1-3 Digits

Chapter	Bill No.	Chapter	Bill No.	Chapter	Bill No.
1	119	17.....	1020	33	133
2.....	132	18.....	1021	34	118
3.....	148	19.....	1023	35	1006
4.....	149	20.....	1024	36	146
5.....	150	21.....	1025	37.....	1012
6.....	151	22.....	1026	38.....	1013
7.....	152	23.....	1027	39.....	1037
8.....	153	24.....	1038	40.....	144
9.....	154	25.....	1056	41.....	193
10.....	155	26.....	1057	42.....	1009
11.....	156	27.....	1058	43.....	111
12.....	157	28.....	115	44.....	112
13.....	1015	29.....	116	45.....	113
14.....	1016	30.....	1001	46.....	207
15.....	1017	31.....	206	47.....	117
16.....	1019	32.....	1004		

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Second Extraordinary Session, 2019

SENATE BILLS

Bill No.....	Chapter
2001.....	3
2002.....	2
2003.....	1

DISPOSITION OF BILLS ENACTED

The first column gives the chapter assigned and the second column gives the bill number.

Second Extraordinary Session, 2019

House Bills = 3 Digits

Senate Bills = 4 Digits

Chapter	Bill No.
1	2003
2	2002
3	2001

APPENDIX

FIRST REGULAR SESSION, 2019

H. B. 2331

REMARKS

of

HON. MICK BATES
January 24, 2019

DELEGATE BATES. Thank you, Mr. Speaker. Weed, pot, grass, dope, reefer, joint ... things I don't particularly like or support and I would think that the majority of the people in this room are not in favor of. Words are powerful things and when spoken out loud conjure up certain images in our heads that are hard to misplace. Images like a stoner and a pothead. Images and words like recreational marijuana. I suggest that because of words and images this body is losing sight of an opportunity that is obvious when we use different words.

Mr. Speaker, I would like the record to reflect that I do not support recreational marijuana. What I am in favor of, and I think many more people in this chamber are, than are willing to say so publicly, is the taxation, regulation and decriminalization of Cannabis, for adult use. Mr. Speaker, the gentleman from Mercer on our first day during his nomination speech spoke of how proud he was of you when you made those remarks at the Eggs and Issues breakfast and I was at the same breakfast and I felt the same way and if the gentleman from Harrison, Mr. Miley can't be our Speaker, I'm glad that you are.

For those that have been here the last several years, its obvious that you get it and that you're operating in an open, transparent and where possible, bipartisan way ... forward thinking. I truly believe you are genuine when you say that you want to make West Virginia great, a great place to live, work and raise a family. That morning you also said that you're a West Virginian by choice, something we share. Unfortunately, too few people are making that choice.

West Virginia's greatest export is not its coal, it's its people, and in particularly, its young people. Now, while I am grateful that things are as not economically dire around here as they have been in the last four years

everybody knows this is short-lived. We all agree that the fundamental structural issues remain with the West Virginia economy, rooted in a population of wonderful people but who are older, sicker, poorer, less prepared and equipped with the skills to provide for themselves and their families.

Mr. Speaker, we have a population problem. Our population problem is not one we can legislate, reform or breed our way out of. We need to import our way out. This past year we lost 11,216 West Virginians. At that same time Colorado gained 79,662 people. With each passing year we get older and there are less of us, fewer kids in our schools, fewer people to work at the jobs that need to be done to support those that need it and can't work on their own. We need to create a place that people want to come to. Cannabis can.

John Denver is famous for two songs, "Take Me Home, Country Road" and "Rocky Mountain High." I don't think that's a coincidence. Cannabis can and does literally grow like a weed on the banks of our rivers and our mountainsides and could be cultivated easily on our reclaimed mountaintop removal sites. The DEA issued a report in 2015 indicating that West Virginia was the fifth highest producing Cannabis state in the country.

As my colleagues from southern West Virginia can attest, we produce almost as much Cannabis as we produce coal. We get no severance tax. The reason Cannabis is a gateway drug is it's illegal. The war on drugs is lost. It's about as effective as a ten-foot wall if you have an eleven-foot ladder. Prohibition hasn't worked since the garden of Eden.

In states that have functional Cannabis programs the rate of overdoses goes down. Cannabis can help fix treatment and fund treatment for our drug problems and West Virginia can be a leader in research, in new and effective ways to manage chronic pain and opioid addiction, before it kills another thousand West Virginians.

Cannabis is now legal for consumption in a neighbor country on our northern border and it's only a matter of time before it becomes legal in a neighboring state. Altria that makes Marlboro invested \$2 billion dollars in a Canadian Cannabis company.

APPENDIX

The company that owns Corona, Consolation Brands, has invested billions of dollars in Cannabi Growth, a Canadian Cannabis company.

I've personally moved a long way on this issue in the last five years. Back when Colorado, in 2014, legalized its Cannabis industry and we were in the middle of our legal prescription drug problem, I would've also stood up, and applauded with vigor when our Republican governor, who campaigned on jobs, jobs, jobs, stated his opposition to bringing a new industry to West Virginia.

I am now concerned that if we don't act we will act too late and we will have all the challenges that come with this industry and none of the benefits. Cannabis can fix the single greatest problem we have. It's our people problem, it's our population problem. West Virginia does not need to send its money to Texas to build a wall on the southern border. We need to build a wall around West Virginia to keep our people in. A wall with a great big door that says, "Come on in, come visit, come stay."

Cannabis can help us build that wall. There is a new and growing industry in this country, and West Virginia is uniquely positioned to capitalize on it. Cannabis is the single greatest economic opportunity that West Virginia has. West Virginia needs a niche, a niche crop. Cannabis can be that crop. With that in mind I am pleased to offer, with a number of my Democratic colleagues, House Bill 2331 which provides for the taxation, regulation and decriminalization of the use of Cannabis for individuals over the age of 21, with a county option and a prohibition on public consumption and the growing of personal plants.

Revenue from the program would go to pay for health care for state employees, education for our youth, law enforcement, drug treatment and provide a new income stream for our cities and counties. I ask for your consideration and the support from the Republican majority. In closing Mr. Speaker, I would bring to your attention that the Cannabis bill has been referred to not one, not two, but three major committees. Thank you for that.

DELEGATE BATES: I'm sorry...I'm sorry, Mr. Speaker, I had a great close planned and

might drop it all, so I want to go back to the very beginning but in closing...in closing, the taxation, regulation and decriminalization of Cannabis can make West Virginia great. A great place to live, work and raise a family and it's well past time we had a serious debate about the opportunities and potential Cannabis can offer West Virginia. Thank you, Mr. Speaker. I'm done.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS

of

MEMBERS

January 25, 2019

DELEGATE STEELE. Thank you, Mr. Speaker. Yesterday we heard remarks from my friend and colleague from the 30th in which he evoked some very shocking words to get our attention on the issue of the legalization ... and I'm going to get this right ... legalization, taxation and decriminalization of Cannabis and he commended our Speaker, as do I, on the agenda that the Speaker has set forth and I would say that my Speaker has my full faith and confidence. Our Speaker has laid out a plan to make West Virginia the best place to live, work, raise a family and start a business and I think all of us here are deeply interested in that. Now, as my friend brought up some very strong words yesterday, I'd like to bring some up; robbery, ransom, larceny, theft ... these are all words that we've watered down in this body with the word taxation. Our residents are not leaving this state for Tennessee to find weed. Our residents are not seeking dope in North Carolina. Our residents are not seeking to leave this state for Florida for the sticky icky icky. They leave to seek financial prosperity. They leave to seek a place where they can grow a business. They leave to seek a place that has a favorable tax environment. Our Speaker has laid out before us in this session a plan to ease taxes on businesses, seniors and every West Virginia family and I'd say to my friend from the 30th there's going to be a time and place for this debate and I believe that within the next session, maybe this session, it's almost a foregone conclusion that that debate's gonna have to happen. But what we need to focus on now is cooperating on the task laid before

APPENDIX

us and that is fulfilling our vision and our mission to make the sovereign state of West Virginia the best place to live, work, raise a family and start a business and that's why I encourage all of you to focus on these issues of the business inventory tax, the senior's social security tax and the other tax proposals that have been laid out. I know there's a time for the debate you're wanting but our people are leaving this state right now for fairer shores, not for Cannabis, but for economic prosperity and our Speaker has laid out that path and we need to focus on that. Thank you.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I'd just like to respond a little bit to the words of the gentleman from Raleigh. Some of the people who are leaving our state ... a thousand of them last year are dead. So, I'd like to bring up the word "dead." I'd also like to bring up the word "recovery" because part of the reason people are dying is because we have more people who are disabled than in any other state and we know that in states where marijuana is legal, the deaths go down. So, I think that all of us want to focus on the job at hand and I think that most of us here work really, really hard but I'm ... my thinking is not being lit up by dollar signs; my thinking is I really want to do something about the people who have ... are dying and who are trying to recover and this might help them and so I think that's an important reason to think about what the gentleman from Raleigh County was saying. Thank you, Mr. Speaker.

COM SUB FOR H. B. 2435

REMARKS
of
DELEGATE SHAWN FLUHARTY
January 25, 2019

DELEGATE FLUHARTY. Thank you, Mr. Speaker. You know, I think we're trying to get rid of the corruption, I get the intent of the bill but you're inviting more corruption by adding layers of more government with political agendas clear to the top to the AG's office. Supreme Court has spoken on this issue years ago, releasing advisory opinion that said our Constitution has purposely done away with this. By statute we can chip away at the Constitution. I think when we start doing that that's a problem for a lot of people.

We don't want to be doing that and we have ... you've seen the show "Law and Order" right? In a criminal justice system, the people are represented by separate but equally important groups; the police who investigate crime and the district attorneys who prosecute the offenders. These are their stories ... dun dun dun, right? We've all seen that but its true, separate but equal. You gotta ... you must stay in your lane okay? Politicians need to stay in their lane, let prosecutors do their job. They're held accountable and elected. The county level ... you need to talk to your prosecutors about this. They don't want this bill as the gentleman from the 1st said for many reasons. You're not just infringing on their power ... their ability to do their job, you're infringing on our law enforcement. We're gonna say this commission comprised of a bunch of politicians can do a job better than local law enforcement cause we don't give local enforcement this type of power. If they believe they've put together a great case presented to the district attorney and the DA says there's not enough there, that's it, it's over. It's how the system was designed, it's how it should work, that's the intention of it. That's why we have a Constitution, it's why we have laws, we abide by them. So, I will not be supporting this legislation. It goes way too far and what's next after it ... the parade of horrors that come ... that's what we heard in law school all of the time. So, I will not be voting yes and I don't believe you should either. It's a complete expansion of the government. It's chipping away at the Constitution and it's giving powers to those who have agendas and we can't rid out corruption with more potential corruption. Thank you, Mr. Speaker.

H. B. 2509

REMARKS
of
HON. JOHN SHOTT
January 25, 2019

DELEGATE SHOTT. Thank you, Mr. Speaker. Forgive me, I'm trying to process what's happened here this morning. Just two bills ago, a bill was attacked because it undermined the discretion of our prosecutors because it suggested that our prosecutors didn't have the good judgement to decide how to prosecute a case. And, now, just two

APPENDIX

bills and 20 minutes later, we don't trust prosecutors again. What happened? What ... what ... what happened? What happened, here? I'm really befuddled by this. Now we're sayin that a prosecutor in the case of someone that took one pill from his grandmother, instead of hav ... using his discretion to prosecute at all, perhaps in that case, or to charge a misdemeanor, we're going to say, he doesn't have any good sense to decide to the lesser and will choose a felony instead. While at the same time, the guy who robs a ... holds up another dealer and steals 600 grams of some meth ... methamphetamine, should only be charged with a misdemeanor. Now, I am ... I'm having a hard time processing that folks, to be honest with ya.

I think this is a good bill. It was requested by the very prosecutors that the majority of this body went to bat for, just two bills ago. So, what's happened? I think we ought to pass this bill, but I'll not be surprised by what happens.

H. B. 2005

REMARKS of MEMBERS

January 28, 2019

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. This amendment goes back really to something that happened thirty years ago and I remember it because I was pregnant and there was a power plant being built in Monongalia County that was very controversial and it was in the middle of the town that was in a valley and there were a lot of people that were upset about the power plant but one of the things people were very upset about was that seventy percent of the value of the power plant was going to be salvaged because it was considered a pollution control device and that meant that even though this was taking up a very prime real estate ... piece of real estate and even though a lot of money was being spent there, the school and the police were not getting ... were getting a very, very small amount of taxes so ever since then after I was elected to the Legislature I have scrutinized these salvaged property tax breaks and I am very much in favor of the broadband bill but one of the things we do when we enter the

Legislature is we take an oath to uphold the Constitution and one of the things that is in the Constitution is in Article X taxation and finance which says "no one species of property from which a tax may be collected shall be taxed higher than any other species of property of equal value so ..." yes ...

DELEGATE FLEISCHAUER. Okay, thank you. I can see there might've been some confusion. So that ... what that means ... this tax break says that towers that are built during this five-year period get the tax break, towers that are built before and after do not get the tax break and I think that represents a violation of this provision of the Constitution. So, some of you know my husband is a professor at the law school and I said ... I told him last weekend that I was concerned to vote for something that I thought was unconstitutional and he said, "well, you could just make it a property tax because there's no prohibition on this equality of species in the property tax section and if you look at Article X towards the end there is no similar language there so since last Sunday I've been trying to fix this so it ... so that it would achieve that purpose and it would give a corporate tax break as opposed to a property tax break. So, I know this is very, very complicated and a lot of legalese but the meat of the bill is on Section five, which says amount of credit involved ... allowed and basically what it says is it changes it from a property tax to a corporate tax, it makes a cross-reference to that section and then it also says in "C" the amount of credit is intended to be equivalent to the property tax break, so what I ... what we try to do and I have help doing this because I'm not a tax lawyer is to make this equivalent. The other thing that we did is we limited it ... we tried to target it to only underserved areas of the state. The original tax break ... it could've been anywhere. It could've been one of those windows on the interstate where you get dropped calls and what we want to do, and I think what the Speaker and the Delegate from the sixteenth wants to do is limit this to underserved areas ... we all know how desperately that is needed. One of the effects of this is that it will not take money from the counties and I think that's an important thing with all the ... all the ... or the cities ... all the talk about unfunded mandates. The other thing and I think the reason why there's been some hesitation on this is the whole section on definitions is

APPENDIX

pretty complicated. We consulted with the tax department to figure out um ... to get the language about exactly who should be entitled to this. I can't tell you I understand all those definitions but I can tell you that I remember very distinctly when we gave super tax credits and we lost millions and millions of dollars in this state on tax credits where people cheated and that is what those ... that language is designed to do is to make sure that it goes to the corporations who are actually expanding broadband in our area and that it will give them an equivalent tax rate so for all those reasons I urge adoption of the amendment.

DELEGATE LINVILLE. Thank you, Mr. Speaker. Broadband, high speed, cable, DSL, fiber, cell phone, 5G Wi-Fi ... it doesn't matter what name you call the Internet; it just needs to work like a utility and without a second thought. The Broadband Expansion Act of 2019 is the result of tremendous efforts in partnering with our state government agencies, our municipalities, our partners in the federal government, the industry and the public to expand access to highspeed, quality Internet and to become a leader in the adoption of 5G technologies. To connect West Virginia to the rest of the world and to connect the rest of the world to West Virginia. The gentleman just went over all of the major parts of this bill but what I'd like for you to know is that this bill is greater than the sum of its parts. When all of these provisions are put together we have a bill which has the potential to change the way West Virginia operates, to change the way West Virginia educates its children, to change the way West Virginia does business. I'd like to focus on two of those provisions; first is the ability for a feasibility study for our power companies to run fiber Internet on their lines and their existing right-of-ways on their poles and on their infrastructure. This piece is incredibly important. In exploring this opportunity and in working with the broadband enhancement council of which we have two ex officio members in this room and of which there are members from every different congressional district in this state, in the public representing businesses, residential users and large industrial users, we are partnering together to make sure that the backbone of the Internet, the middle mile fiber, is extended further throughout the state of West Virginia ... that matters, that matters for cell expansion. You cannot place a cell

tower somewhere without a connection to ... back to the rest of the Internet. That's what this does. It also allows all sorts of different providers to be able to bring the last mile Internet out to your constituents' homes. If there's anything that we hear more than the backroads looking like swiss cheese it's that the Internet has been terrible in the state of West Virginia. Our people have been left behind and they deserve better. This bill is a major step forward. Secondly, I want to mention the small wireless facilities deployment act which will expand 5G coverage to more West Virginians. Your constituents all tell you that they want choice and what you're seeing in major metropolitan areas across the country right now is that their cell companies can actually give you home Internet. They can provide unlimited, highspeed home Internet, giving you choice, letting you choose between Frontier and Comcast and Suddenlink and Verizon Wireless and AT&T and Sprint and T-Mobile and Straight Talk and whatever else Walmart is selling. So, what this actually allows us to do is give choice and the industry absolutely is ecstatic about this, so much so that AT&T has declared that they will give an additional \$50 million in 5G expansion investment in the State of West Virginia with half of that going to unincorporated areas. This isn't a big city bill, it's not a rural bill, its for all of West Virginia. This bill is opportunity. Its opportunity for our next generation to have access to the greatest library in the history of all humanity. It represents the opportunity for a new entrepreneur to reach customers all around the world. It represents an opportunity for our schools to have higher quality Internet connections so that our teachers and our students can interact in new and innovative ways. It represents the opportunity for your hospitals and your healthcare providers to reach people in unserved areas who otherwise would have to drive for hours on end to make it to their physician. Mr. Speaker, the Broadband Expansion Act of 2019 is not just a small step for West Virginia, it's a giant leap toward leading in the race to 5G. Our people have been waiting, the quality of their Internet even in our major cities has given rise to as many complaints as our backroads resembling that swiss cheese. Let's do something about it. Let's not just patch bits and pieces, let's pave the way to 5G. I ask each of my colleagues to support this bill in its entirety. I ask each of my

APPENDIX

colleagues to contact your Senators across this building and tell them to take up this bill. This bill, not bits and pieces and not send us over something else we've already incorporated all their changes and then once they've taken up this bill and passed this bill send it to the Governor and urge him to sign it. Thank you, Mr. Speaker, I urge passage.

DELEGATE BOGGS. Thank you, Mr. Speaker. I rise in support of the bill but with a cautionary note. I think this is certainly the best opportunity we've had for a long time to move Internet and broadband services and high speed, true high speed forward but at the end of the day if we, yet again, all we come out with with this bill is providing a third, fourth and fifth option for people in large municipalities then we have done nothing for the people in rural areas and the people in the last mile, the underserved and the unserved, then we're going to continue to see a hemorrhaging of population out of West Virginia to other places. That's been the concern of mine for a long time. Back when Verizon had the landline service here in West Virginia we weren't even on the radar screen in Braxton and Gilmer Counties for even DSL service. I mean, they would tell us "you're not even scheduled." So, we did some legislation back in the early 2000's to put together a Braxton/Gilmer zone. We got donations, we passed it through this Legislature, we signed to the Governor and we came up with a little bit of money and we did some deployment which is viable and working to this day. But like with everything else, Mr. Speaker, it amounts to money and there wasn't enough money to deploy it every place that we wanted to. So now, we have the current landline carrier with DSL service to some people and people across the street can't get it and even at that it's not fast enough to even be viable for businesses or for education. It's problematic. I have constituents that have contacted me that have good jobs. They could work out of their home but yet they're having to go to another business or restaurant or someplace that they can use the Internet service so they can work or else they're going to have to drive 50, 75, 100 miles each way to work every day; that's not right. That's not right in this day and time. They have been promised ... people in the mid-mile and the last mile have been promised for decades that they're going to get service and so far, we have failed them. We, previous administrations, all concerned,

have failed them. So, Mr. Speaker I hope, I sincerely hope that this bill ... I have high hopes for this bill ... but if we do nothing in this bill but just give additional options and better service to those in large municipalities and we have forgotten those in rural areas we have failed and the population will continue to decline and we'll see an "exodus" out of this state and I don't think that's what any of us want. So, to each and every one of you and to the carriers and to the people that potentially will be putting this and implementing this going forward, let's look at all the citizens of West Virginia. When I hear the figure and I'm shooting from the hip here, but I've heard a figure that 80% of West Virginia is covered. Well maybe 80% of the population but not 80% of the land area and just like we have a problem with roads ... with our secondary roads where people live ... not getting brought up to snuff, this is a very much of an issue and this is just as much a infrastructure issue these days as what water, sewer, gas, electric ... it's a necessity. So, I certainly support the bill, but I also urge all those that will be implementing this over the next few years remember all of the citizens of West Virginia ... let's lift all boats and let's make this a positive for all West Virginians. Thank you, Mr. Speaker.

DELEGATE LOVEJOY. Thank you, Mr. Speaker. Food insecurity is defined as the state of being without reliable access to a sufficient quantity of affordable nutritious food and while we live in what we all believe to be the greatest state in the union, we know all too well that too many of our citizens live in that state of food insecurity. According to Feeding America the numbers are heartbreaking; one in five West Virginia children live in a household that is food insecure; sixty-seven percent of West Virginia school-age children qualify for free reduced meals at school. One in six of our citizens this year will visit a food pantry, soup kitchen or other feeding program. While we have the hardest working and most committed group of West Virginia schools, community groups, farmers and faith-based organizations, the responsibility to address this reality lies in large part with us. It affects not only our West Virginia families but our farmers, our health and well-being, our education system and our economy. To that end and following the lead of several other states I invite you to attend the presentation of the State of Hunger in West Virginia and

APPENDIX

an organizational meeting of a bipartisan hunger caucus which will be held this Wednesday, January the 30th, 2019 at 4:00 p.m. in the Gov/Org House Committee Room. The meeting will include a presentation from the WVU Food Justice Lab on the State of Hunger in West Virginia, as well as the directors of the food banks that serve every district in this room. Finally, we will discuss pending legislation and prospective legislation that will really move the needle on hunger in West Virginia. I hope you will consider attending.

DELEGATE ROBINSON. Thank you, Mr. Speaker. On Friday, the Judiciary Committee because of the gravity of the situation of the foster care status in West Virginia, worked House Bill 2010 diligently in offering bipartisan solutions. We thoroughly debated the bill with hours of questioning with available experts in the field and then did the same with six or seven amendments throughout, diligently questioning and bringing up experts to talk about this issue. I just want to thank the Judiciary Committee for its diligent work that was completed without petty and divisive partisan attacks. We were able to debate the bill, discuss it, with no attacks and unnecessary party attacks involved. This was a bill that goes across party lines and we were able to talk about it, debate it and vote however people decided after that was done. So, I'm just glad that the committee put this effort into this legislation, so we can make sure these children are truly put first. Thank you.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I would like to respond to remarks that were made last week by my new friend from the 29th in response to remarks that were made from my old friend from the 30th. The gentleman from the ... the gentleman asserted folks were not leaving West Virginia to legally purchase Cannabis; that they were leaving because of the business equipment tax. Now as someone who was born and raised in West Virginia, I'm sure I'm not alone and unfortunately seen so many of my friends and loved ones leave the mountain state to start their lives, raise their families and find their careers in other states. However, I've yet to hear one of these expatriots tell me they've sought their fortune elsewhere because we impose a property tax on equipment owned by oil and gas companies. So why is it so hard to keep our

young people here in West Virginia. What is really keeping people and businesses from relocating here? I'm going to surprise some of you cause I'm going to actually agree with the President's son. I'm going to take the viewpoint of Donald Trump, Jr., because he apparently told Governor Justice that the biggest impediment to economic growth here in West Virginia is our negative image outside the state. Unfortunately, we are often ... often seen as backward by the rest of the country. Now we know that's not true. We know that West Virginia is the greatest place in the world to live and raise a family. We know that West Virginians are the kindest and friendliest people in the world, but the truth is we are still, all too often, perceived as backward to the rest of the union. Now regrettably some of the ideas that come out of this building and even some of the words that have been spoken on this very floor sometimes reinforce that negative stereotype. So, what can we do to combat that negative image. Now the gentleman from the 30th brought up House Bill 2331. That bill would allow West Virginians to decide whether or not they would legalize a plant for adult use thus creating thousands of jobs and a new revenue stream from the sales tax that people could choose to pay or not to pay. Would that send a strong message to the rest of the country that West Virginia was at least forward ... thinking forward and that ... and favor small government and local control, I think it would send that message. What about another bill? House Bill 2078. That bill would say nobody in West Virginia could be fired from their job or evicted from their home because of who they love. Would passing that bill send a powerful message to the rest of the country that maybe West Virginia wasn't so backward. Maybe we were a state where all kinds are welcome. I certainly believe so. But what is the single most important step we can take to combat this negative image. What could we do to let the world know what we already know, that West Virginia is the best place to raise a family, start a business, the greatest place to live. We need to prioritize public education. We need to improve the schools that all our children attend. Now there are plenty of ideas floating around this building as how to reach this goal but I can tell you we will not get there by increasing class size and I don't believe we will get there by privatizing public funds meant for public schools and we certainly won't improve our public schools

APPENDIX

by running monstrous pieces of legislation meant to provoke those on the front lines of our schools, our teachers. But this takes me back to my original point; removing the equipment tax for oil and gas companies without a single alternative for replacing that revenue stream would defund our public schools. Now at least the gentleman from the 30th offered a possible solution because I've yet to hear a single viable replacement for that revenue stream from the majority. Defunding public schools without a single alternative revenue source is at its best counterintuitive, at its worst completely nonsensical. That's the kind of action that sends the exact wrong message to businesses and people considering relocating to the mountain state. So, let's work together and let the world know what we've always known that this is the best place to work and live. Thank you.

**AMENDMENT TO
COM. SUB. FOR H. B. 2010
BY DELEGATES SUMMERS AND
KESSINGER**

REMARKS
of
MEMBERS
January 30, 2019

DELEGATE ROBINSON. I think the real issue with this, as we discussed in the Judiciary Committee when this was removed from the bill, the discussion is that, that children aren't boxes. If I'm a warehouse, and I say I can ... I can hold 100 of your boxes. I can fit them right in this spaces, this space, and this space. That's fine, but children aren't boxes. Their needs are gonna grow, their needs are gonna shrink, I mean how do we say that you have to take these kids, when they may not fit with your staffing and things. We have interpersonal relationship needs. You have to have certain things to get you through the day and these children need it even more than the rest, so for us to say, "you have to take this child, no matter if your staff can handle it or not," it is wrong, and I would oppose the amendment. Thank you, Mr. Speaker.

DELEGATE ROWE. Mr. Speaker, thank you for hearings us on this. I ... I'm just concerned this amendment, I think may be a part of a broader concept of this bill and that

is that we're going to be treating juveniles and children, some who have individual problems. Some who come from problem families, without ... without due regard to the individuality of those children. It concerns me greatly, the very good facility that may ... may have ... maybe specialized in some way, not be able to ... to reject a child that does not fit the mix and, as I understand it, these are facil ... we're not talking about hugh facilities we're talking about some very small places with limited beds. We want to encourage these kinds of small facilities, so that we can take care of foster children appropriately.

I don't think this provision, this amendment encourages any person whose thinking about going into this business when they realize that ... that ... that the response by the department may look you just need to add staff. I mean if you've got five children, and you're gonna get a sixth one because you have six beds that your licensed for, and you don't want to take that sixth child, you need to go out and hire somebody that can make sure that they can keep the ... the ... the open areas policed and I don't know what all. So, it really gives me concern that this amendment would ... would force a facility, even a small one, to take a child that they believe they're not able to serve. I think they should have a part of the decision process on that and, in this ... this ... this very comprehensive bill to ... to ... to create a contract that would give a contract to a managed care company ... I think that this particular amendment makes it very, very difficult for us to enact something that we know that we're taking care of the individual needs of children. I think this is directly contrary to it and I would urge that the members defeat the amendment.

DELEGATE LOVEJOY. Thank you, Mr. Speaker. I want to speak to the amendment. I think it's well intentioned, but the reason ... there was a good reason that it came out in the Judiciary Committee. While we all share the same goal of trying to bring these kids back home, maybe that are out of state, and this is a well-intentioned way to do that, I think that that the problem is that it can place not only these kids, but the staff, and the other children that are in the home, in some danger. If we have a child, and we do, that has a set of physical or mental health issue that a provider cannot address with their

APPENDIX

current resources, then I think it's important that provider have the ability to say so.

These providers have clinical experience to know who they can, and cannot, safely serve. If we limit their decision making ability, I think that poses an unnecessary danger, and it could lead to a situation where the only thing that happens is an escalation of the situation to law enforcement. None of us want that. We need to recognize that, that unfortunately we can't use a one size fits all model for child placement. We may be doing the kids a disservice when we, here in Charleston, prohibit these providers back home who are in the trenches, from considering the needs, abilities and behaviors of each of these children, the other children, and their staff, when they make a placement decision. So, while we all want to bring the children home, and that's a great goal, the question is whether this policy will do that, or do something worse.

Not trying to show up without any suggestions of what we can do, maybe we could be talking with these providers back in our districts, to identify what they need to be able to provide a capable environment to serve the youth that are currently placed out of state, at a much higher daily rate than we're paying here. Some of the suggestions that I got from the one back home, are maybe we could invest in workforce recruitment and development to assist programs in providing these services. Maybe we could fund quality assurance measures, staff training and development, increase the supervision ratios, clinical development, and other techniques. Maybe we could consider a carve out for funding for the youth that are placed in residential treatment, that accounts for a blended cost, that's cost based funding, it takes into account the room, the board, and the supervision and that would go beyond what we're doing now. I think those things would actually really help us move forward with bringing the kids home without incurring additional dangers that our providers back home are telling us will happen if we put this back into the bill. So, for that reason, Mr. Speaker, I oppose. Thank you.

DELEGATE SHOTT. Thank you, Mr. Speaker. I see this a little differently. Certainly, these conversations that the gentleman from the 17th, suggest should take

place, but they should take place before the facility makes a commitment to the state, that they will take care of these kids. In other words, this is a promise that's made to the state in exchange for substantial payment, to take care of kids. The amendment only requires the institution, the facility, to live up to its promise. That's all it asks it to do. It's not asking it to do any more than that. If a facility was not sure that it could keep its promise, it should have contracted to provide lesser services. Simple as that. You make a promise and you're called upon by the state to keep that promise, at the compensation that the state promises, you should keep that promise. That's all this amendment does I recommend we approve it.

DELEGATE HARTMAN. Thank you, Mr. Speaker. I oppose this amendment. I've served on the board of a nonprofit residential facility for a number of years and they've always satisfied every issue that they've ever had. But, I think that we're asking to do some things that is absolutely gonna have a lot of serious, unintended consequences. Thank you.

DELEGATE ELLINGTON. Thank you, Mr. Speaker. I'd like to speak in support of the Lady's amendment, as it attempts to restore back to the original bill, the intent of the legislation. If you look ... you need to understand what the original intent was. The thought that many of our youth are being sent out of state for care, for years we've been talking about bringing them back to the state, as West Virginians, we should be taking care of our West Virginians. So, over the past several years we've tried to work on improving that. If you look at the state's, the number of kids, we have roughly 7,000 children that are being taken care of in the foster care system and it's increasing. DHHR is unable to take care of this by themselves, so they've kinda outsourcing to the managed care company to take care of those kids. We have roughly 500 kids that are being shipped out of state, and being taken care of there. Part of that is by the courts, part is because of services that are unavailable here, but the goal is to try to bring the kids back into the state to be closer to their families, and to be taken care of by us, and also to save taxpayer dollars.

To lose 500 kids, it's costing the state about \$20,000,000 more to take care of those

APPENDIX

kids, each year. That's increased over the past. When you have a capitated system, it means the insurer is taking some risk for the severity of those kids. You have some kids that don't need much help, some need a moderate amount, some that need more. When the insurer has to contract with the residential facilities, that's where the levels of tier one, two, and three are. Tier one is low acuity; tier two is mild to moderate tier three is more severe.

Now, when a residential facility contracts with DHHR, or with the Managed Care System, they put in whether they are ... they claim whether they're a tier three, or a tier two, or a tier one. They get reimbursed at those levels. Tier three is a higher level. So, if they're accepting those higher acuity ones, they should be able to accept what's there. Now, there are nothing in the legislation, or in the amendment, precludes DHHR, or the multi-disciplinary team from looking at an individual child and saying, "this kid is not appropriate there, it needs to be placed elsewhere." And, a number of those kids are placed out of state. The court can also look at that and say, "no, this kid needs to be somewhere else." So, this amendment does nothing to change that possibility. What it is saying is, that the facility that claims it is a tier three, or tier two, or tier one, should accept those kids, in those categories, up to a level they have. Currently, DHHR tells me they have 80% occupancy. That's 115 kids, that are being shipped out of state, because some of the ones that are claiming tier three, want to receive reimbursement for tier three levels, but not taking care of tier three kids ... they want the lower acuity kids, kinda cherry picking. That's sort of what's going on and it's forcing us to move those 115 kids out of state. That's about \$5,000,000 that could be put back into services for those kids. So, I think people should really consider, seriously, what this amendment really saying. You take that out, then DHHR has no recourse on that. And, if the goal is to bring those kids back into state, or at least a portion of them, this amendment would support that, so I would urge seriously to consider adopting this amendment. Thank you.

DELEGATE WILSON. In order to understand what this amendment actually does, you have to put it in the context of the way that these ... that DHHR functions with these ... these facilities. You have to

understand the context of what they're trying to accomplish, and part of what's being left out here is, first of all, before they actually enter into the contracts, the standards for acuity and the standards for care are established upfront. So, in other words, when a facility says, "I can take 10 children, at this level of acuity, who are male and this age, then they are certifying that they can ... they can handle what those standards establish.

Now, I agree with the gentleman, that you can't put kids in a box. I have nine of my own, I can tell ya, they are all very different. Each one is different from the other. But, there is a review process by which the facilities can go back to DHHR and say, "Thank you for the offer, but we really cannot handle this child. Perhaps he's a different acuity, would you please consider it." Or, not just that he's a different acuity, but he's an acuity three, and he has these additional issues that we are not prepared to deal with because of our current situation in our facility. And, DHHR has assured me that they will go back, they will look at that situation, they will consider it, and perhaps, if there's another acuity three child, who fits the criteria for the standards of this facility has agreed to, that they will offer that child, and try to find another place for the first one. This is critical to understanding the situation. We are not driving up in the middle of the night, dropping a kid off, and saying you have to take this kid, or they have nowhere else to go, or you lose your license.

There is some feedback. There is an understanding, upfront, of what's required. And, these facilities agreed to them, they signed a contract, and they accept payment from the taxpayers of this state, based on that contract. Given the opportunity to respond to this ... given the opportunity to establish a feedback loop, well actually the loop is already established, but to engage in a feedback loop, there is no reason, in my estimation, they should not be able to fulfill the contract that they signed; that they negotiated, and then signed, given the standards that are published up front. Thank you, Mr. Speaker.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Like all of my colleagues here, I greatly appreciate the intent of this amendment. Of course, we wanna bring as

APPENDIX

many of these children, if not all of these children back to West Virginia where they can be closer to their families, and in a perfect world be able to reunite every single one of them with their families one day, but as all of us who have been asking the questions of these agencies, and who've been working on this legislation know this isn't a perfect world. And unfortunately, we are unable to do that. We're unable to bring every single one of them back, and the reason is, some of these facilities are just not equipped with the current children that they have to take every child. And, you know, I know it was stated that well, if they're making three and a half million dollars, they should be able to hire enough staff to do that, but in reality they're not. But none of them are making three and a half million dollars, vast majority of these child placing agenc ... the resid ... the residual facilities are operating as nonprofits, they're not making millions of dollars, nobody's making millions of dollars off of this. Their budgets might be for that, but vast majority are nonprofits, and the reason the Judiciary Committee acted to remove that language from the bill, and I believe we were right in doing that on the Judiciary Committee, and hearing testimony from a director of one of these programs, he gave the scenario, if a child has a history of sexual abuse, and say, already in this facility, you have other vulnerable children, say you have young female children in this facility, it would not give them the right to treat this child on an individual basis to say, "I'm sorry, we can't take this child right now." And, that's why ... you know I think we really have to respect the right of contract for these residential care facilities, and while, like I said, I appreciate the intent, in reality what it could do is put more children in harm, so I have to respectfully oppose the amendment.

DELEGATE HILL. With this process involving the MVT's, and the courts, I truly believe that this amendment is the best route to take for our kids. We need to stop this cherry picking and keep our kids in this state. You know, instead of sending kids to jail, let's keep them here, and give them the love and the care that they need in order to restore them. You know, if you make commitment to the state via contract, you need to keep that commitment. I urge passage of the amendment.

DELEGATE ROBINSON. Thank you, Mr. Chairman. I think if we look around the room here, and I look back at myself when I was a child, I was probably the worst child in this building, and I think that two committee ... and the two committee chairs can probably vouch for that that they can imagine a younger me, and I think that if you had the event where I may have fallen in a lower tier or something like that, but if you had nine of me, and your capacity was ten you would beg the judge not to send you another Andrew Robinson, I can guarantee you that.

In this case, we're forcing a facility who's trying to take care of kids, to take children above what they think they can handle, and while its great to say we don't want to send kids to Georgia, do we want to keep kids here if we can't take care of them? Do we want to keep children within the walls of West Virginia's borders? Do we want to keep them on our side of the wall just because we want to keep them here even if we can't take care of the kid? If he can't get ... what that child needs to make it through the day and improve his life, and get to that point, should we keep them within our borders just to say we did, just to ... maybe we saved a few bucks ... maybe? I don't think so.

The gentleman suggests cherry picking. Now the same DHHR, MBT, and judge that we're suggesting we trust with putting these children in different places also have a relationship with the facility and know who's cherry picking, know who turns kids away ... so do we trust them for one thing, and not the other? What do we trust them for and what do we not? We've got a bill where we're taking major responsibility away from DHHR, and giving to MCO because we don't trust them, they're not doing a good job. But they're going to do a good job of placing these children into facilities. I think it's hypocritical and I think it's dangerous to go for a quantity of beds rather than a quality of a child's life. I would oppose the amendment again, Mr. Chairman, and I would ask for the yeas and nays.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. Just to clear up a couple issue here, some misstatements; the multidisc ... multi-disciplinary teams are not one in the same. They differ from county to county. Also, the judge is never involved in the multi-

APPENDIX

disciplinary teams, okay, so let's just get that out there, okay. There is some statements that just were false, they've been made already. And, it seems that some that are pushing this amendment, really only have one source they're getting their information from, and that is some individuals at DHHR, that are totally behind the bill, in general. So, if you went through a rigorous academic setting, you know you never want to just get your information from one source. Of course, I also know as a former intelligence officer. Pretty bad practice, okay. So, if someone who is employed and managing a campus of a, what would legally be considered a residential provider, I can tell you right now, I have lived and breathed the foster care crisis in this state, for the last four years. I've dedicated my life to it. Alright. Putting this amendment back in, it's pretty dangerous, actually, cause what we're saying is, yes we hate that these kids are not in state any longer. Okay. They're out of state, we want to bring them back, okay. But we should all realize that just waving a decree, you know, and forcing them back in to some of these residential providers that may or may not have the resources to maintain safety, not only for the child, but for the staff, this is really not a great solution. Not to mention that right now, there's only roughly 50 beds total available, in the state, with these residential providers. I think there's only 13 level three beds, available right now.

I know, for the residential provider I work for, we are constantly over capacity, court order of capacity, and you can just check DHHR's website for it, you know. We're either one, or two, over capacity, and we are completely understaffed, okay. So, these multi-disciplinary teams, sometimes they get the assessments wrong on the child, okay. So, they will send them ... because they have the wrong assessments, they may not have all the information, and they'll send them to, for instance; I'm employed by a level two, it's considered level two, and sometimes we'll get a child that is wrongly assessed, as a level three, or level four, even sometimes, and what ends up happening is that, you know, we're having to deal with a child that we just don't have the resources to deal with, it has sometimes severe violent, and psychiatric problems. And then, this amendment could essentially really harm a lot of residential providers that are already overstaff ... or

understaffed, and court order of a capacity, so I think there's then, unfortunately, a lot of false information that has been given, inadvertently, because maybe they're just getting information from one source, or they're just being provided the wrong information, but putting this amendment back into this long bill, I think, is not very good policy going forward. Thank you.

DELEGATE SUMMERS. Thank you, Mr. Speaker. I have heard all the different examples of why centers can't take patients, and you know what, maybe that would work if I didn't work in an ER where we deal with different acuity patients every day.

If I have three patients in my emergency department that are having chest pain, and you walk in the door, and you're having chest pain, do you want me to turn you away, cause that's gonna make it a little hard for my staff. My nurses are gonna have to work a little harder to take care of you? I don't think so, and I don't think we want to do that to these kids either. We have 868 beds in this state, for these children, and we need to use them. One hundred and twenty-one openings, as of the recent accounting. What happens to these kids when a center says, "I don't want you?" What happens? They are tran ... If no one in the state wants them, they're transferred out of state. Yes, we do send kids out of state if they have the specialized care we need, and we don't have it. If they have the specialized medical care, they need to go to Children's in Cincinnati, or somewhere.

A CPS worker has to take this child by air, or by car to Florida, or Georgia or wherever that may be. We don't have eyes on the kid, we can't see them. We then travel, once a month, by air, or car, to that state to check on that child. Do you know, at one time we pulled 25 kids out of Georgia, because they were not receiving the care that we wanted them to receive? A child died in that facility. We do not have our eyes on the kids when they are far, far away. All we're asking is for these institutions who chose to contract with the State of West Virginia, to fulfill their contractual obligations, and take care of our kids when they have an available bed. They can't stay in their home, and now we're telling them, you can't stay in the state. We need to pass this amendment.

APPENDIX

AMENDMENT TO COM. SUB. FOR H. B. 2010 BY DELEGATE ZUKOFF

REMARKS
of
MEMBERS
January 30, 2019

DELEGATE ELLINGTON. Thank you, Mr. Speaker. I'll speak in favor of the amendment. It is a voluntary group. The organization does not have any problem with entering into a contract with DHHR now, so I would support the amendment. Thank you.

DELEGATE SUMMERS. Thank you, Mr. Speaker. I will speak in favor of this amendment. I think with the transition to managed care, I think that is a good idea, and I urge adoption.

DELEGATE ZUKOFF. In ... just to answer your question; The number of folks that would be in this group would be decided at the ... in the terms of the contract, with the MCO. I urge adoption. Thank you.

AMENDMENT TO COM. SUB. FOR H. B. 2010 BY DELEGATES DOYLE AND LONGSTRETH

REMARKS
of
MEMBERS
January 30, 2019

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker and, thank you for responding to my question. I have been thinking a lot, about this bill, and I know a lot of members have been going back and forth about what's the best way to resolve this problem. This is ... and I know that members on both sides of the aisle, have been going back and forth, what is the best solution?

I do not think that the managed care option is the best solution, in part because of conversations I've had with people in my district, and with people that have lived elsewhere, where there was managed care. I spoke with a minister in my county last night, who has two ... two children that he has

adopted out of seven, of a family of seven, and he said he encourages ... he ... he said that he wished that he had more bedrooms in his house, because he has gotten so much out of taking care of these children. But, he said that doctors, right now, ask him, "Do you have straight Medicaid ... do you have managed care?" And, he says, "Straight Medicaid, because right now, that's what he has." And, he said they say, "Oh, okay, we will treat you."

He used to live in Kentucky, and he said their experience in Kentucky was a disaster, in fact, it had to be rolled back, that's what he informed me, after a short period of time. I don't think there's anyone ... and these children were not victims of the opioid crisis. We have had a long time problem with not paying our workers enough. And, we've had a long time problem of too many children in foster care and I'm very glad that the sponsors of the amendment adopted ... sponsors of the bill adopted an amendment about kinship care, because now, over half of the kids in foster care, over half, are in kinship care. And, most of them are not being paid anything. And, most of them are older, and they know how to raise children, but they haven't had the training on how to raise traumatized children.

What we need is more money injected into our current system, so that those families can stay together. We do not need an out of state company that's making phone calls and checking up on these families, to come in and tell us to skim profit off the top, and tell us how we should handle the children in our state.

I think that we are one ... I don't think this is the kind of situation where we say, "this isn't working, let's do something different." There's a lot of experience with managed care and some places it's been a disaster. It need ... If we're gonna do this, which I'm not convinced we should, it should be done slowly, like in New York, and it shou ... there should be a lot of stops along the way to make sure it's, it's working right.

What this gentleman told me this morn ... minister in my community, that's one of the things he said that he felt, based on his experience, that it would ... there would be

APPENDIX

children that would be harmed by privatizing the systems, so I think the gentleman's amendment is very well founded, and I urge adoption.

DELEGATE KESSINGER. Thank you, Mr. Speaker. I'm rising in opposition to the amendment. My colleagues across the aisle would have you believe that MCO's are a monster, that they're a disaster, that they don't work, but in fact, MCO's are not new to West Virginia, in fact, they've been around since 1996. There are more than 400,000 West Virginians who are currently ... who currently have their healthcare managed by an MCO. One hundred and fifty thousand of those are West Virginia Children. I went through the system and interestingly I couldn't find any bills that have been introduced that took those people out of an MCO, so, if it's working for 400,000 West Virginians, why would we say that it's not gonna work for this small population of our most vulnerable children?

I think we all agree, and I've heard it said today, that our current system is totally broken. Government has tried, and it has failed time, and time again, to provide sufficient healthcare to our most vulnerable, but to spite our best efforts, we've been unable to meet the necessary standards for those kid's healthcare. We heard in some of our committees that medical records of children have been lost. This is a convoluted system where kids are being removed from their biological parent's homes to a different county, and then they bounce around from counties to counties, sometimes going back their biological parents, and their medical records are being lost in the process.

We have kids whose Medicaid ... whose ... whose healthcare and welfare is at risk, because we do not have any continuity of care for these kids. Bringing an MCO into the picture to provide the expertise to create a network of medical professionals that will provide continuity of care for these kids is not only important, but it is necessary, to make sure these kids aren't falling through the cracks, because they are right now.

Doing nothing is not okay. If we ... if we support this amendment, then we are saying the status quo is alright. That status quo, we don't care. These kids can continue to have

their medical records fall through the cracks, but today, we have the option to say we are going to put the health and the welfare of the most vulnerable kids in this state at the forefront, and we are going to provide a new option. And, I'd also like to point out that there will still be an option for these families. They can continue to use the fee for service models that they have right now, or they can go through the MCO. This just creates options, and the ability for continuity of care for the kids who are being overlooked, and who have been forgotten, but today we are going to say that their voices, that their names will be known, and their needs will be recognized by the members of this body.

DELEGATE ELLINGTON. Thank you, Mr. Speaker. I rise to oppose the amendment. Although it's a noble thing to increase the salaries for the DHHR workers, they already did receive a 7% raise from last year from the efforts of the DHHR, and from what the Governor, and the Legislature did. They have another anticipated 7% raise coming too.

Regarding what the Lady from the 32nd mentioned, Medicaid fee for service is also an option, federal law regulates that they have to have a choice. They can either enter into the MCO, or into fee for service, so that should be a nonissue there. The rest of the amendment really is to subvert the intent of the bill, so I would urge rejection.

DELEGATE DOYLE. Yes, Mr. Speaker. Thank you. First of all, I don't recall referring to MCO's as monsters. I ... I think there are plenty of occasions where that approach is proper. Had we tried the approach that is embodied in the amendment, and that approach failed, I would say, "Okay, let's try an MCO." But, this is the approach that we ought to try first.

The distinguished gentleman from Mercer who Chairs the Health Committee, pointed out that we gave a pay raise for the DHHR workers last year, and another one is anticipated this year. I would emphasize anticipated. But, nothing has been done to reduce their case load, which is a serious part of the problem. And, I think, before we try an MCO, we should ... we should try this approach. Let's pay the people properly, give them a reasonable caseload, and I think it's

APPENDIX

going to work. I urge adoption of the amendment.

COM. SUB. FOR H. B. 2010

REMARKS
of
MEMBERS
January 31, 2019

DELEGATE WESTFALL. Thank you, Mr. Speaker. Four years ago, Chairman Ellington and I had a meeting about foster care and I brought up the issue about is it possible for a managed health care. Since 2013 to 2018 the foster care program has grown over 3000 children. Forty-three percent of those are under age five. Let me say that again 43% of those are under age five. My wife and I have five children between us and we have two grandchildren. Of those seven children, four of them are adopted. Three of them have been in the foster care program. This doesn't solve the problem. It doesn't even start to solve the problem, but it is starting. A little leeway Speaker, I have a black trash bag. I will unfold it ... excuse me ... but that is what most foster care children use as a suitcase, a black trash bag when they go from one home to another home. I've talked to an individual that lives in Jackson County that was in 27 foster homes before she was 18 years old. She was adopted before she was 18. Again, this doesn't solve the problem, but it is a big start in my opinion. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I'm one of the many members of this full body that have dealt with this bill in two committees and trying to figure it out its ... trying to figure out DHHR is pretty complicated and I spoke yesterday about the minister who was so happy about taking care of foster children that he wished he had more bedroom space and he was ... but today I want to do two things; I want to give a shout out to the DHHR employees who are social workers and have other positions, who are there for very little pay because they care about children and adults. I think they have been a little bit overlooked in this debate. I think that we have ... we are going for a solution that may be the easy solution and we have a major crisis that we've been hit with and we are acting like it's the fault of those employees and it is not their fault it is the fault of drug companies who have invaded

our state and sold people pills as if it were an instant solution to all our problems. But the DHHR ... there's a mixture, there's a mixture of people that are bad eggs and that are good eggs in every profession. We know that's true here, we know that's true of teachers, we know that's true of university professors, we know that's true of industry but most of the people who work there are devoted to their job and they have giant caseloads.

I spoke to a DHHR former supervisor that I've known since our kids were in kindergarten ... she said one of the people that she supervised had 125 cases and this woman was supposed to go out and check on kids once a month and I know that people get frustrated ... they maybe show up at the DHHR office and nobody can see them and that's because these employees are doing their job. They're going out and making sure and I'm sure its kind of a pain if you're a foster parent, but we want to make sure that everyone is checked on once a month, on a reasonable time period. So, a lot of times they can't return the phone calls but because they have all these competing responsibilities and they're doing it for very little pay. I went to visit Try Again Homes, which is one of the childcare providers. They now are in a company that's called Blueprint and I really remember a gentleman who used to be a DHHR worker and that he switched over to this childcare association and he said, "Barbara" ... he said, "you know I think one of the things that DHHR workers could use is PTSD coverage." He said, "I can remember going to a home and looking at a crib where the baby ... there were maggots in the baby's crib and he said, "I can't forget that. I'm having difficulty and I had to get out of my ... that job ... the job that I loved, the job that I cared about, the job that didn't pay very well, in part because of that." So, I am ... I'm a little bothered that we are not undervaluing these people that are so devoted to our state and to our children.

And all the people that I had ... I've had one ... one email in favor of this bill. I have had many emails oppose to the bill and one theme runs through that they don't understand why we would be giving away something that the state has been doing since the thirties to a profit-making company. I think their bottom line is we shouldn't be making profits off of our most vulnerable children and for that reason, Mr. Speaker, as

APPENDIX

much as I know that everyone who is in favor of this bill cares also and wants a good solution for our children, I just am not ready to make that jump into the deep end when ... and the reason they say that is because they say, you know, people that work at DHHR ... they don't have to keep track of their billable hours. They're not going to cut corners. They're going to do the best they can with their heavy workload and their low salaries, but they are not ... they're bosses are not motivated by profit. Thank you, Mr. Speaker, and I urge a no vote.

DELEGATE D. KELLY. I listened to the gentleman from Jackson County and ... and I saw the emotion that was real. And having been in law enforcement for years, I've seen tragic situations where kids were removed from their home. We have to have a place for them to go. We have to take care of them. We have to be certain that we do everything we can to take care of these ... these most precious precious commodities of our state.

This is not a perfect bill. I agree with the gentleman from Jackson County but it's a beginning. It's a place we can start and I would urge passage.

DELEGATE ESTEP-BURTON. Thank you, Mr. Speaker. I've set in several committee meetings and ... and put a lot of research into this bill. I've heard from agencies ... child placement agencies and managed care organizations and a lot of people that own companies, but we didn't involve foster families. No foster family came in and spoke to us and ... and ... to encourage us to pass this bill. I ... I will be voting against this bill today because I think our most vulnerable children deserve the best most humane care we can give them, and I feel like we're selling them to the highest bidder with this bill. Thank you, Mr. Speaker.

DELEGATE DOYLE. Thank you, Mr. Speaker. The ... everybody agrees we've got a really, really serious problem with foster care. It is ... it is many faceted and it's complex. The solution proposed in this bill I submit to you, is not a solution ... its an illusion. The solution is staring us right in the face and it was eluded to a few minutes ago by the gentelady from the 51st. If we would reduce the case load ... the case loads of the hardworking, dedicated people in the

Department of Health and Human Services, whose job it is to solve this, it would be solved that way and it could be solved with much less money than is going into this contract. I strongly urge we reject this bill. Thank you.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. You know, corporate managed care doesn't exactly have the best track record since the 1980's. If you look into the history of corporate managed care, it just really doesn't ... it doesn't matter what severe or discipline we're talkin about here ... or industry. Under oath, I was told by DHHR, in no uncertain terms, implicitly anyway, that this was going to increase the cost to the taxpayer, because at best he said, that we were gonna break even on this corporate managed care contract and in bureaucratic terms usually when they say hey we're gonna break even ... probably not gonna break even. It's probably going to be a little bit more expensive but that's just sort of the history of the nature of government, in my mind. But he also, in addition, said okay, my question was in Judiciary, are you going to lay off any employees within the Department of Health and Human Resources? And his answer was no. Remember when you're doing less work why do you need so many employees? So, he said he was going to essentially and I'm paraphrasing here, hire ... this was the Deputy Secretary, by the way of DHHR ... hire more employees in DHHR to do different functions, etcetera, etcetera. So, we're not saving any tax dollars here, okay. Matter of fact we're probably increasing the burden ... the tax burden, overall ... but that's just the fiscal part, right.

If you move on to a second or third section of this bill, there's no true answer here in this bill. There's no true solution. Okay, I understand that you bring in this corporate managed care outfit, you know ... first off, any time you talk about big business getting in bed with big government the hair on the back of my head starts standing up, okay. So, I'm already skeptical at some of these things ... and quid pro quos and all of that. It's just sort of my understanding of how big business when they get in bed with big government starts to work, sort of a little bit of corrupt type of atmosphere ... corrupt type of deal there, I guess. But you know I have been deeply invested within the so-called foster

APPENDIX

care crisis in this state for the last four years. I mean, I left the business world and had this opportunity to try to live maybe a better life and I work for ... sort of a charter school but it's legally classified as a residential care facility and ... you know ... I wear many hats I do many different jobs there. Lately, I've been managing the whole campus, off and on and I can't tell you what ... to begin to say ... can't really describe in words, the kids under our charge on campus. We are always court ordered over capacity, constantly. I would venture to say, I don't have the statistics on ... of my particular school on hand but its definitely over 50% of children on my campus having either overdosed themselves or have witnessed one of their parent's overdose or have witnessed one or both their parents not only overdose ... walked in on them ... walked in on them dead. They walked ... they witnessed their parents die, after the fact.

Most of these children do not have homes. They're either orphans or their parents have abandoned them because of this drug problem. This ... this ... this drug problem is pervasive through our society, okay and I have ... you know ... some assessments and causes as to why that's come to be now, and I don't want to get into that ... you know ... and this is coming from me, okay ... alright ... you know. If I can get my boss down here ... the Executive Director ... I've told him, hey, you know what ... why don't we just give up all this government money ... I'm tired of taking this and he exactly ... basically said, "hey ... you know ... why don't you stay in your own lane there, buddy." But ... you know, this bill ... this bill is not going to really correct the problem because the problem is ... is far deeper than I think most of us recog ... recognize. I think the problem really is from my research, has something to do with welfare state that's been institutionalized over the last half century but also there's a lack of purpose in people's lives anymore and whatever that purpose might be ... whether it's the church or whether it's a community-based organization ... whether it's a great manufacturing job that you can take pride in or supporting your own family. There's a lack of purpose and that's what I find with the kids on campus. There's a lack of purpose. I spent the last three and a half years implementing Greek philosophy into the curriculum and we now have the best

rehabilitation rates out of any of our competitors within the whole state.

Okay, so, why I'm telling you this is, I don't normally talk about my day job ... because I get in usually around nine and for the last six months ever since my heart surgery, I have not left that campus until after 11:00 o'clock p.m., sometimes after midnight, because I have kids that say ... you know, I cannot go to sleep unless ... unless Chief Pat comes down to my group in my cottage and tucks me in and says he loves me. Alright, and usually I like to stick to logic and lay off the whole emotional thing but in light of some of the lower echelons within the leadership ... House leadership team ...

DELEGATE HANSHAW, MR. SPEAKER. The Chair will give the member a lot of latitude, but Chair will enforce decorum on the rules of this House.

DELEGATE MCGEEHAN. Alright, I'll start talking back to the bill then. Listen, what I'm trying to say is, I have a little bit of experience, Mr. Speaker and what I'm trying to tell you is that this bill right here is not going to be very productive going forward and it might even be counter-productive to what we're looking at here. With that I'll just end my comments. Thank you.

DELEGATE HANNA. Thank you, Mr. Speaker. I think a lot of us can agree that the foster care system in West Virginia is flawed. The definition of insanity is doing the same thing over and over again and expecting different results. So, this bill may not be the solution but on the same note it just could be the solution. So, we can continue on the same path and keep doing exactly what we're doing, or we can take a shot at this. We can vote for this bill and vote for a change. Mr. Speaker, I urge passage.

DELEGATE ROWE. Thank you, Mr. Speaker. I ... I wanted to rise. I was not on any of the committees that have considered this bill and so I ... I ... I don't have intimate knowledge of all the details, but I do ... I do have questions. And the first question is why are we ... why are we giving the care of our foster children over to an insurance company. And I've tried ... I've mulled that around and I thought well, is that the ultimate bureaucratic approach to this situation.

APPENDIX

We've heard many ... many members say that they ... they aren't certain that this is going to take us to where we need to be but it's a change and change is good just because we'll get away from where we are. Well, I'm not sure that that's a good idea. Another question that I had was why such a big contract. Why one single insurance company? Why are we choosing one insurance company for \$225 million?

Now most all of the things we do when we want to try to fix something that is broken is we use pilot programs. There's no reason that we don't do this in two or three counties or in a region and see how they do and if they do a good job well then maybe we found something. The other question is where does the money come from ... \$225 million. Now in ... in Finance yesterday, I tried to get an understanding from ... from the DHHR representatives, about how the money will ... how will this shake out. In other words, we'll have an insurance company getting a contract for \$225 million. Does that mean that the department's going to reduce its services and its work by \$225 million, or is there just going to be extra money in the system? You say, well if there's extra money in the system Larry, that's a good idea and I would agree with you and apparently on questioning yesterday the department, year after year after year, leaves hundreds of millions of federal dollars on the table, unused. Now maybe that's what we'll do in this case, but one has to come to the next question is, why haven't we been doing this? If we could pull federal dollars for foster care, why don't we do that? Is there a special fund for \$225 million for this contract for ... for an insurance company and then in terms of what happens and how it works? You know, how is the insurance company going to make decisions about the particular needs of individual children. Will they do it from an office in Charleston or an office in Columbus. And we were assured yesterday the DHHR would require them to be servicing this contract in the State of West Virginia and one of ... we were told ... given some information that it would take an insurance company about 150 new employees in order to ... to fund the contract and my question is ... another question, will they be social workers or will they be insurance adjusters.

I assume they'll have social workers on staff. Will they have to see every child or have a person involved in the placement of every single foster chair ... foster care child that we have. Will they be in court in abuse and neglect proceedings, making recommendations about care and trying to determine what's best for an individual child.

Now right now the department is in those hearings and we say, well but the system ... you know, isn't functioning. Well I think it's doing a lot better than we realize. We do have seven thousand ... we have an overload of a number of people and children in foster care but they're doing, I think a good job. If ... just say to yourself ... if we put \$225 million new dollars into the foster care system, don't you think the department could handle that and it would be handled by social workers who could be better paid and who could have caseloads that were more reasonable. Another question is apparently this is not exclusive. We're not going to take the department completely out of the system, that there will be choice involved and you say who ... who's gonna choose what. Well, apparently, it's set up so that there would be choice to have the child treated through the department's placement or through the insurance company's placement. Now, the idea with that is that there's a choice. You may know in Medicaid we have a number of contractors who are managed care, that provide Medicaid services as opposed to the regular services that DHHR provides through its standard Medicaid.

Now, in those ... for those particular managed care there's a choice you know ... and the Medicaid recipient can choose for I think it's a year whether they want to be with Unicare or they want to be with West Virginia Family Health or with standard ... standard Medicaid. There's a choice by the individual patient and that makes sense. I don't know how the choice is going to be made in this case for 43% of the foster care children who are under age five. I think, I believe I've been told there is a profit of 10% in the contract which would be \$22.5 million on an annual year to operate the contract. Now, I ... I think that may be more money than insurance companies ... health insurance companies are making currently on insurance that the ... the ... the world of health insurance is changing and that profits aren't what they used to be. Ten percent

APPENDIX

would be certainly good. So, I ... you know ... you ask these questions why ... why are we using an insurance company? Why are we choosing a contract that's so large that it's \$225 million? Why are we selecting an insurance company that has not had any participation in West Virginia before, as of some date when they signed the contracts, all of a sudden they are expected to take over foster care and probably a majority or three quarters of the foster care placements that we had. Are they going to be ready? Now, I'm told that the contract is 800 pages, so there may be in that contract pages that do require and answer some of these questions. I don't know ... but it doesn't ... an 800-page contract for \$225 million does not answer the question of why aren't we running a pilot project like we do in almost every other situation. We want to try something new and fresh ... you'll see the bills ... they'll say pilot project. We could do this in two or three counties. We don't have to jump on it right now. It's an incredible ... it's the ultimate bureaucracy to establish something and say well we're not going to use state employees, we're just going to put it in an insurance company and let them handle it and that way we ... we haven't seen an increase in our state employees. Well ... you know ... I ... I just don't think that it answers the ultimate questions ... why such a big contract.

Now, it takes us to the bottom line and apparently in one of the committees the department said that we really have the ... we have the legal authority to do this. I mean, we don't need a bill and that makes me say well, why ... here's another question ... why are we running a bill, if that's the case and if we turn this bill down and vote no, doesn't that say to the department that we don't at least want a \$225 million statewide contract for one insurance company and wouldn't that be a good beginning for doing something really that could help our foster children. I'd urge the members to vote no on the bill.

DELEGATE ZUKOFF. Thank you. I'm very conflicted on this bill. My heart tells me that I should vote no, and my head tells me that I should vote yes. Before I went into the private sector for twenty years I managed public housing authorities in the Northern Panhandle, so I've dealt very ... for many years with DHHR and this is no reflection of the folks that do the CPS work, but this system has been broken for many, many

years ... 30 years in my experience. I think the ... and that's not to criticize the folks that work there ... they do great ... they do great work every day that I wouldn't want to have to do and thank God for them, but I'm also ... I'm very conflicted because I think even if we do staff up at DHHR let's face it, it's taken them two years to try to get this contract out the door. I share some of the same concerns that my colleague spoke of. I'm not on the committees but I sat in on the committees when these hearings were held in the public hearing and I think we have ... DHHR's told us whether you ... we don't need your permission to do this. So, I don't even know why we're voting on that piece of it, but I do think that we have left the foster parents out of it ... that's why I brought the amendment up yesterday. I am really concerned that DHHR will not do the job that they need to do if we spend the money to turn it over to ... for them to staff up.

I'd also ... I haven't been able to get any answers from the Governor's office ... how many of the 2007 employees that you spoke about at the State of the ... at the State of the State, are from DHHR that weren't rehired because of the hiring freeze? Are we setting them up for failure? There are just so many questions ... and at the same time I haven't heard from a lot of my constituents on this but at the same time I met a family this morning who they were foster parents to a five-week-old child ... they couldn't get a second opinion and that child died for medical services. Yesterday we heard ... we were at ... when questions were asked on this bill that the foster families have the right to make the decision to either go with the MCO if that isn't working, they have the right to talk ... they have the right to decline those services and go back to fee for service network. But we need to remember that the state is the guardian of those children, not the foster parents. I've had foster parents come into my office and say, "I have to get DHHR approval to even get my foster children's haircut." So, if they can't get the child's haircut, are they going to be listening to the foster family when they say this isn't working for my child and I need additional medical care? So, I ... and I ... this ... I'm ... I guess not off the subject but, DHHR is a bohemith and we need to deal with that. It is ineffective in so many ways across this state and we as a body need to take that on. I feel very strongly about that. It doesn't work; it's

APPENDIX

been broken for as long as I've been working over 35 years. But that aside, I ... I'm reluctantly going to vote for this bill because I need to go with my head on this one. We need to try something different and see if it works. But at the same time, I'm going to be asking all of you that are supporting this and the insurance companies have been in my office and state, "we are gonna ... we will be hiring case managers, licensed social workers to help do this ... to make this program work." We need to hold the DHHR accountable if a foster family is asking for ... to go back for fee for service because that's what's best for the child. We need to be accountable here and if those things are gonna happen we need to make it happen. We need to make it happen. We need to make them accountable. So, I am going to reluctantly going to vote for this bill but it's a very hard decision. Thank you.

DELEGATE SHOTT. Thank you, Mr. Speaker. Sixty-eight percent, 68% ... that's the percentage of males who've been arrested since leaving foster care ... 68%. Forty-point five percent ... that's the percentage of females who have been arrested since leaving foster care. Forty-four percent of the folks in foster care have substance abuse or dependence problems when they leave foster care. Thirty-nine percent had a mental health diagnosis in the last year ... in the last year ... 39%. Less than one-half have high school diplomas when they complete the ... when they're released, when they hit eighteen and less than half are employed. Those are the alarming statistics that were provided by a Deputy Secretary Samples in a presentation before the Senate Finance Committee about a week ago. Can anybody say that the foster system ... foster care system is working well now, with those kind of statistics?

I will certainly concede that this bill has something for everyone to hate. There's a piece in there that you're gonna hate. It's not perfect but I would suggest to you that there are pieces in there that we all should be happy to see and embrace. For instance; the bill currently cuts down the certification process as required of our foster parents from every year to every three years and if you talk with someone in ... that has foster children, they'll tell you that is a major burden and perhaps a disincentive for people to agree to be foster parents. In addition to that the bill provides an ombudsman that can serve not only as a

monitor of the managed care system and the effectiveness of that and report to us as to how its working but also serves as a single point of contact for those foster care folks who ... and many of which feel like their concerns are not adequately communicated to the agency, this is the person they now know they can talk to who can relate to those concerns and provide answers. There's a study provided in the bill for kinship care which is a neglected area and a widespread area of coverage for these children. There's a study in there with regard to the managed care system as has been mentioned. Our testimony before our committee was ... and those of you who have been involved in this process know the department has been down ... going down that road for a couple of years, they can do it anyway but what we do in this bill is provide a sunset of any approval by the Legislature on June 30 of 2024. This is any approval that the Legislature has given expires on that time ... that date.

There's also provisions in there that limit the termination of parental rights if the parent is participating in some sort of ... as medical assistant treatment and our evidence during our hearing was that they're inconsistent applications of how that's treated so this bill clarifies the circumstances under which parental rights can be terminated and there's also substantial accountability and transparency requirements on the DHHR to provide us with information as to the progress of the system. As I said, the bill is not perfect, but I've always been told we shouldn't allow the pursuit of perfection to be the enemy of the good and this bill does have good provisions in it. The choice we have today is not A or B, it's A or do nothing. A no vote basically prolongs the status quo. It changes nothing. On the other hand, a green vote, a yes vote, at least puts us on the path toward improving a system that clearly is not working. I urge passage of the bill.

DELEGATE MCGEEHAN. Yeah, thanks Mr. Speaker and for cutting me off earlier. I appreciate that. I want to address some of the problems that have never ... some of the solutions that have never been brought forward to be integrated into this bill. No one's talking about truancy laws, compulsory education, great reform we could place into this bill to relax truancy laws, okay. Because according to some studies and then just their own calculations on some of the residential

APPENDIX

care units including my own and others, anywhere between 10 and 20% of the individuals that are sent into the system are guilty of truancy laws, of skipping school. You know, a police officer might not like them on the side of a street corner, they're skipping school. Maybe they're smoking cigarettes under age and you know ... they get them for that, they put them in the system ... guilty of truancy, where they really don't belong and a lot of these residential care placement facilities precisely because you know ... those are ... are ... are tailored for minors who have serious drug addictions, that need serious help. Just by relaxing truancy laws you can alleviate so many resources in the terms of beds, throughout the state.

That was never talked about. Matter of fact there's a couple of bills coming over from the Senate that are going to tighten truancy laws. So, these are the reforms that we should've been talking about. We should have had a more open process where ... you know ... it wasn't just a couple of people who had their hands in drafting this bill and we could have had a much better reform bill that actually achieved a meaningful reform, a meaningful objective. Thank you, Mr. Speaker.

DELEGATE KESSINGER. Thank you ... Thank you, Mr. Speaker. I would agree with almost every single person that stood up here today and said this is not a perfect bill. I'm the lead sponsor of this bill and I agree, wholeheartedly. This is not an end-all, be-all to the foster care crisis in our state but every single one of us need to recognize that we are in a state of emergency in West Virginia, right now. We are number one nationally in child removal. Our system has tripled in just the last few years because of our overwhelming drug crisis. The system is the problem. My friend from the 4th said so perfectly earlier that the system is broken, it's not the employees, it's not the people who are in the galleries today. They work hard. My friend from the 1st is working hard for the kids of West Virginia that need the most help. The ... the ... the individuals in this state that need somebody to be a voice for them. These are the people that are working so hard day in and day out. The problem is the system. The system has tried, and it has failed. The system has come up short and that's what we are trying to do today is resolve this system.

When we were discussing this bill, I want to make sure that everybody knows, this bill is not just the result of a one-hour conversation between myself and the Majority Leader. This bill is the result of more than a year's worth of conversations with foster families, with foster parents, with foster children. We've met with judges, we've met with the department ... we have met with every single entity that is going to be impacted by this. And yes, there are people that have heartburn about certain parts of this bill but in order to truly make a first step ... to take the first step ... to make change, we have to be willing to say enough is enough.

When this bill was first introduced ... the day it was first introduced, I decided to make a call because I'd realized at that point I had talked to a lot of foster families. I've talked to more than dozens of foster families over the last year. I've talked to the department, I've talked to judges, but I hadn't talked to any kids who was in the system or who had been in the system. And so that morning, I called my cousin Ryan who is 19 years old, who was removed from his home when he was just a little boy and I said, "Ryan if there's one thing" ... right now he's at Concord University. He's going to become a special education teacher ... he loves kids. I said, "Ryan, if there's one thing that you want to change about the system when you were stuck in that process what would it be" and he responded without skipping a beat he said, "the entire time I felt like a number ... everywhere I went it was as if people were just telling me, pull a number and wait." The system failed him. For more than a year he was stuck in this broken system where he didn't feel cared for, where he didn't feel loved, where nobody spoke up for him and that's what we're doing today. We are saying these are not just numbers, these are not just kids with ... these are not just numbers on a page ... these are children. These are children who have been left to fight for themselves, who have experienced more traumatic things than most of us in this room ever have or ever will experience and right now, we are failing them. There are kids in my district right now whose medical records have been lost who are blind because of traumatic abuse that they suffered but their medical records have been lost. There are kids in my district right now who have received duplicative vaccinations because nobody knew whether or not they received the vaccinations they needed to

APPENDIX

have. We have to start ... we have to ... the conversation shouldn't be about corporations and about bottom lines, it needs to be about these kids. They're the ones that are falling through the cracks and they're the ones that we're trying to rescue. Kids like Ryan. Kids like my friend from the 12th district who ... who ...he shared their story. That's what we're trying to fix. This is the first step. The Majority Leader and many members of this body and I have already had conversations about how we're going to continue this conversation through the next year and we're going to continue to bring forth reforms and I welcome my friend from the 1st input on how we can solve this issue, the underlying issue. But we can't just sit here and say the status quo is okay. We are in a state of emergency. That dome light should be on because there are 7000 kids who need somebody to be a voice for them. In Proverbs 31 it says to speak up for the poor and the destitute. If there is one group of people in this state that I would consider destitute it is the foster children who have been neglected for their entire life.

So, when you ... when you go to vote today I want you to think about those kids, those kids in your district ... I'm sure all of you know of a foster family who has taken in a child ... I want you to think about those kids and ask yourself is doing nothing what they deserve because we talked about the MCO's, we've talked about the no reject, no eject clause but what we haven't talked about are all of the other things in this bill. My friend from the 4th ... I've had so many conversations with foster parents who said the same. I couldn't even get a haircut for my kid without getting permission from the department. We've included a provision in the bill that allow parents to make prudent and reasonable parent decisions for their foster children so that they could be treated in the same manner that they treat their own biological children. These children who have undergone traumatic events deserve to have a quality childhood as much as we can provide. They should be allowed to go on vacations with the families they're in. They should be allowed to go to school dances without additional impediments. They should be having normal childhood experiences and that's one of the provisions in this bill.

Again, when you vote on this bill today, I want you to think about all of the kids. The

kids who have ... who have not had a voice for decades in this state and I encourage you to vote green on this bill.

DELEGATE WALKER. Thank you, Mr. Speaker. Welfare, health, happiness and fortunes of a person or a group. It's a boy, it's a girl, it's precious ... ten fingers, ten toes, two arms, two legs ... that's what the parent prays for ... that's what a parent wants. When you become a parent, my number one goal is to be a mother. To have my children say momma is a blessing. When I moved to this state eight years ago, I became a momma to many children in HUD housing. I became a momma to many children in schools that didn't have the status quo home. See when you say momma or you say dad, foster kinship or adoptive is not in front of them. I receive texts, I receive calls, I receive emails ... our office has been flooded with persons from managed care, employees from DHHR, social workers, recovering addicts ... but this morning there was a couple who came into my office who's fostered nine children in this state and adopted two and they sent out printouts and this one stuck and hit me hard, a child in our system who's wearing a superman shirt and today we need super heroes. You were all elected by the people, for the people because we are the people. Just because they can't get to a ballot box it doesn't mean that our children are not worthy.

Now, this bill states a lot and DHHR has told us that they don't even need our vote on yeas or nays to do what they want to do. I accept that but what I will not accept is that we use these children as commodities. What I will not accept is having to be sane because I will be insane today, tomorrow and forever for the future leaders of West Virginia. Now it's hard to send a child out of state and being a mother of two disabled children, I know I've had to travel far beyond to get the care that they need and sometimes that's the right fit. We look at things in the box, we look at things outside the box but it's always in the box. We never look around the box. We never look above the box. Where are the children voices in this? I became a godmother to a child that's in a foster-to-adopt program and the hell that she has gone through being in this system is disgusting, it's disgraceful and it's disrespectful. For us to have a bill and not have the people that care for these children day in and day out, not

APPENDIX

even be welcome at the table and this is the first time that they hear of this, it's preposterous.

I want you to think back to the moment when a little person looked up at you and you know that they needed help, whether you were a service personnel EMS, whether you were an officer going to that home, whether you were a teacher trying to get their clothes clean because there was no electricity ... see this goes beyond DHHR. This goes with you walking your neighborhood and turning your face and not asking if you can help someone. Mountaineers are free, so be free to lend a helping hand and this may be the only hand that you can lend in this House bill but its broken and its broken bad and its broken worse in the system that we already have, and I encourage a no vote on this bill. Thank you.

DELEGATE ELLINGTON. Yes, Mr. Speaker, thank you. Mr. Speaker there were a lot of concerns that were raised today. Some do pertain to what the bill is addressing, some pertain to a lot of the problems that we're having in general within the state and have not too much to do with this bill. What I'd like to focus on is what we're looking at. Seven thousand children that are in the foster care system. Five hundred ... roughly 500 children that are placed out of state. One of our main emphasis was to try to bring a number of those children back to our state ... bring them closer to home. There are a number of different avenues in which ... how to achieve that. We have looked at different things ... DHHR is having a hard time addressing the problem and dealing with it. They are looking at trying to outsource a portion of that and that is what the match care system does. Match care systems get a bad rap many times. Yes, they are good in certain ways and bad in other ways as is everything we do. If we look at our match care system in the state with Medicaid we had approximately 550,000 Medicaid patients within the state out of a state of 1.8 million; roughly 400,000 are in managed care system at this time. Last I looked the sky is still above us it has not fallen yet. Yes, there are good things that have happened with it, yes there are bad things that have happened with it. It's up to us to keep reviewing those things. One thing I will say is it has stabilized the cost to the state as far as taxpayer money going to the system and stabilize the levels that we're spending on each of these services.

Same type of system is match care to foster care kids. We have looked at a number of models in other states that have been done. Delegate Westfall and I several years ago, met with Unicare. They have a model down in Georgia that seems to work very well for a lot of kids. It has coordinated services ... improve things ... a lot of the care ... continuous care throughout their time in foster care. That was very appealing to us. Are they negatives, certainly. Are there the possibility that people can do other alternative things, yes. This system says that parents ... the foster parents have the option to continue the current fee for service system in Medicaid that they're already doing. It's not gonna force them into it. It's gonna give them the option to go into the match care system and hopefully we'll coordinate care better. That may also stabilize cost to the state. The price tag of \$225 million is what was roughly estimated and yes, the secretary ... deputy secretary yesterday did mention that we will have some cost savings in some areas and we may have some cost increases in others and they are looking at a breakeven point, but that should help with stability for the cost to the system. This is just one option, it's not the cure all. We've never proposed that. I'd had a perfect bill on the top of it if that was what was going on but we all know that that never happens but it is a step in the right direction for a population of kids and it is also a step in the right direction to bring some kids back to our state and that is one of the major goals. So, I mean I could try to address other problems and we were all looking at these other things. Yes, we want to increase the salaries for DHHR workers and CPS workers. We've been doing that across the state. Every division in the state needs that help. Looking at the 225 that this goes to, people have been blowing that out of proportion. One percent of that goes to the profit margin. Nine percent goes to administrative costs and they have to justify that. If there are costs that are coming back savings, that's gonna be reappropriated into the services for these kids, so I'd like to get ... set the record straight and that's what the numbers are. It's an experiment. We are going by other models. We've been talkin about this for years. Yes, we've included foster parents and discussions in the past. This has not been as the lady from the 32nd mentioned, something that was done overnight with a few people talking about it. We've been looking at this for several years.

APPENDIX

A similar bill was on the agenda last year. It got blocked for the same types of reasons people have been doing and as the gentleman to my left said we keep doing the same thing over and expect different results. And again, we can continue some of the same things but this is another option and I don't see any reason why we can't implement it. If it doesn't work, we'll get rid of it. There are controls ... sunsets in four years. It's reappropriated each year at that point. If we don't like it we can get out of it. So, Mr. Speaker, I urge passage of the bill.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS Of MEMBERS *January 31, 2019*

DELEGATE COWLES. Thank you very much, Mr. Speaker. Mr. Speaker let's act boldly ... but as Lincoln said with malice towards none and with charity for all. I think we should, and I want to take bold action to improve public education in West Virginia. We can do better. Our system is too centralized. Our system is too tangled with red tape. I think we all know there is too little local control in our state system ... too little innovation. Our system is ... has too little engagement with parents and students. Part of the reforms I think we need, we are on the path. We need to cultivate our human relations and our human resources ... a 10% pay raise in two years ... two hundred or so million dollars toward PEIA, more counselors, more behavior health specialists, more help in the classroom. This, I think, is ... is support for our human resources ... moral support ... a boost of moral ... morality ... or moral support but it is an effort to recruit talent human resources in the school system. It's an effort to retain talent within our system. That's a big item. If we want to have a better school system, human resources is a big part but also there is another part; the centralized system, I think, is a ... right for changes. The lack of local control, the lack of innovation, the lack of freedom and flexibility for students and parents. Our system, my friends, is choking ... it's choking itself. Our school aid formula promotes only basic average, the minimum for all and we fall short of that. The system

disallows the very ... the very things we're gasping for; the local control, the innovation, the flexibility, freedom and choice in education.

My question, Mr. Speaker, is how long should we fail to act? Is our education system last in the nation or are we only second to last? Please, Mr. Speaker, lets act boldly without malice and with charity. Today there is a mass exodus from our beloved mountain state. We can and should have a better school system. The Governor keeps asking why. It's we're last. We can and should do better. So, Mr. Speaker, as Lincoln said without malice and charity for all let's go...try to make our system better. Thank you.

DELEGATE ROBINSON. Thank you, Mr. Speaker. Yesterday we had an amendment from my friend from the 37th and I was disappointed in the body as we voted on a small amendment to a bill and it really wasn't partisan but we voted in a partisan manner and it's unfortunate that we get into these things and we get into those issues and do the ... vote for things for simply "R" or "D" behind our name in that aisle or this aisle. Now we debated 2010 today which was a foster care bill and when it came across the table in Health, I was interested because who could make foster care partisan. Not possible, right? So, we went through the process and it was somewhat partisan in Health Committee but we got through, we made some improvements, and we got it to Judiciary and as I said the other day Judiciary did a very good job of bipartisanship on this bill and made some improvements and again I thought there is no way you can make foster care partisan. You know, we disagree and some on this side thought the MCO thing ... it goes across the lines but as people pointed out, we do it for other people and the other issues aren't really partisan. Truthfully, the bill doesn't do a whole lot. If you could see my paper clips here that splits out everything the bill does. There might be two pages, maybe a page and a half that actually does something. So, as we go through that is again, foster kids ... we all agree there's a problem ... we want to fix it, right? We all agree to that. You know, we're not going to vote against foster kids, right? You're not gonna vote against foster kids but unfortunately it was partisan. It's actually the most partisan bill we've had this session, so far. We have members of the body pointing out and

APPENDIX

accusing democrats of voting against foster kids and then even more disappointing yesterday we have a political action committee. You know those nasty people that sent out those negative ads on you and those letters that come in the mail about what a terrible person you are usually with a funky look on your face ... a picture of you in all gray in big red letters. Those people came out against democrats yesterday because we don't like foster kids and you know how bad that was yesterday ... you know how ugly it was ... how partisan it was. A member of this body got a text from his eleven-year-old son. "Dad, what are you doing to foster kids? Why did you do that? Why are you attacking foster kids?" You know how bad that is? You know how ugly that is?

I would encourage this body to get back to the way we did things in the past and on other bills and things that don't look good in glossy letters on that mailer here in a year when you're running for office and get back to doing things that improve West Virginia. Let's quit running a hundred-page bills that don't do a whole lot and talk about how great we're doing for foster kids so that some pack can go out and cheer you on and talk bad about the other guy. Let's do something for real. Let's go in and add things to these bills that are a whole bunch of fluff, a whole bunch of hot air and I can guarantee you there's a couple coming from education ... a whole bunch of hot air. Let's add something to them that actually do something and stop letting packs and even ourselves talk about "D" and "R."

Thank you, Mr. Speaker.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. We just heard about this bold, new agenda. Here we are, day twenty-three on this bold new agenda and we just took up a bill about the buying, selling and trading of animal parts. Things like animal urine and carcasses and as we learned, baculum. The gentleman mentioned he saw it on T.V. ... hell, I thought I was sitting here on T.V. ... reality T.V. because I can't believe on day twenty-three of this bold new agenda we're taking up baculum bills. So, forgive me, Mr. Speaker, of this bold new agenda. I'm not taking the bait because we're not paving roads in baculum. We're not putting people back to work with baculum. We're certainly not bringing more people to West Virginia

with baculum. Now, we talked about that this week. How we need to keep our young people here and bring more young people in ... get them to stay in the state. There's literally a bill called the Stay in the State Act. How do I know? I've introduced it, yet, we don't take it up. You know, we have a student loan crisis. That's what the Stay in State Act would do. We are number one in the country for defaults on student loans. Yet, we don't talk about it. Apparently, the Stay in the State Act is only going to stay in committee. So, as we move forward from day twenty-four and beyond, I think we need to remember this is the people's house, we represent the people. The people are not emailing me about baculum bills. They're not emailing me about private property rights so they can get a DUI ... that's another landmark bill we passed out of this body. They're emailing me about the education system. A few of them are sitting in the gallery right now wondering if they have to come back down by the thousands, again. They're emailing me about Cannabis because like it or not it will create thousands of jobs and hundreds and millions of dollar in revenue. Yet, that bill gets triple referenced. Baculum bills get double referenced. So, let's remember that as we go forward. We have a job to do of the people's work because we are in the people's house and I'm not so sure this bold agenda is a reflection of what the people want. Thank you, Mr. Speaker.

COM. SUB. FOR H. B. 2001

REMARKS Of

MEMBERS
February 1, 2019

DELEGATE DOYLE. Thank you, sir. As Lyndon Johnson used to say, "I come to you with a heavy heart." I'm gonna vote against the bill. I wish I didn't have to. I'm 76 years old. I'm drawing full Social Security. I'd love to have the money but I don't think the state can do without it. Maybe in a different form we could pass this. Mr. Speaker, I know darn well I'm a member of a class and I'm not going to burden you with a request, I'm just going to vote no. Thank you.

DELEGATE MAYNARD. Where I ... Where I come from, Lincoln County, Logan, Boone, we have seen an increase in our senior citizens taking care of our children. If

APPENDIX

somebody ... If, if we don't think this bill's gonna help just the bottom lines of these families, it is. It really is. It's gonna help a lot. And being around these kids, being raised by my grandparents, I know that, you know, this money won't be saved. It's gonna go ... it's gonna go back into the economy. I want to thank all the seniors and Mr. Speaker; I will be hitting the green button. Thank you.

DELEGATE HANSEN. Thank you, Mr. Speaker. When we pass this bill, we'll finally be doing right for our seniors. I think about my dad; he turns 85 this month. I'm thinkin about seniors on fixed incomes across Monongalia County and across the State of West Virginia. The people who have talked to me about the difficulty of paying for prescriptions and doctors' visits and gas and electric and food and I've heard them loud and clear. When I campaigned, I promised to vote to repeal the tax on Social Security and I'm proud to keep that promise today. Thank you.

DELEGATE ROHRBACH. Thank you, Mr. Speaker. My practice, every day, I take care of people that this will benefit. And I hear these people complain I can't afford my prescriptions anymore I can't afford my utilities anymore. So, I have firsthand experience, on a daily basis, of the impact that this will make on our fellow mountaineers. This is real. This is tangible and I urge every member of this chamber to vote yes on this bill, because this bill matters for our seniors. Thank you, Mr. Speaker.

DELEGATE ANGELUCCI. Thank you, Mr. Speaker. Out on the campaign trail this was one of the most important issues that I was able to speak to with seniors. This is important to them, it's important to my family members. My grandmother who struggles and ... and works month to month to pay her bills. This is an added benefit to them. And so I urge adoption of this bill. I urge that we pass this and we help our seniors. It's important to West Virginian's and it's important to our seniors, so I ask you to please vote yes.

DELEGATE PAYNTER. Thank you, Mr. Speaker. We wade through a lot of bills here that people wonder why we are doing this or why are we doing ... or why are we even

messing with it. But this one is one of the few good ones that you can really get excited about. This ... I come from ... represent a District that has an aging population and times are tough there. This will absolutely help the District a lot. This is a long time coming and it's long overdue and I will be a definite yes on this.

DELEGATE EVANS. Thank you, Mr. Speaker. I don't make any campaign promises except this one. And I promised the seniors all over Southern West Virginia that I would do my best to remove this tax. It's unfair that we ask our seniors to bare burdens that honestly they can't afford. We tax them on the backend on this. It's not fair. So many time a seniors has told me, you know we need a cost of living allowance. Well, I can't give each one of them a cost of living allowance from the jobs where that they're retired from. But in fact, this will be a cost of living raise for each and every one of our seniors. Today, I'm proud to fulfill a campaign promise and vote yes. Thank you.

DELEGATE ROWE. Yes. Thank you, Mr. Speaker. It is ... It is a wonderful thing to be able to cut taxes. I completely agree but I think the members should remember that the effect of this is across the board. And, what we'll have is that ... there ... about one-third of all the tax filers and there are 125,000 tax returns filed each year and on Social ... that have Social Security benefits in them. And of that one-third those folks won't be benefited by this bill because they're not paying taxes on this bill. Now, what also you need to understand is that by doing this, the original bill that came through Finance had provisions, I think, from the Governor, where there was a phase in and certain high income groups may have a different effect. But you should remember that 20,000 people that make \$100,000 a year, or more, in retirement years, that's income, over \$100,000, there are 20,000 people. I say people, I should say tax returns that will be filed with this benefit, making over \$100,000 a year. And you say "it's just not fair to tax Social Security, we've taxed them once whenever they got the money out and had wages collected, which a cost collected and that's ok. But I think what that we have to do is to renew our commitment to the poor seniors, who are the ones who we're talking about today, I think, struggling just to pay prescription costs and

APPENDIX

so on. That when ... and you say, well how do we do that? Well, one way would be to raise the minimum pension that we provide state employees. A number of years ago we raised it and ... and we could do that again. Another thing is to make sure that our senior centers are adequately funded. You say, well how to do that? Well raise the minimum ... raise the meal rate that we pay for the meals that they provide because they have to support the entire center; facilities, food, cooks, everybody, in order to provide those meals. So I just say to the members, it's a good thing to cut taxes. I like to do that. I will vote for the bill, but I think we all need to commit to make sure that the seniors who we are leaving behind are ... and who will get no benefit, one-third of all the people who, who file with Social Security Wages will get no benefit from this bill but we can do other things to make it important and help those folks who have been left behind.

DELEGATE PYLES. Thank you, Mr. Speaker. When I came as a Delegate in 2017 the very first bill that I introduced was a bill to exempt Social Security from the income tax. And I'm very happy to see that we now have a bill before us at passage stage, not ... not the same bill I introduced but ... and I'm not ... not happy that we're making seniors chose between the \$8,000 exemption and the Social Security exemption. But I think still it will be beneficial to many of our senior citizens and I urge passage.

DELEGATE SWARTZMILLER. Thank you, Mr. Speaker. There are many reasons why I will be voting for this bill today. Mostly because it's gonna help folks, our seniors. Coming from the 1ST District, a steel working community, I've watched a steel district grow from about 14,000 people and its down to about 600, today. And along the way, Weirton Steel had filed bankruptcy, Wheeling Pitt had filed bankruptcy and a lot of those folks lost a big part of their pensions that they'd worked all their life for. It got turned over to the PBGC. So when we look at who this may help or who it doesn't help, I can tell ya in the Northern Panhandle there's a lot of steel workers that worked all their life and lost a lot of what they worked for, that's going to be getting some money, some extra money in their paycheck when we pass this today. And I think it's well worth doing for, not only that reason but for all the other

reasons that my colleagues have been getting up and speaking about today. So, would certainly urge passage, Mr. Speaker.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS Of MEMBERS *February 1, 2019*

DELEGATE MILLER. Thank you, Mr. Speaker. On behalf of myself, the gentleman from the 22nd and the 24th I'd like to report on a communication that I received this morning from the Board of Education, in my county. A special meeting was held by them yesterday evening in order to ... well it served two purposes. One, to express their concerns regarding the impact of the passage of Senate Bill 451, which we do not have yet but we expect to receive at some point and to communicate their support for public education in West Virginia.

Now, sometimes we wonder if anybody's actually watching our actions, our reactions to bills from the Senate. Well, I'm here to report to you that they are. And I'm sure that there's probably others in the State of West Virginia, as well, but I can report this one to you to be fact.

I'd like to report that this resolution and carry the message of my District to this change ... to this chamber over this potential legislation. Rather than me try to butcher it and try to summarize it, it's and quicker if I just read it: So, after having read and/or reviewed, SB 451, the bill originating in the Senate Education Committee, known as the "Omnibus Bill," which proposes certain reforms to public education in West Virginia, the Board of Education of Boone County finds many of the outlined provisions of said bill quite concerning.

Though West Virginia's entire public education system continues to be underfunded leading to shortages in many areas of the teaching field, service personnel, school nurses, librarians, school psychologists and counselors, many provisions of the bill would further erode the funding necessary to meet the needs of our

APPENDIX

students served in our public schools. The budgets of county boards of education have been severely strained due to previous cuts made in appropriations through the School Aid Formula and various provisions of the current bill will result in reduced funding necessary to support the students in our public schools who present the greatest needs.

While the Board of Education of Boone County fully and humbly accepts the responsibility of providing a quality education for the students of Boone County, it is the duty of the West Virginia Legislature to provide a thorough and efficient system in the state whereby our students receive a free and appropriate education. This charge to the Legislature cannot and will not be realized by passing the reform bill which contains a myriad of provisions which will result in reduced funding and limited supports for our most disadvantaged students.

Understanding that the state is in the grasp of a serious and unyielding drug epidemic that is negatively impacting the students served in our public school systems, the reform movement ultimately reducing the support systems so needed by those same students will not support the goal of providing a high quality education for "all" students. Our public schools serve as the heartbeat of our communities and without the necessary state financial support, the efforts of those schools to serve the children and families of those communities will be adversely affected.

While reform to West Virginia's public education system is needed, increased student achievement, necessary and adequate support systems for the most disadvantaged students and general support necessary for success should be the overarching goal of such reform movements. Contrary to such, there are a myriad of provisions included in the current bill that would reduce and/or eliminate the resources and supports that research indicates are necessary for the success desired for "all" students.

For the above stated reasons, let it be resolved that the Board of Education of Boone County opposes any and all attempts to use public funds for education reform that is not specifically designed to cause change

resulting in greater student supports, increased student opportunities and higher student achievement for "all" students attending public schools in this state.

Mr. Speaker, I would agree with my board members and support their resolution and urge this body to, when given the opportunity, to react the same. Thank you.

DELEGATE ESPINOSA. Thank you, Mr. Speaker. As the state Senate continues its consideration of their comprehensive education reform bill and as I considered how the provision that would authorize public charter schools might assist our West Virginia communities I was reminded of a conversation that I had a few years ago, with a Eastern Panhandle Superintendent who used to be a principle of a Pennsylvania public charter school, essentially a municipal charter school. That particular charter school was slated for closure but remains a community school as a result of the legislation on the books in Pennsylvania that does in fact authorize public charter schools.

In May of 2011, citing financial constraints in declining enrollment, the Bedford Pennsylvania area school Board of Education approved the closing of Hyndman Middle High School. And as we're well aware, sadly, many West Virginia communities face those same, very difficult, decisions. Unfortunately, unlike Pennsylvania, our West Virginia communities don't possess the same options that the parents and community members associated with Hyndman currently have.

The community members associated with Hyndman formed the Hope for Hyndman Committee and they submitted a plan to the Bedford Board of Education to keep their community school open. They basically said no we do not want to lose our ... our community school. And, pleased to share that the ... as a result of that application that was submitted and approved by the Bedford County Board of Education, the Hope for Hyndman Charter School was established and, last year Hyndman served 254 students. Those students taught by 19 full time teachers. And again, I think that certainly mirrors the situation we have in many of our communities where we do have some of those small schools that we've lost.

APPENDIX

This morning I received a list from the Department of Education of schools that we've lost just in the last 10 years. Now they caution me, some of these ... some of these names ... some of these schools, you know, may not be completely accurate so if you hear your school called and you know it's open, you might want to let the department know because they think it's closed but ... Glenville Elementary School, Normantown Elementary, Sand Fork Elementary, Troy Elementary, Genesis Youth Center, Presley Ridge School, Presley Ridge White Oak Village, Birch Elementary School, Gilbert Elementary, Riverside Elementary, Easton Elementary, Woodburn Elementary School, Jakes Run ... East, I believe it's pronounced, Tunnelton-Denver Elementary, Valley Elementary, South Preston Middle School, West Preston Middle School and again, I have two full pages, unfortunately, of schools that have been closed just in the last 10 years. And I suspect many of them are rural community schools.

My question Mr. Speaker, is why should West Virginia parents, students and communities not have the same options that 43 other states and the District of Columbia currently have?

Opponents of public charter schools often ask, well who's asking for these schools? Well, Mr. Speaker, I'd submit that if our rural communities in West Virginia that have lost their community schools, if they had the options that Hyndman had, they'd be embracing the opportunity to preserve their community schools. Thank you, Mr. Speaker.

DELEGATE SHOTT. Thank you, Mr. Speaker. Yesterday during remarks by members, one of our colleagues insinuated based on a bill that passed out of Agriculture and Natural Resources and came through the Judiciary Committee, that it reflected the priorities of the majority party. Of course, anyone who had been paying attention would know otherwise but I guess that was just too good of an opportunity to resist.

It does ... It does bring up a point I think is important. Every bill that's introduced in this House is important to somebody. It may not be of earth shattering importance but somewhere, somebody has asked that that

bill be introduced and it's important at least to that person or that entity. The ... often times we sponsor bills that don't necessarily reflect our personal opinions or our priorities but are at the request of constituents or constituent groups.

I took the opportunity though because of the strength of the attack yesterday to look at the records of the person who made that attack to assure that every bill that he had introduced this session was the type that would likely to change the course of human events. And certainly there were, among the 24 bills listed, some real important issues. I ... I ... I will certainly concede that. However, there are ... were some of these earth shattering bills such as, requiring drug testing of all Legislators. That is a earth shattering bill that we certainly would reflect serious. Also, legalizing interactive gaming was one of these bills. And, at the top of the list, prohibiting chairman of state political parties during ... up to one year after the termination of their employment as chairman of those parties, from registering as lobbyist. Certainly earth shattering bills that would change the course of human events, as we know them.

I say that only because I think we need to be cautious in how we take advantage of these opportunities. Because as I told my kids as they were growing up, every action has a consequence. Many of which you can anticipate, some of which are not necessarily able to be anticipated. In our committee so far this year, we've run 33 bills. Fifteen of those bills have had bi-partisan sponsors. Four of those bills have had members of the minority party as the lead sponsors. We have selected bills based on their merit, not based on the party that was involved and based on the priorities that we have as members of the Legislature. Today, we have five bills on our agenda. Four of them are bi-partisan sponsored, one of which has a member of the minority party as a lead sponsor.

I just suggest to you that when we take advantage of these opportunities, we need to be careful we don't activate a chilling effect on that practice. Certainly we don't want to suggest that those of us who select the agendas are going to be looking over our shoulder, worrying that we're going to be challenged or criticized for the bills that are run that are requested by our members. We

APPENDIX

just ask that we keep that in mind as we make these remarks and resist the opportunity to be critical because every bill that's introduced has someone, at least one person, that thinks that bill is important. Thank you, Mr. Speaker.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS
of
MEMBERS
February 4, 2019

DELEGATE HANSEN. Thank you, Mr. Speaker. Coal mining communities across West Virginia are hurting and coal companies have gone bankrupt and miners are losing their jobs and families are facing tough times and here's the question; at a time when we're losing so many coal jobs, do we just dig in our heels and try to make our future economy look like our past economy or do we take steps, steps that are proven in other states to capture new energy jobs that are passing by the State of West Virginia and let me give you one example; we're in the middle of a natural gas boom here in West Virginia but manufacturing operations are not allowed to access cheaper natural gas plants operated by third parties adjacent to their facilities and the second example; let me as ask you if you know what the fastest growing sector of employment is across the country. The fastest growing sector in the United States is the solar energy sector. There are now over 250,000 jobs in solar across the country 250,000 and how many do we have here in West Virginia? We have about 300 and look in Ohio they have more than 6,000 solar jobs and in Maryland they have more than 5,000 solar jobs and even in Kentucky they have more than a thousand but in West Virginia only 300 and the reason for that is cause we have policies that keep them out. So, I have sponsored a bill with bipartisan support. It's called the Modern Jobs Act or the Mojo Act and this bill will create jobs in West Virginia. For those large manufacturing operations and chemical facilities that we have in Morgantown and along the Ohio River and here in the Kanawha Valley it will allow them to access natural gas based electricity and solar electricity should they choose to do that and there are corporations across the country with renewable ... with

corporate sustainability targets which means they have made a decision that they need to generate their electricity from renewable energy and sometimes its up to a hundred percent and those companies won't come to West Virginia because right now they do not have access to that renewable electricity so like it or not, that's the way the world is moving and companies like Google and Apple and Microsoft simply won't come here. So, I'm asking you to support policies that will attract all types of jobs to West Virginia. Not just those jobs that sustained us in the last century. I'm proud of our coal miners. I appreciate the work that they've done and continue to do to power America. It's dangerous and difficult work. I really do appreciate that but we need to adapt to a changing world. We could dig in our heels and keep these other types of jobs out of West Virginia while coal jobs decline or we could truly work to diversify our economy and welcome all kinds of energy jobs in West Virginia. So, I hope you'll join me in supporting House Bill 2589 the Modern Jobs Act. Thank you, Mr. Speaker.

DELEGATE C. THOMPSON. Thank you, Mr. Speaker. In February 2018, thousands and thousands of teachers, service personnel and others came down to the Capitol after years and years of neglect and dealing with legislation from people who have no experience in the classroom. February 2019 ... we're now fighting the same battle in the Senate. Attacks on public education and now attacks on public educators. Teachers are pretty good about teaching a lesson and when that lesson isn't understood the first time they're willing to teach a lesson again and again and again until that material is understood. So, I'm asking this week as we delve into our legislative body that we consider and we listen to our public employees and we listen and hear the pleas of public education and we make the right decision. Thank you, Mr. Speaker.

DELEGATE PORTERFIELD. Thank you, Mr. Speaker. I first of all just wanna stand and speak to a few things that have just been addressed and some things that have been said over the last couple of weeks in regard to our majority.

I just want to say I'm thankful to serve with the people I serve with in this majority. In just the last few days I've had a privilege

APPENDIX

of young Delegates really just revolutionized with their leadership. The foster care bill, broadband and the removal of the Social Security tax.

I've watched and heard people get up probably just to grandstand for their Districts, to throw off on our majority. Talk about how things need to be done. But yet, the other side, for 83 years had the majority and they did nothing but cripple this state. Now this majority, since 2014, we have built to have a 9-digit surplus. I want you to think about that, here in West Virginia. And I just want to thank the people that have worked so hard, have been so diligent to help to make to this possible.

Many of my Delegates, including my teammates, served in the minority, dog fighting, working hard and watching West Virginia change to having some of the most liberal laws on abortion that there is. I want to thank this majority for looking to the future. For looking for ways to diversify our economy and making West Virginia the best place to live, work and raise a family.

You know, it was said a week or so ago to one of my team mates that the business inventory tax, the guy didn't know that ... had never had anyone tell him that that's why they were leaving this state. Well let me say this to ya. A lot of people don't even know what the business inventory tax is but they see what the result of that has been. And it has been a very, very restrictive way of keeping jobs from coming here. I think this majority needs to be commended. I think they need to be thanked. Because if they had not stepped in and not have made the changes that have been made since 2014, it's hard to tell where our state would be.

For over 80 years you've had the majority. We have a drug epidemic; we have poor education; we've got resolve that we're trying to take care of and if your ideas were so great, then why was there such an epic failure? You are poor at governing. It's just the truth. You stand for prochoice and murdering babies. You stand to take away people's guns. The environmental sister that you all ... many of you hang around with are up committing crimes against Rockwell, in the Eastern Panhandle and we have these

multitudes of SOGI bills up restricting our people in business.

I want to say this to you. I'm glad to be a part of this majority and it's not a perfect caucus. And there's one reason, in particular, I know it's not a perfect caucus, is because I'm a member of it and I'm not perfect. But I want to make solid decisions. I run to defend the First Amendment; the Second Amendment; Religious Liberty Pro-life; Pro-family; I back Right to Work and I'm for Pro-Business and moving this state forward. And I have watched good government since 2014, move this state forward. You can cut it any way you like. But you can't change history. You can't change what you did when you voted and you can't see clearly that over the last, going in now the fifth year, that it's the best days that our state have ever had.

And I want to encourage the folks that are making decisions here, that you've got people that are for what you're doin and there may be things that some of us disagree on and peripheral things but as a whole, I think you should be commended for trying to make this state the best place to live, work and raise a family. Mr. Speaker, you should be commended. I appreciate ya. Madam Majority Leader or Gentelady, whatever they prefer us to say to you now, I want to thank you for your hard work and diligence. And my fellow colleagues for working, fighting through obstruction, fighting through fri ... frivolous endeavors to try to hinder growth and standing up for the greatest state in the Union, the State of West Virginia. God Bless ya.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. I stand before you today to let you all know that I am proud to be on our team ... on our team. Yes, we're Democrats, yes, we're Republicans ... one is in the minority, one is the majority, but polarization gets us nowhere and I'm on our team ... team West Virginia and I would like for that to be duly noted. As I also stand before you today, I want to bring greetings, I want to bring cheer, but I also want to bring caution as today is a holiday. That holiday is omnibus eve much like ... much like Christmas Eve. We're waiting on a present from the Senate and this present comes in the form of a bill. Now Christmas, as we all know, has a long tradition with it and for most of us in this body to me it means celebrating the birth of

APPENDIX

Jesus Christ. And also with that you get a couple of presents, maybe one, maybe two, multiple ... it depends on what your situation is, but I have yet to hear or see a present that has grandma's socks in it and dad's T.V. on it and your sister's barbies, all put together. That would be crazy. Education reform is Christmas. Education reform is Christmas and what we should be doing, we should be celebrating students, teachers and parents with that holiday but I'm afraid that what we're doing right now is we're simply going to be favoring outside interest and political motives and like Christmas it has a list and when you make a Christmas list it is usually the people that are asking for items that are able to put that list together not someone else. It should be noted that there was bipartisan ... bipartisan opposition to this but it was only partisan support. I think that should be duly noted. It should also be noted that reform means different things to different people. Reform can mean pay, it can mean the insurance structure, it can mean charter schools; okay? It can mean inclusion diversity. It can mean differential pay. It can mean all these things and with it being different to all of us that's good, that's healthy and you debate those items for what they are ... as separate issues and you get the best for the public with that and what I'm asking Mr. Speaker, in your short term you have lead with honesty, integrity ... okay ... you've done those things ... you've had wisdom and I ask that you continue that as we receive this present from the Senate. There should be no shortcuts ... there should be no circus acts like they have performed in the Senate and like typical, we're left to clean up their mess and that's what this body will have to do and again no matter where you stand on these issues we need to be debating those as separate issues ... we need to be debating those as separate issues. So, Mr. Speaker, I'm asking that as we do this all of us together ... to make sure that we uphold democracy ... to make sure we take it to the committee process ... get the best product for the people and make sure that those students, teachers and parents are at the table. Thank you, Mr. Speaker.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Mr. Speaker, yesterday the State of West Virginia lost one of its best friends, one of its greatest diplomats; George Daugherty, also known to many throughout the world as the Earl of Elkview, passed away yesterday.

George served his country in the U.S. Army and South Korea. He was the past president of the West Virginia Board of Law Examiners. He served as a staff counsel here in the West Virginia House of Delegates and he helped more people than he probably ever knew to find recovery from alcoholism and addiction and I would request a moment of silence in memory of George Daugherty.

DELEGATE MILEY. Thank you, Mr. Speaker. I usually don't get up and respond to misinformed ideologues, but I will and I wasn't prepared to do so but I've only been here since 2004 ... I haven't been for 83 years ... nobody in this chamber has been here for 83 years but that's a convenient talk you point for some in the room who want to ignore the facts then I'll share some facts with you. Since I've been elected since 2004 we've sent thousands of kids to school with a promise scholarship that was funded by the democratic majority so if you don't think that's a good thing why don't you sponsor a bill to end the promise scholarship. What we also did from 2004 to 2014 we went from having a business tax climate ranking of 43 as confirmed by the tax foundation to about 15 or 16 ... it's now 19 but that's been a considerable jump and we made that jump by privatizing worker's compensation which most businesses will tell you was a good thing but if you don't think it was please sponsor a bill to go back to the way it was. Most businesses will tell you that their business franchise tax was eliminated. Most think that's a good thing but if you don't think it was, please sponsor a bill to reinstate it. Most businesses will tell you they had their corporate income tax reduced. Most of them think that's a good thing. If you disagree, please introduce a bill to increase it. When the democrats were in the majority we eliminated the food tax with overwhelming bipartisan support. If you don't think that was a good thing, please sponsor a bill to reinstate it. Now we can choose to begin to be partisan in this chamber which I think thankfully to this current Speaker we've been able to avoid for the most part but if you want to go down that path that's fine ... we actually ... in case you were wondering we actually picked up seats in the last election and I don't think that will stop and I'm happy to compare any four years from 2004 to 2014 and what we accomplished during that ten years when we were in the majority during the time I was here and most of the people in this body with

APPENDIX

the last four years of what you've accomplished and how and if that moved West Virginia forward. Your party nor ours put the gas in the ground. Neither your party nor ours had anything to do with the pipelines being built; in fact, if it wasn't for our party a couple of years back we wouldn't have passed some of the funding mechanisms to get the road bond passed and funded. That took bipartisan support because it was at the political courage to do it with one party or the other. So, if you want to start being partisan we can, you'll never get the inventory tax passed and eliminated. In fact, members of your leadership team was in a meeting in which I participated and several of our members trying to find a solution to it. We're all for support of the elimination of it so long as we don't cripple our counties and the money those school systems receive from it. We ask for proposals. You know what we've gotten since that meeting ten days to two weeks ago; no proposal as to how to backfill the money that would go to our school systems or not go to our school systems if we eliminated the equipment and inventory tax. So, if you want to start going down the partisan path I suppose we can. You have 59 votes; you could pass anything you want except getting rid of the inventory tax and perhaps some other ideological things that not all members of your caucus would support. So, if you want to be inflammatory remarks by members and to be clear where both sides are susceptible to doing that then I would encourage and discourage, I should say, everyone from doing that we could go down that path but if you want to make good things happen I submit we work together. If not, keep giving your floor speeches. I'll find more things we did in the past ten ... or in the past ... the ten years from 2004 to 2014 to remind you every day you get up on the floor. Thank you, Mr. Speaker.

DELEGATE GRAVES. Thank you, Mr. Speaker and actually that's why I'm rising. I don't often get up to talk during remarks by members but I'm rising to thank you because under your bold new leadership I believe the House is moving towards the most bipartisan House that we've ever had. I thank you for that. I'd also like to thank the Honorable Delegate from the 48th because despite his very fiery speech just now I find him to be a reasonable man who is very interested in continuing and working with you to increase the bipartisan effort of this House. And I

would like to rise to encourage all of my members to remember ... all of my colleagues to remember that there is a learning curve with this job. I don't know if you remember when the very first time I got to speak last year when I was appointed. I forgot to stand up when I addressed the Speaker and stayed in my chair and talked to him while seated ... there is definitely a learning curve to this job and while my colleague spoke very passionately from the heart I think we all realize that the only way that we will move this State forward is if we do it together. So, I appreciate the effort, the Speaker and the Honorable Delegate from the 48th have made to try to move together in the same direction raising our votes, winning the race ... whatever metaphor you want to use ... it doesn't work if half of us are left behind. It doesn't work for our people and it certainly doesn't work for our efforts here on this floor. So, thank you very much Mr. Speaker and I hope that all of my colleagues will look to our honorable leaders to continue that effort.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS Of MEMBERS

February 5, 2019

DELEGATE HARSHBARGER. Thank you, Mr. ... Thank you, Mr. Speaker. I just want to take a minute to talk a little bit about our hunting heritage here in West Virginia. As we're all aware, West Virginia became a state in 1863. This legislative body, in 1869, took up our first hunting regulation. So we've been dealing with hunt ... hunting regulations for over 150 years in this body right now and is some ... we do have big fish to fry, occasionally, as we do this year. But, I'm not sure, over the course of the last 150 years, there's been some big fish to fry also.

But, the hunters and our sportsmen of this state has appreciated the time we have put to pass some bills that are significant to some and insignificant to other. We actually, as a legislative body, created the West Virginia DNR, 20 years before we create ... created the State Police, in this state. So, I think if the taxpayers were upset that we were wasting time over the last 150 years, they would have

APPENDIX

probably voiced their opinion about that. But, also I just want to get a little bit of economics to this.

This right here is my hunting and fishing license that I ... I purchased this weekend. One, there's a statement on there, we tied child support to that so if nobody's ... if their delinquent on their child support, they're not going to be able to enjoy our outdoors. Also, a little bit of economics on this. Southwick Associations did a study and hunting and fishing brings in \$422 million of revenue to this state, annually. With multipliers they bump it up to about \$522 million, that means 5300 ... approximately 5300 jobs created every year, part time and full time, that are supported by our hunting and fishing outdoor activities. It also means \$35 million in state and local taxes.

So, just not ... besides the economics side of this, you know, I look at this license and I start thinking, ya know, a lot of time this license means who's gonna shot at the biggest buck? Who's gonna harvest the most fish? But to me, it means a lot of other things; 1) It allows me to spend quality time with my daughter in the back yard shooting her bow and sitting in a tree stand and talking; 2) It has helped me to feed hungry people in our state through Hunters Helping Hungry Program.

Also, if you've ever had the opportunity to take a child from a broken home that doesn't have parents out to the woods and just teach them what natures about and what being a good cont ... person of the woods is, about what we are so blessed to have in front of us, it really hits home with a lot of people.

You know, I've been involved with child ... children that have disabilities, they come from a broken home. Just last week we had the foster care bill. The day we passed that bill I had a gentleman come to my office that said, "Man, he said I've got four foster kids that I've engaged them into the hunting as part of their therapy to get back into society and to help develop their social skills." Also, we use hunting as an avenue for our Veterans, our Military Veterans, to treat PTSD. And a quote from an avid bow hunter, which is a Military Veteran suffering from PTSD, he said, "Medicine comes in many different forms. This hunt was by far; the best

prescription I could take. When I was hunting, I was at peace."

So, just not the game of taking animals, there's so much involved with our hunting and fishing heritage in our state. We have created programs around this state to engage kids in bow hunting in our schools. We get them off our street, they're used for drug rehabilitation to keep our kids and people off the street. So ... I just wanted to point a few things out about our hunting and fishing heritage in our state and also, with recently be appointed the co-chair of the sportsman's caucus, I'd like to also invite everybody to the Legislative Breakfast, tomorrow morning at 7:30, even if you're not a hunter, please come and just hear what these guys have to say, the programs they're involved with and your attendance would be very much appreciated. Thank you, Mr. Speaker.

DELEGATE HAMRICK. Thank you, Mr. Speaker. I'd just like to comment, briefly, on ... on some of the remarks that we heard earlier, from the gentleman from the 55th and a motion that was voted on earlier today.

You know, anyone that knows, you know, the members of this Legislature and the members of this leadership team know ... and I'm going to tell everyone here today, that there is no intention of any retaliation or retaliatory measures by this Legislature, for any reason whatsoever, let alone in this bill that we're discussing today, from this House, no matter what you see maybe the actions of another body of this Legislature, may be. That is clearly not the intention, moving forward in the House so just today, I just ask you to trust me and trust the members of our leadership today, to make changes that are necessary, to leave the good parts in this bill and maybe remove the parts that give us a little bit of heartburn the members of both parts of this body as we move forward. Let this bill work through the committee process and hopefully, by the time it comes out it's something that can get bi-partisan support on the floor of this House. So, just again, thank you, Mr. Speaker.

DELEGATE ROWE. Thank you, Mr. Speaker. I ... I think perhaps we've had some history today in this Legislative body. It's my opinion that ... that ... that ... that our Legislative body, the House and the Senate,

APPENDIX

is the greatest decision making process in the world. And, one of the reasons is because of the committee structure and the way that we proceed with ideas that become bills, that then are tested, usually in committees and then on the floor of one body and then they have to go over, same ideas, have to go over to the other body, with a completely different power structure to look at those ideas and test them. And, then they come back over here, if there've been changes to agree or disagree on them and make a decision about it, because every comma, every period, every capitalization has to be exactly the same in the bill in order for it to pass.

Now, what we also saw today was ... was a motion to permanently postpone a bill that we got from the Senate, that is unusual in my experience of many years, to ever see, that any idea that related to education would be included in one single bill and that ... that is not the way I envision legislative process. We have a specific Constitutional rule that says a bill is to have one object. And there's a reason for that, because we need to deal with each idea individually. And ... and what's beautiful about our committee structure is that the standing committees are subject matter committees so we have expertise in Government Organization and in the Judiciary Committee and ... and in Finance and different areas. So, when we send a bill to a committee in this body, we have 25 members, one-fourth of the body considers that idea, as a bill. And, then usually, there's a second reference and it goes to the next committee. There's another 25 members in this body who review that idea and have ... have an opportunity and a different setting.

What kind of setting? Well, usually there are tables, here in the back. I see the backs of heads. In committee meetings I see the faces of my ... my committee members and my ... my ... peers in this body. And, that's a different setting, it's informal, it's expert as to the ... the council, because then we have council that repeat year after year, in the Judiciary and Finance and so we have expertise on our staff. And, we really give a thorough review for those ... those ideas that we turn into bills.

I don't think the Senate has done that. I think the Senate ... First of all, violated the Constitutional requirement of one subject per bill. Also, it violated my sense of the

importance of committees because committees allow people an opportunity to comment, to ask questions, to be involved in the process, to test ideas, get counsel to explain the bills and all those things that we do in committees. The Senate didn't do that. They didn't send it to the Finance Committee, which is to look at the financial aspects of that bill. They took to ... and put it on the floor. And I think it's very appropriate to have a motion to ... to permanently postpone consideration of that bill because of the nature of the bill and how it got here.

Now, I salute the ... the leadership because once that motion was tabled, the leadership sent the bill to the appropriate committees, Education, as I understand and Finance. Those are the committees that ought to be looking at it. So, I'm very comfortable today in knowing that the leadership understands and appreciates and plans to proceed in the usual way of doing business in this body, even though we're confronted with something very unusual from the Senate.

You know, we are ... this process is a direct decedent of Thomas Jefferson. Some say that he got bored when he had to preside over the Senate as Vice President and so he started writing rules. Well, the Jeffersonian Rules are the ones that we use in our body today. And we should ... and we should take great pride in the fact that we are a part of that decision making process and that we don't ever want to do anything that would impair it. We want to use our committees for ... for detailed review of ideas that we've got as bills and we need to also appreciate the fact that as we get along, and our members together, that we really should feel some humility as being a part of this process that's continued for over 200 years. And the process started with the beginning of the Constitution and the ... the real genius of how it works so well is that we have two separate power structures, in the two houses, to deal with these ideas. And that, ladies and gentlemen, I think is what saves us time, after time, after time from just the whim and ... and fads that may come through at different times, in terms of policy. So, Mr. Speaker I congratulate you and thank you for assigning the bill that's before us, to the committees to be reviewed in the normal process and I ... I look forward to our consideration of this Omnibus Bill. Thank you, sir.

APPENDIX

DELEGATE WILSON. Thank you, Mr. Speaker. I'd like to add a little context to the conversation, if I may, about Senate Bill 451. One of the things that we've been ask to do is to listen to all the stake holders and I agree, we absolutely have to listen to all the stake holders. We not only have to listen to them, we have to actively engage them and request information and guidance from them that is pertinent and salient to the discussion here.

So, I have in fact, as the gentleman said, received hundreds of emails, from educators asking me to please vote no on Senate Bill 451. Most of them say very much that: Vote no, this is horrible, the children will not receive a decent education and ... and this is just bad for everybody.

I've listened to those, I've actually spoken to a number of educators not only in my area but across the state. I have engaged ... engaged Doctor of Education, PHD's of education and ask them for their input. And, I've engaged all of them and taken seriously their input and considered it. But I've gone beyond that, I've talked to the parents. I've talked to a number of parents and I will tell you, that as the gentleman said, as the educators have no faith in this body, the parents of this state have no faith in the public education system of this state and they've made that very clear to me.

We need to engage. We need to find a way to ensure that our system works for everybody. And one of the ways we need to engage and ensure that our system works for everybody is to provide effective and thorough education though a ... through a variety of options to the people of this state, to their children. We are required by the Constitution of this state to provide a thorough and efficient education to the children of this state.

And, as you all know, as we all know, we are failing miserably. We need to engage. We need to listen to everyone, all the stake holders, not just the ones who happen to work for us as employees of this state. Their voice is important, it's terribly important but they are not the only stake holders here. Thank you, Mr. Speaker.

DELEGATE CAPUTO. Thank you, Mr. Speaker. I certainly am happy to hear that the

Education Chair said that he seeks no revenge and he wants to give this bill a complete and thorough debate. Mr. Speaker, I appreciate you sending it to two committees so we can have that because I have never been more happy than I have, not being a state Senator as I have in this last week.

I'm telling you, I have never seen such circus antics played out in the other side of this Capitol as I have seen in the last week. I've been here 23 years, not as long as some, but longer than most and I know that we have shared and argued and debated different ideas and values, on a regular basis. But for a body that has a 20 to 14 majority to form a committee of the whole to avoid a process because the leadership didn't believe they had the votes is just wrong! That's not a majority move. That's a minority move. That's what the minority does to try to get their voices heard.

What came out of the Senate the other day is nothing more than revenge politics. Nothing more than revenge politics. You know the title of that bill is three and one-half pages long? Education, in general, are you kiddin me? We've got turmoil, once again, going on in our education community. As we speak, strike votes is going on in every school in the State of West Virginia. The Governor has asked for calm in the education community. I just can't believe it.

The gentleman from the 16th talked to us yesterday and he talked about that bill not having bi-partisan support and he said something that struck home with me; it has bi-partisan opposition. And, let me tell ya one thing I've learned in my years serving in this disguised body. Usually when you have a bill that's such a lightning rod that you can't get one person from the other side of the aisle to support you, it's probably a bad piece of legislation.

We're a representative government. We may come from different values and we may serve for different parties, y'all are getting the same emails I'm getting, I know you are. I heard the Education Chair across the hall sayin she got lots of emails supportin this bill. Well I'd like to see em. I challenge her to on this floor today to bring em over here because I want to see em. Cause I sure as hell haven't gotten any, Mr. Speaker. I sure as heck

APPENDIX

haven't gotten any and I'm sure that most of the colleagues regardless of what side of the aisle you're on, has not gotten them either.

There's been no inclusion in this piece of legislation. If you talk to the AFT, the WVEA, the school service personnel, more importantly, the parents and the teachers, they didn't have a seat at the table. They didn't have a seat at the table. So, what are we running, model legislation to bring dark money into West Virginia to win campaigns? Look, I have a lot of faith and a lot of friends on that side of the aisle and you have won your campaign, I believe, on your merits and that's the way we should all run campaigns but to craft legislation that I believe is only done for one reason, it's wrong. That's wrong. And, I believe parents do have faith in our education system in West Virginia and I don't think it's as bad as people want to say it is all the time.

Education has had a major impact on every one of our lives or we wouldn't be here today. I only have a high school education, not one day of higher education but I can tell you every teacher, from the 1st grade. I can tell you every school cook I had. I can tell you every janitor I had and I think it had a major impact on my life, just the same as it did on my friend's life, if he's an attorney. Or my friend's life, if he or she is a doctor. We all took different paths in life but our educators helped us form that path and find that path. And I think we have an 85% graduation rate in West Virginia, maybe not the best in the country but certainly we're not at rock bottom, as some people want to lead us to believe. I jus ... just get tired of hearing the bs. Let's talk about the truth and lets people come to the table and have their say. We can agree to disagree but we should hear from everyone. No voice should be too small because they didn't give a campaign contribution or they don't have a pack, no voice should be too small.

Now, we made a move today and I ... I respect the outcome of that but I think it also sends a message. I think it sends a message to West Virginia that we're not gonna play the games that the leadership in the Senate played. And I think that's important and I think it's important that we send that same message to our educators that we trust every day in the class room and our parents that we look to everyday, this is not a circus. There's

not three rings out here with a ring master. This is a government, by the people. By the people and the day we lose sight of that, we should take our names off the ballots. That's when our careers as a politician or a public servant should end.

So, Mr. Speaker, I trust that you will vet this bill in a fair and efficient manner and I hope and pray that we break this bill up and we let each of those measures stand or fall, on their own merit. But to include a non-severability clause to say that someone can't challenge something, which is their Constitutional right in the courts or you'll wipe out everything in the bill, that's wrong. It's just plain wrong. And I hope and pray that the House of Delegates has much more wisdom and much more compassion than the Senate did. And I rarely call out the other body but this, Mr. Speaker, I believe people have been watching. I think they're highly upset with what happened over there and I hope and pray that they look at the House and say: "I'm glad y'all just took the time to do things the way they're supposed to be done." Thank you, Mr. Speaker.

DELEGATE BIBBY. Thank you, Mr. Speaker. I'd like to speak to SB 451, as well. Listening to what's going on here is nothing more than fearmongering. I ... I ran on school choice. I ran for parents to have the choice on how they wanted to ... to get their ... to get their kids educated. I didn't run to protect a professional education class. You would think after listening a lot of folks this morning that we had a bill that was going to do away with public education in the State of West Virginia. No, we're not. We're putting together a bill that will reform education in West Virginia. We need to do that cause quite frankly, parents are speaking and their speaking with their feet. The population, the school population of public education in West Virginia is going down. Why is that? Because parents are choosing to do so, either through home school or to send their kids to private school or even move out of the state.

So, to die ... to ... to a demigod that this bill is somehow going to eradicate public education from the State of West Virginia is ... is ludicrous. We're not doing anything to eradicate public education. We're providing parents a choice on how they want to educate their children. If that choice is the same public education, they'll do that. If it's to do

APPENDIX

it in private education or home school, that's their choice.

People freedom is what we want. We want freedom to ... to find our solutions, that's the best way to find solutions is to give the people the freedom to ... to solve their own problems. That's nothing more than what this bill is doing. And to answer the question, it is one object. That object is to reform public education in this state. Now this bill is probably not going to do it all in one fell swoop, it's gonna take years. We didn't get here over night. We got here over 80 years of ... of neglect and ... and a decline in our public education and this is not just a West Virginia problem, it's a national problem. But let's get together, we're gonna run it through the committees just like legislative bodies do and we'll have a good ... a good vetting of the ... of the bill and whe ... I'm ... I'm positive and I'm confident that we'll come out with a bill that doesn't just solve it for one particular special interest group but we want a bill that's gonna address all of the citizens of West Virginia and give all of the citizens an opportunity to ... and ... a say on how they want their children educated. I have more trust in a parent than I do in any ... any educator with a PhD and no matter what follows after their name.

My grandfather grew up in the 1920's with no more than an 8th grade education and ran three ... two or three businesses, one after another and made a very good living, with an 8th grade education. We have kids graduating from college today, some with PhD's and can't get a job. Now, something ... something's wrong. Why is it you can graduate with a less than an 8th grade education 80 or ... 80 years ago and be able to do things for your family and today we get more and more people that come out of colleges, they can't even get a job and are on welfare, some of em, okay. So, we have to do something, not for us, I had my education, I had a very good education growing up in the 50's but what we're doing today, for our kids right now, is absolutely wrong. We ... we need to make a change. We can't just put our heads in the sand and figure we can just give a pay raise and then go home and think everything is just going to be happ ... hunky dory. No, so let's get together, let's work for all of the people of West Virginia and come out with a bill that's gonna provide freedom

to everyone in this state to educate their kids. Thank you.

DELEGATE COWLES. Thank you very much, Mr. Speaker. I'm reminded of a little story from today. One day an old man was walking on the beach that was littered with thousands of starfish that had been washed upon a shore by the high tide. As he came upon a young boy who was eager ... eagerly throwing the starfish back in the ocean, one by one. Puzzled, the man looked at the boy and asked what he was doing. Without looking up his task the boy simply replied, "I'm saving these starfish, sir." The old man chuckled, "son, there are thousands of starfish and only one of you. What difference could you make? The boy picked up a starfish, gently tossed it back in the water and turned to the man and said, "I made a difference for that one."

Mr. Speaker, I think that's where we are today. And I dare you, sir, I dare us, to bet for the kids of West Virginia, bet on them. That's the path forward. Bet on the kids of West Virginia. I challenge our leaders to focus on the kids. A chance, innovation, personalized learning for children, art, creativity. Forty-four states, Mr. Speaker, have charter schools. Why should our West Virginia children have fewer choices? Why?

Now, certainly charters won't change the world. Maybe it'll help one starfish, one child at a time but charters won't change the world. Local control, flexibility, empowering students, empowering parents, empowering local schools, empowering teachers with the ability to teach in their classroom again, those are the things that I think will change the world. Mr. Speaker, just a little story but I think we can all make a difference and this bill is part of that. Thank you.

DELEGATE WILSON. Thank you, Mr. Speaker. I'd like to thank the gentleman for asking me ... inviting me to reengage in this discussion by characterizing my comments concerning the lack of faith the parents in this state have in their education system, as bs. I'd like to say, sir, that not only have they engaged me and ask me to vote in favor of SB 451 and I've responded to them that I need to let it work through the process and there are a lot of things that I have questions about with it. But They've not only ask me to

APPENDIX

vote in favor of it to give them chose but they've actually ask me to engage in a complete restructuring of the entire West Virginia Public Education System.

These same parents who have discussed this with me, have expressed their bitter disappointment that Senate Bill 451 provides such weak support for parent's rights to ensure a thorough and efficient education as required under the West Virginia Constitution by choosing, for their children, the most effective option from a vast majority of options. They're disappointed but they're willing to accept this as a first step in the right direction. And, I would like to say to any of my friends here who believe my statement is bs, that I'm somehow fabricating this, obviously you're not hearing these people's voices. Perhaps it's because they're being shouted down or perhaps it's because you're not listening. Thank you, Mr. Speaker.

S. B. 451

REMARKS

of
HON. ISAAC SPONAUGLE
February 5, 2019

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Last year we had a nine-day work stoppage and it caused a lot of problems throughout the State of West Virginia. And, frankly there's not a whole lot of trust out ... out in the ... of our teachers, our school service personnel, throughout the State of West Virginia. They don't trust the Legislature.

Now, I don't know about you all but I have received literally hundreds of e-mails, telephone calls and they are referring to this bill as Mitch's retaliation bill. Labor unions have ... are getting ready to do a work stoppage all because of this bill because it was slammed through the Senate and shoved over here to the House.

So, the Senate has basically poured gasoline out, on our public education system and the House of Delegates have basically ... we have two options here about how we are going to proceed throughout the rest of this session. We can strike a match, set it on fire, we can go through what we did last year or

we can douse it out right now and put it to an end.

If you vote yes on this motion, you are putting out the fire. Put it out! Put everybody at ease. Because the longer this goes on ... and let me ... it's not ... it's not the head, it's the grass roots. Last year, it was a grass roots effort that pops up all over the counties and they're gonna be down here and this thing spirals out of control, there's no need for that.

Now, we ... we would eliminate the emanate threat for a work stoppage, it's a reasonable way to do this, there's no reason to govern by crisis, the way the Senate wants to do. Get everyone all jerked up, send it over here, this pig of a bill and ask us to try to clean it up to stop a work stoppage.

Yesterday, yesterday, my good friend from the 36th, tried to offer an amendment and the argument that was set forth by the Education Chairman and the Whip was, we should send clean bills, in essence, over to the Senate. Let me just go through some of these House Bills that are sitting up in Education Committee, right now, that ... that deal with Senate Bill 451.

Open enrollment, House Bill 2554; Maximum teacher to pupil ratio, House Bill 2824; Clarifying job duties and responsibilities of school counselors, House Bill 2391; Modifying Legislative intent to the school calendar, House Bill 2433; Teacher input on student promotion, House Bill 2766; Compulsory school attendance ... we got two bills sitting up in House Education, 2549, 2620; Public school support, 2328, 2397; Modifying the foundational lines of county basic foundation, House Bill 2593; Education of Exceptional Children, House Bill 2122; Education ... Education savings accounts, House Bill 2002; Salary increases for teachers and school service personnel, House Bill 2635; Salary equality among counties ... and county ... salary supplements for teachers, House Bill 2013; Allowing employment, promotion and transport decisions of flip ... of professional personnel to be made on qualifications, House Bill 2093; County administrators become at will employees, House Bill 2639.

Now, granted there is not a charter school bill that has been introduced in this body.

APPENDIX

Maybe that's because this body thinks it's that's a poor idea to suck public funds out of public education and transfer it to private companies. Likewise, there is not a levy bill that is set forth here, maybe because we don't have to give more money back to our public education system by raising taxes on our people to give to these private companies. Those two aren't here. But you know what? Our Majority leader has notified everybody in here, you have to the end of this week to introduce bills, so if you feel so strong and so passionate about these charter schools, drop a bill. If you want to raise people's property taxes, drop a bill.

Now, some people in here take the impression, I don't believe this, but they say, "well we can't do this because the Governor's gonna veto it" and, we can't do this because the Senate's not going to agree with it and that ... that persuades some people in here, it doesn't for me. But, if it does persuade you, the Governor's already gone on record that he's gonna veto this bill. So, at the end of the day, this bill is a pig. I don't care how much lipstick you're gonna put on it, you're not gonna make it any prettier, you're not gonna change the public's perception of Senate Bill 451 and so if we should vote to postpone indefinitely and go ahead and put this pig to slaughter. Thank you, Mr. Speaker.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS of MEMBERS *February 6, 2019*

DELEGATE ATKINSON. Thank you, Mr. Speaker. I'd like to speak today about a subject that's hard for me to talk about. People ask me, "well what did you do Saturday morning?" Well, I picked up the local newspapers. Parents using drugs for child neglect. Indicted for child neglect. The charges alleged that ... that person returning their seven-year-old who ended up ... taking both children to her home and calling 9-1-1. When police arrived they allegedly found the father unconscious on the floor by the door, and his wife on the couch, unresponsive and turning blue.

Paramedics revived them with Narcan and Police said they found 10 Xanax tablets, a plate with residue and cut straw, nearby. This is in our rural West Virginia. Same ... same article parents with felony child neglect for incident that happened about a month later, Patrolmen presented the case to the jury that alleges while he was investigating a stabbing he found several needles and drug related items within reach of the children.

These are our students. Ok. Another local paper, in my District; Women charged with child abuse. School personnel reported a six-year-old male student told them he had been taken ... beaten by his mother, during the previous weekend. One staff member observed bruising on the child's face and took him to the school nurse. According to the complaint, staff members observed several bruises, here, there, all over his body. The ... and the student who said he was ... where he was, when they ask him where he was, he was downstairs in the basement of his home sitting on the couch and his mother came in and attacked him. So, the policeman asks ... interviewed the other youths ... other youths who were present at the home during the incident. The children stated they did not see what happened, but they could hear it, according to the complaint.

Shortly before noon, a representative of NECCO foster care arrived at the police station and reported she was there to obtain information and to remove six children from the home. And just another article; this one was a ... in the Gazette ... I think it was a ... I'd like to quote Jim I. Samples ... "We have to get in front of the issue," Samples said after the meeting. "We have to provide prevention services. Wrap around services to families that the children never ... never have come in the state custody so we can eliminate the trauma from happening in the first place."

Prevention vs rehabilitation. Students, children first. Jobs. Students, children are crying out for help. They are ... they are disrupting our classrooms because of trauma in their young life. Teachers are asking for help to deal with these students. Students cannot learn, teachers cannot teach students who have mental and behavioral health issues. Traumas in their lives caused from disruptive home life, drugs, alcohol, divorce. Living with one parent, no parents. Living with grandparents, foster parents.

APPENDIX

In the past three years, I have talked with teachers, school administrators, attended community health meetings, drug coalition meetings, numerous meetings in our Health and Education Committees. Last year, during interims, the DHHR and our State Board of Education representatives identified many traumas facing our students. The DHHR came back to our committee and in December with a report stating we hav ... we need 5 ... 1500 health professionals, nurses, counselors, school sociologist, psychiatrists, etc., to address the mental and behavioral health issues of our students, in our school system.

I feel mental and behavioral health needs have not received enough attention and I feel that the effects from lack of attention are showing up in our classrooms. Our teachers are concerned and frustrated because they cannot teach, because they have to deal with student behavioral issues. There's no place else to go.

This is a classroom problem. A problem for our students, our teachers, our society. We must strive to provide mental and behavioral health help for our students who have issues and hopefully this will create a pathway for a drug free, educated, stable minded, able bodied young adult for our society and our workforce and for West Virginia. Thank you, Mr. Speaker.

DELEGATE STEELE. Thank you, Mr. Speaker. As is quite obvious now, our ... our debate is turning to education from here on out, which is necessary and welcomed. We need to have that debate and we need to talk about it.

Before ... ya know ... we ... we are halfway through, I believe today, if I'm not mistaken tomorrow, tomorrow we will be halfway through. And before we get too far along, I rise today to talk to a little bit about our coal industry. And we have some bills that are waiting to be addressed and I hope soon, we are going to be addressing them and it doesn't get lost in this debate that we're going to have. But, I rise today to address a challenge that we have on our horizon, as well as an opportunity.

West Virginia must stand with the West Virginia coal miner. West Virginia coal

miners make it possible for everything that we talk about in here to happen. According to WVU last year, the coal mining industry is responsible for about \$523,000,000 tax collections from the various different sources of tax collections that are applicable to the industry. It is especially true in my district, District 29, which I am proud to say is the home of the richest coal seam in the world, the Winding Gulf. That industry is cherished where I live and touches everyone who lives there.

Coal production, thankfully, is up in West Virginia and we're thankful for the increase in severance and the increase in employment and ... and things are going well. We've seen surplus's, we're able to have conversations about pay raises and reforms and different issues. However, that increase is almost entirely driven by metallurgical coal and export steam ... export steam and export metallurgical coal, as well as, domestic meta ... metallurgical coal. We are making more steel in this country and that has increased the demand for our metallurgical coal but the rest of the increase from coal is being ... being sent to other parts of the world.

The coal that is minded here in West Virginia and used to make electricity, or what we call steam coal or thermal coal, continues to lose ground and market share compared to coal mined in other states, primarily those states that ... that are right around us, Ohio and Pennsylvania.

About 400 coal fired power plants have been shut down in the United States of America since 2008 and ... and there's approximately 10 more that purchase West Virginia coal on a regular basis, that are going to be shutting down probably within the next year or two. Now these are scheduled closings that have been coming down the way for some time. This is resulted that in 2008 we were selling approximately 100 million tons of thermal coal through-out the United States of America. Today, that number is down to 44 million tons. We're down to less than half of what we were in 2008.

In 2008 West Virginia coal was shipped to 165 domestic power plants. Last year, we only sent coal to 51 domestic coal fired power plants. Southern West Virginia has

APPENDIX

bore the brunt of that decrease and it was the high quality, low sulfur coal that was used at these now closed power plants. But the deterioration of the domestic coal ... steam coal market, continues.

In fact, domestic steam coal production in West Virginia has fallen even further after the big wave of power plant closures. So looking at 2016, we were at 48 million tons of steam coal, in 2017, we were at 46 million tons of steam coal and last year 44 million. So that number has ... has ... has steadily dropped, even now over the last couple of years.

Now, why is that decrease continuing, you might ask. It is because West Virginia coal is more expensive compared to coal from Illinois, Ohio, Pennsylvania and the other states that are around us. Power companies have to purchase the lowest cost fuel available to them. So they're turning more and more, to the other states that are around us to fill up their coffers, to fill up their need of coal. The primary driver of that disparity and price is our severance tax rates when it comes to steam coal.

West Vir ... if we ... if we assumed \$40 a ton, \$40 a ton for steam coal and I want you to remember those numbers of 100 million tons in 2008, 44 million tons today and apply that \$40 figure to it and you'll see a staggering difference of the lost revenue coming into our state. But at \$40 a ton, that equates to \$2 per ton in severance tax that is charged for West Virginia coal. And looking at our competitor states, Illinois, zero dollars. Indiana, zero dollars. Zero dollars in Pennsylvania, 10 cents in Ohio and 17cents in Maryland, as compared to our \$2. That puts us at a very, very large disadvantage when it comes to our ... our ... our neighboring states.

Now we know what can happen in West Virginia when coal production drops. It takes the state budget with it. For better or worse, we live and die, feast or famine along with our most prized industry, the coal industry. However, it is not just the tax revenues from coal production that is lost when these downturns happen. Men and Women lose their jobs. Capital expenditur ... expenditures by mining companies disappear. For every one coal mining job,

there are another three to 11 created throughout the West Virginia economy.

According to another WV ... WVU study that's \$1.8 billion dollars in total wages paid to folks that mine coal or are tied to the coal mining industry, here in our state. The capital expenditures of the coal companies that reside in our state and are a part of our community, again according to WVU, in 2017 those capital expenditures were \$9.2 billion, \$9.2 billion.

If we do not help out this industry, if we do not help out our coal miners digging domestic steam coal ... and this is the challenge before us. I'm afraid that those jobs are at risk. The export in metallurgical coal market improvements have helped but steam coal is still the biggest market for our coal. Forty-eight percent of it is used in power plants, here in America, to make electricity. We have to think in terms of new market dynamic. The days of West Virginia's coal being assured a place in the domestic electricity market are gone. The closure of those 400 power plants has assured that. Now we have to assume that our coal is gonna have to compete in a very competitive marketplace, with Ohio, with Pennsylvania, with Maryland, Virginia, Indiana and even Illinois.

Because coal powered plants closures are continuing and most of them planned years ago, each time a plant closes, even if it was not burning West Virginia coal, it still harms our market. Because that same coal that's available from Ohio or available from Pennsylvania is now back again on the open market and it is still priced upwards to 5% better than ours.

So, I urge the body and I know we are going to get into a ... a debate and it needs to happen, but I urge us to not forget to consider some of these proposals regarding the tax burden on West Virginia coal. Our reaction to a tax decrease is sometimes that we're handing out something to big business, that we're just taking care of a company. This tax that I'm not ... that I'm talkin about is not born by the coal company. It is paid by the power plants that are purchasing the coal. Ultimately, the consumer, me and you, our constituents back home in their power bills, they're the ones that are paying this excise

APPENDIX

tax. It's not ... it's not some coal company that's payin it. Moreover, I submit to you, it's paid by every West Virginia citizen, by the loss of tax dollars towards our schools, roads and other services that are vital to our state.

A million tons of coal purchased from Ohio and not West Virginia is a \$2 million loss to our citizens. A \$2 million loss. A significant portion of that money is on the county level and we all know how important that is right now for a lot of our counties. So, we have before us an opportunity to help our most prized industry, our citizens and our country. Most of what we do here especially, you know, we're talking about education and other things, those are things that are wholly within our border. Wholly with our border. However, our nation relies upon us as guardians of the coal industry. We have been faithful to that cause even while the rest of the country has not been faithful to us, in that. Let's endeavor to lead again in that area and make West Virginia the most competitive market for coal and continue to contribute to the positive growth in our state. Thank ya. Thank you, Mr. Speaker.

DELEGATE MANDT. Thank you, Mr. Speaker. Yesterday we had the opportunity to ... to move a bill into committee and, you know, as a body here, and all of us working, that's ... that's what we need to do. You know, we all ran and this is my first time, first year. Been in business a long time, all of us are asked when we run, "do you realize what you're getting into? Do you know what you're doing?" My answer was, yes. I've studied this. I ... I watched the proceedings last year. I listened to em in my earpiece when I was doin something else and became very interested and wanted to come here and help make a difference, a positive difference.

My afternoon was going extremely well and my ... I start getting texts from my wife and from my daughter. What happened? What happened today in the chamber? I'm getting emails that are horrible, this is my wife. Terrible email, mean email, what is your husband doing?

I was endorsed by future 55. My wife teaches. I am on PEIA, as many of us are. You know, because I was endorsed I'm not a rubber stamp for anybody. Nor will I ever be. I have my own thoughts. I ... I have my own

ideals and ... and when we get our information and gather that we generally, all of us, make a good decision that we feel comfortable with. Not a decision to make somebody happy because ultimately, we upset some other people.

My daughter is texting me. Gee whiz, I had people asking me, "what happened, what is your father doing? You know he's a liar, he's a cheat ... he ... he has broken his promise." Which I never made.

I was taught in education, at a public school, I went ... went in Huntington, that my teachers taught me that you see ... you don't dismiss things. You get to the bottom of it. You collect your information. You do your due diligence. You work things out and by doing those and going through the process, make an educated decision.

That's what we're doing. You know, we are not 59, we're not 41, we're not 34 and we're not one, if we include the Governor. There is a 135 of us that have the ability to make a difference. My goal and ... and ... and in looking at ... at this bill, I want it to be fair. It's not going to be great, it's not going to be bad. I think with what our Education Committee is doing and ... and ... and the qualified people we have serving on that committee to bring up the pros and cons of this bill, will put something out to us that is going to be absolutely the best bill it can be. We're not here for teachers, we're not here for students, right now. We're here for education in West Virginia.

What are we going to do as a state to help all of these people here in West Virginia and our education so when people move here, what are your education systems like? When we want to get business to come in here, that's a main thing they look at. When they buy a home in your city, what about your schools?

We need to pick that up. We have the opportunity to ... to actually do something extremely well for everybody, the state, the students, the teachers, the service personnel, everybody together. And honestly, I ... I really am excited. Disappointed in yesterday in some things that went on. We all ... knowing that we get into this, we can handle our decisions. We can defend our decisions

APPENDIX

but it's not fair for people to bring in wives, children, husbands, businesses when their saying, hey don't support that guys business anymore.

You know, that's a ... that's a ... that is a slim way of looking at something and that is a negative thing that I've seen. The only negative thing that I've seen. It's interesting to be in here and hear different sides, different opinions. I have met so many great people in this room, ya know. And I consid ... we're colleagues, we're friends. Some of us, we have different ideals but we're going to work together to get a problem solved and to put the best thing out there that we can put out there.

So, yes I was ... I was disturbed and as a husband you want to protect, we all do that, ya know. And I did want the opportunity today to speak just to share a concern that some of you all may have. Let's ... if ... if ... let's have people come to us. We ran. Our ... our children didn't, our spouses didn't run and our businesses didn't run. We all ran because we're decision makers, we're leaders. We work together, we have ideas and we want to put out the best products, the best bills that we can put out to make our state the place to live, to work and raise a family.

That's all I have to say today ... I'm looking forward to what comes out of committee. I would like this ... I'd like us to wear this bill. I want it to be a great bill for education. I want it to be a House bill, not necessarily a Senate bill. Let's look at it, let's make it good. Thank you all very much for your time and I look forward to finishing up. We're ... like we said we're halfway through. So, it's gone quickly for me and it's been a pleasure working with you all and I really appreciate it. Thank you.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS of MEMBERS *February 7, 2019*

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I rise today to invite all of you and anyone from the general public to come to

something that is called "An unequal happy hour." It's this evening from six to eight o'clock, it's at Sam's Uptown Café. And, the reason this is being held is to share information about the pay gap in West Virginia. We have a pay gap that is 24% between men and women. So that means that when men earn a dollar women own ... I mean it must be 28% ... 72 or 74 cents, it's a big, big amount of money that affects your ... both the women, because it says we aren't as valuable and also families. I also want to tell you about a bill that is coming up and I hope ... I hope the gentleman from Fayette will put it on the agenda. It is House Bill 2308 and what it does is it would put into West Virginia law something that is already part of the National Labor Relations Act and that is that employers are not allowed to have secrecy policies when it comes to wages. So, what that means is that you would be allowed to share your wages with someone else. You would be allowed to tell them and someone else would be allowed to tell you what their wages are. The reason that's important is because when you have a secrecy policy it can perpetuate discrimination. And, there are studies out there that show that employees that work for private companies, where they have gotten rid of these secrecy rules, are happier and more productive. So, I hope you'll join us this evening. It's at Sam's Uptown Café, between six and eight and join us for ... to celebrate "An unequal happy hour" and help us try to get this bill passed, which is law in several other states. Thank you, Mr. Speaker.

DELEGATE HANSEN. Thank you, Mr. Speaker. I rise today to talk about an amendment that was discussed at length in Government Organization, yesterday afternoon. An amendment that if it had passed would have done away with nondiscrimination ordinances passed by the City of Morgantown and Fairmont and other communities across the state.

I'm rising today because I just cannot even believe that this is something that we're talking about here at the Legislature. Undoing these nondiscrimination ordinances instead of taking proactive steps to pass a nondiscrimination ordinance for the entire state.

I just don't think it's fair that somebody should lose their job because their boss finds

APPENDIX

out that they're gay. And I don't think it's fair that somebody should be kicked out of their apartment because they chose to come out of the closet. To me, it's a fairness issue. And it's not just that, it's an economic development issue.

Now, we ... the discussion got a little heated yesterday afternoon and we were called socialists and names were being called. I'm a small business owner. I'm an employer in West Virginia, I'm not a socialist.

These nondiscrimination ordinances are supported by the Chamber of Commerce. The Chamber of Commerce is not a group of socialists. I represent a District in Monongalia County, it includes Morgantown, it includes West Virginia University, it includes a lot of employers that are competing on the national stage to bring the best and the brightest employees here to West Virginia and unless we have a nondiscrimination ordinance like we have in Morgantown, we're not on a level playing field with the rest of the country that does.

So in summary, I'd just would like to state that I believe that all kinds are welcome here in West Virginia and I hope that you all agree. Thank you.

DELEGATE ROWE. Thank you, Mr. Speaker. Today in the ... in the Charleston Gazette there's an article about our ... our own, Doctor Gupta who was our State Health Director and who is now in Washington. He testified before Congress and made the point that the ... that the Texas ruling that ... that found the entire ACA, Affordable Care Act, to be unconstitutional, has un ... uninten ... perhaps unintended consequences. I just wanted to point out that in terms of the numbers in West Virginia 740,000 people have preexisting conditions that would include ... goodness, high blood pressure and different conditions like that, that cannot be ... they cannot be redlined by an insurance company because of the ACA. Five hundred forty thousand West Virginians enrolled in the expansion of Medicaid. There are thousands of young people who are now ensured on their family's policies through age 26 and there are 410,000 people on Medicare in West Virginia who need help of the ACA regarding their prescription costs.

And I think that it's an interesting and very informative newspaper article, I recommend that you read it. I think that it's something that ... that ... that we should take attention ... pay attention to because it affects the lives of so many West Virginians.

Now, it is in federal court. It is on appeal. I think there ... the general feeling around the country that's such ... it's such a bad decision and so sweeping that it will be on appeal, reversed. Now whether it's reversed in regard to preexisting conditions, who knows. Will it be reversed in regard to ... to age sta ... children on their parent's policy through age 26 or to help Medicare patients with their prescription drugs, you know, that's all to be seen. But, I think we as ... as representatives of the people and the people who are protected by the Affordable Care Act ought to be concerned about this legislation. Thank you, Mr. Speaker.

DELEGATE ROHRBACH. Thank you, Mr. Speaker. I'd like to arise, just briefly, to thank the members of this body for a vote that everybody in this chamber just took. It was on House Bill 2686, Creation of the Family Drug Courts. You say, well why is that important? I think it's very important, as our committee has drove down into the substance abuse problem. It's often ... it's ... it's a family problem. So, you have to take a holistic approach to this. And, it's gonna be a pilot program, through our courts, our State Supreme Court is gonna administer it.

There is a little bit of cost to it, not a lot. But I think the benefits to this state through getting families engaged and to try to make the recovery really stick to get the family unit functioning can ... we ... we can get thousands times back the return of what little bit of money that we'll put in to the creation of family drug courts. So, as they start to hopefully, if the Senate will concur and the Governor will concur, as they start to pop up in your communities I urge you to support them on your local level because to me this is one of the real necessary steps to get people back into recovery, make the recovery stick and to try to get past this awful epidemic that is gripping our state. Thank you, Mr. Speaker.

DELEGATE LINVILLE. Thank you, Mr. Speaker. I rise today as a bee keeper and I

APPENDIX

would like to educate those of us here about the importance of the honey bee. First things first, I'd like to offer anyone in this chamber or any member of the public who happens to be here, to be able to come over to my office and I have some of my honey in little honey bears. It's primarily Tula Poplar, which I hear is actually one of these flowers that happens to be up on our ceiling here, designed by good ole Cass Gilbert, actually this might have been after Cass. Anyway, the long and short of it folks bees, depending on who you ask, are ... are responsible for pollinating the food in anywhere from 10% to one in three bites that you actually take. And, folks as a ... as a bee keeper I've got to tell ya, I garden basically if ... if you ... if you keep bees and you have a garden, every one of your plants is double its yield, in my experience anyway.

Folks, bees are currently in a lot of trouble. There's something called Colony Collapse Disorder, and that is causing over the winters for a huge number of our bee populations to actually die off. And there's a cause to that and there's a huge work here in the State of West Virginia with the West Virginia Beekeepers Association, the Cable-Wayne Beekeepers Association of which I'm a member. And essentially what we're trying to do is to breed a better honey bee. And so, in partnership with Perdue University, with Cornell University and some of our local universities we are doing our absolute best to try to create honey bees that are resistant to something called the Varroa Mite. And the Varroa Mite actually is this thing that if you image a tick on a dog, it's basically what this is to a bee. And, it transfers diseases over the winter. And unfortunately what we've run into is over the winter, new baby bees aren't produced. And basically what they're generally supposed to do is hover around the queen and just kinda shiver to keep her warm all winter. But unfortunately, if some of those worker bees get sick and happen to die, there's not enough of them to shiver around that queen and keep her warm all winter. And so, as a result, if she dies your whole colony dies.

And so, there's actually bees that were beginning to produce that are able to actually pull those ... those mites off of their fellow bees, take them out of the hive and continue to survive and not allow them to transfer those viruses and things of that nature.

Folks, the honey bee is very important. I would invite you to come over to my office, have some of my delicious honey. Please support your bees because being a beekeeper makes you a friend of the farmer. Thank you, folks. I appreciate everyone. Thank you, Mr. Speaker.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. Last night I heard stories about what took place in Gov. Org. yesterday and this morning I had the opportunity to actually listen to the audio and the gentleman from the 62nd stated that it wasn't about discrimination.

I don't know, maybe my ears were hearing things but when I listened to the audio last night I heard a member use the F word and not the one we normally think of. One that's used for hatred. One that's used to say you're different than I am. One that's used to keep people out of our state.

This morning on social media I had friends posting about words that were said in that committee last night. They don't feel like they're welcome here. Good friends back home who follow politics, take pride in our state, don't feel like they're welcome.

You know the other day our distinguished chair of Judiciary stood up and talked about bills that may shape human events. Now, he was ... it was a good attempt on his part. Bills that may change human events. Well we had that opportunity to change human events today, on a motion on House Bill 2733, we had that opportunity to change human events to say you're welcome here. We tabled it. Cause it's not quite time yet, to take up something that says you belong here.

I don't know, as the gentleman put out from the 51st, Fortune 500 companies seem to think it's a good deal ... good deal, it's smart. But yet, we think we know better than Fortune 500 companies. Have you seen the statistics of our state? Virginia had a rough week and now we're sayin "hold my beer Virginia." You know, we just passed legislation to get rid of antiquated laws, right? You should be able to sell liquor on Sunday's. Ok, good deal. Get rid of the antiquated laws. We need to get rid of the antiquated thoughts in this chamber. Pass 2733! Run the bill! So we don't have to make

APPENDIX

procedural motions, put it on the agenda. I know you don't want me to stand up and go through the list of bills that we passed, but hum, you wouldn't like that, so let's pass something important for people so they know they belong here, that we send a message to the rest of the country that we're not backwards, that we're not bigots, let's do that for West Virginia. Thank you, Mr. Speaker.

DELEGATE S. BROWN. I rise because it seems we have a crisis of character in this chamber. I will also agree with the gentleman from the 51st and the gentleman from the 3rd, where we did hear these comments that actually were very much bigoted. As someone who fought for those nondiscrimination ordinances in the Eastern Panhandle, to my colleague in the 62nd, I will tell you to resend those is absolutely regressive. I will also say to the gentleman in the corner that decided to speak ... Thank you, Mr. Speaker. I will also say that earlier this week, regardless of the commentary we had, we had a sentiment that very much was against the progress of this community. It's against the progress of bipartisanship in this chamber. When I was elected to this body, I was elected by more than just Democrats. I was elected by the individuals of my hometown and the people in my community. And when I came here I sought to fight for them and I will fight for the Gentlewoman in the 51st whose child could not come today because they did not feel welcome. I will continue to fight for people regardless of what is said in this chamber and I will let you know this; while we are here no one sought to have those comments put in the appendix of the journal so I will move today, Mr. Speaker, that the comments from the gentleman of the 27th, on Monday, that they will be recorded in the appendix of the journal, because you will be accountable for those comments or you will be forced to overtly condemn them. Thank you.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. I feel really moved right now. The comments from the gentleman from the 51st, the comments from the Gentlelady from the 65th, those are great things. I've ... I've ... I've got a address, if you will, the gentleman from the 3rd and I call him my brother. Is a increasingly tough to live and walk in these shoes. It's ... It's even tougher to be honest, even though I love these mountains, to do it in this state. I know sometimes the gentleman

from the 37th, who is brilliant, talks about these stereotypes, where they're real. They're real. And ... and what we get into this whole thing of we like to celebrate MLK Day, then we forget about it after 24 hours. Nobody in here is really mentioned Black History Month, I don't think. But, my brother from the 3rd, you're not being complicit. It took guts to say what you just said. I wasn't going to speak at all. And, I love ya and I appreciate that. Thank you.

DELEGATE DOYLE. Thank you, Mr. Speaker. I am happy to hear that in fact the amendment which would have prevented local governments from having nondiscrimination ordinances fail. I rec ... in my District there are two municipalities, Shepherdstown and Harpers Ferry, which have passed such ordinances. And in each case one of the reasons they wanted to have the ordinances is that they believed that letting the world know they were open communities would improve tourism. It has.

Too many times I've heard arguments that we should not stifle local initiative. Well, we shouldn't. Thank you.

DELEGATE CAPUTO. Thank you, Mr. Speaker. I feel compelled to correct some comments today. I gotta little out of tilt yesterday in committee but when I feel hate is being spread across West Virginia, it kinda moves me in a way that I don't like to be moved.

I talked to my friend from the 51st this morning about it. And I rarely get emotionally charged when things tug at my heart string like it did yesterday. And I actually sat in my hotel room last night and I never left and we shared this this morning. And I actually teared up every time I thought about what went on in that committee. I was probably as angry as I have ever been, in the House of Delegates. Now I know I get referred to as a rambunctious hell raiser at times, and that might be my style. I get called a demagogue maybe two or three times a year, that's fine. But what you see is what you get and one reputation I have earned in my career here is honesty. If I tell ya something, it's the truth. You don't have to like it but it's the truth. And I think my colleagues from the other side of the aisle have served with me for many years will

APPENDIX

agree with that. But the gentleman from the 62nd wants to tell you what the amendment said. That's the only thing we agree on. What it said. But let's talk about what it did. I mean if you want to put a fancy political spin on something, like you hear on CSPAN when Congress or the U.S. Senators have the mic and they want to dance around everything except the brunt of the issue, then go ahead and do that.

I asked the attorney, cause I'm the one who probably sparked this debate, I asked the attorney, will this prevent municipalities from ... from ... from passing antidiscrimination ordinances is ... in their communities? And the answer to that, unequivocally, from a long time attorney who has served the Judiciary Committee for many years, he said yes it will. So that was the effect of the amendment.

And another colleague asked, my community, I think it was my friend from the 50th had already passed an antidiscrimination ordinance and I think the gentleman from the 51st, ask the same thing, would this make those ordinances null and void? Once again, the answer to that was yes! So you can cut the cheese any way you want to cut it but the affect of the amendment was to spread hate across West Virginia, once again. That's what the amendment does.

We all want to say we want companies to come to West Virginia. Yeah, I'm a big labor guy. I love the union. But I know it can't have members without companies. I want to attract large companies to West Virginia. And every one of those companies that I read about has antidiscrimination policies within their corporation. But yet, we want to tell them we're so backwoods in West Virginia, that we don't want to protect people because of who they love or who they are.

It's shameful. It's absolutely shameful that we got into such a heated debate over an issue that our children can't understand why we fight about it. I got two kids, 33 ... 34 and 35. The Minority Leader and I were having this discussion this morning. They look and say "really?" Really you want to move West Virginia forward, but you want to tell someone you can't protect them because of who they love. I'll call a big BS on that. If I was out on the steps it wouldn't have been a

BS, it would have been something else. Because that's what it is. It's hate. It's hate. It's hate. It's hate. If anybody thinks any differently they're only kidding, their selves.

Let's move West Virginia forward not backward! I'm sick of this BS.

DELEGATE WALKER. Thank you, Mr. Speaker. As you look in that south gallery, I want you to tell me what's missing. It's my 17-year-old that had one request while his mother was in session, was to be a part of all kinds of welcoming, was to honor his oldest brother, who is gay.

In the name of freedom, words, sticks and stones may break my bones but words hurt deep inside. So let me give you a few that was said, on yesterday. Behavior, socialist, persecute, agenda, public safety, freedom, protected classes, race, religion, age, sex, disability, harm, live and let live, inclusion, tolerance, intolerant, simple, compromise, values.

Words without works are waste. And I'm gonna share with you Mr. Speaker, three strikes that was embedded with me by my mother and father, at the age of two, what I could comprehend. Strike number one, you're black. Strike number two, you're a female. Strike number three, you're poor. And I didn't sit in a corner and I didn't allow these things to tear me up. I sat in the front and I allowed these things to build me up. Freedom, the power or right to act, speak or think as one wants without hinderance or restraint.

Inclusion to me is everyone is included. No one or nothing is excluded. Hate, the feeling of something intense; a passionate dislike for someone. Now you all remember I'm from Louisiana. Because of my year round tan for many centuries, that caused hate. Because I was born a female, many women didn't even have the right to vote. Today, 2019, because a state code says that I should be protected because of my race, because of my sex, I still have to fight even harder. Cause I can't even get the same pay. House Bill 2308, the Katherine Johnson's acuity pay bill can't even get out of a committee. Maybe it's because of the name on the bill. Maybe it's because of her year round tan. Maybe it's because she's just a female.

APPENDIX

It is Black History Month, February, 28 days. You know what's the most heart breaking thing, when I speak to someone and they say what do you prefer black or African-American? Why can't I just not be a human person? Why can't I just be a human being? Why can't I just be a mother? Why can't I just be a Delegate? Why can I not just be your equal?

You look at me and you see what? I am an American. Proud. I exemplify one love, whether you like it or not. You're either gonna love me or you're gonna love to hate me, but it's still love. I open my door, I open my phone, I open my heart, I open my ears but most importantly, West Virginia opened me up to a whole new world. Where my children felt comfortable. They received a phenomenal education. They received phenomenal medical care but in the people's house, my 17-year-old didn't feel welcome because of one isolated instance. He wasn't even in the committee room, thank God. Because yes, my child has autism. No he would not have understood, not to say a word in that meeting.

We are hushed so much, by what? What makes your kids parents to stay sitting and not take a stand? Cause sometimes you take a stand by takin a seat and refusing to get off the bus. Sometime you take a stand by takin a knee because your tired of seeing so much bloodshed and hate. And sometime you take a stand by putting your name on a ballot, knowing that you won't even have a fightin chance in hell. But the people have spoken and they have spoken loud and clear. And it doesn't matter if you don't want me here and it doesn't matter if you feel I'm not welcome because the people of District 51 have spoken! I am their voice. I am Delegate Danielle Walker. I am a mother. I am an activist. I am an advocate. Thank you, Mr. Speaker, one love.

DELEGATE PYLES. Thank you, Mr. Speaker. I just wanted to address something that was said earlier by the gentleman from Webster County. As a ... as a person who was an county accessor for 24 years, I was frequently ask why we taxed dogs and not cats. There were a great many people that objected to that \$3 tax on that ... \$3 or \$6 tax on their ... on their dogs. It was really not because their considered property. It's because dogs will run in packs and can attack people. They can be a danger. So that's one

of the reason why we had a tax on ... on dogs. Cats ... cats don't do that. The tax payer, if sometimes if they had a ... had a show dog, they could a ... they could ask for a ... they could ask for a value to be assigned to that dog and have it taxed like ... like other personal property. Not too many other people did it but that's a little clarification on the tax ... taxation of a dogs. Thank you.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS

of

HON. RODNEY MILLER

February 8, 2019

DELEGATE MILLER. Thank you, Mr. Speaker. Contingent upon the passage of what we took up today on House Bill 2554, if it's passed by the Senate and signed by the Governor, as the assistant high school boys' soccer coach, I've communicated with my head coach and if there are any boys' soccer players who are interested in transferring to my high school for academic reasons and would desire to initiate the contact, I would be happy to speak with you and likewise, I believe my colleague from the 22nd would, Delegate Maynard, would do likewise for any baseball players interested in transferring to his school. Thank you, Mr. Speaker.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

PRAYER

of

RABBI VICTOR URECKI

February 8, 2019

RABBI URECKI. Sovereign of the Universe who created all in love. Teach us to love all that is good and beautiful in this world. Teach us to honor the dignity of difference recognizing the one who is not in our image is none the less in your image. Never forgetting, the people not like us, are still people like us. May we remember that as we legislate, as we advocate and we see people who are struggling here in America and around the world.

At this faithful moment in the human story, when we are working so hard to violate your call of love and unity by separating the

APPENDIX

tribes, parties, religions, beliefs, nationalities and cultures bless us that we may be a blessing to others. Guide us to help honor you by honoring one another. So that by reaching out in love we may turn enemies into friends and become your family on earth as you are our parent in Heaven. Beloved God I ask for a special blessing for my friend, Delegate Mike Pushkin, on his birthday. Beloved God bless all the members of this chamber and guide their deliberations today that they may govern this great state with wisdom and justice, with grace and compassion. Bring honor to Your name and Your blessing to our great state, and let us say, "Amen."

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS of MEMBERS

February 11, 2019

DELEGATE C. THOMPSON. Thank you, Mr. Speaker. Last week we heard some words that carried a lot of hate and detest from members of my community, the LGBTQ community. Then it became know that a gentleman called my brothers and sisters socialists, terrorists and now has said that my ... that my community is a modern day hate group. I stand before you today and I want to tell my members, the fellow members of the LGBTQ community, that you are loved. You are loved. You're respected, you matter and I stand with you in solidarity.

In these chambers we may disagree on policy but I am going on record, right now and saying that I have nothing but love in my heart for every West Virginian. Everyone in this great state, I have respect for. And, I do not and will not stand for hate and discrimination based on ideology on any West Virginian. Also, in case anyone was interested, my caring, loving and supportive parents never threw me into any body of water but they did teach me how to swim. Thank you, Mr. Speaker.

DELEGATE ESTEP-BURTON. Thank you, Mr. Speaker. I would like to urge this body to please consider House Bill 2733. As West Virginian's it is our responsibility to end discrimination. As long as House Bill 2733 is tabled, we are only fueling discrimination in

West Virginia and we are better than that. Thank you very much.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS of MEMBERS

February 12, 2019

DELEGATE FLUHARTY. Thank you, Mr. Speaker. We just had a little debate on a subject matter I'm gonna talk about real quick and that's the issue of a drug free workforce, which we hear so often that we don't have a drug free workforce. And, because of that we have to bring in people from out-of-state to do the jobs and replace those here.

I'm wondering if we have a drug free Legislature and if maybe a few need replaced. Because, to think about it, those who build our schools, drug tested. Those who transport ... transport our children to those schools, drug tested. Those who receive government benefits, drug tested. Those who pass the laws, not drug tested. Now, I've had many of you come up to me on a bill I've been putting in the hopper every year about drug testing ourselves, the legislators and I have some good news for those of you who've been inquiring about it, tomorrow in an effort to have transparency and accountability in this body, the West Virginia State Building and Construction Trades will be sponsoring a ... a free drug testing of legislator's event, in the lower rotunda, February 13th, from 10:00 to 2:00. So, I hope that you join me in getting drug tested. Alright, we'll see you tomorrow, lower rotunda, 10:00 to 2:00. Thank you very much, Mr. Speaker.

AMENDMENT TO H. B. 2878

REMARKS of MEMBERS

February 12, 2019

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I think it's about time we change this. Marijuana has never killed anybody and

APPENDIX

Heroin is something that kills people, that's Schedule I, and I think both ... there ... there are both effects in the judicial system and effects for ... and how it affects people, medically. So, I think it's time that we change this and so we don't put our citizens into jail for years and years and years for something that has never killed anybody and that has medicinal uses, so I urge adoption of the amendment.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. First, to address the issue that was brought up by the Gentlelady from the 49th and I ... I believe it was also brought up from the gentleman from the 58th, about wheth ... how this would affect our ... our growing hemp industry in West Virginia. Actually, just to clear up a few misconceptions up; hemp is the same plant with a ... but it has to have a lower concentration of THC in it. That's under .03% THC.

The federal government has recently de-scheduled Cannabis with that low level of THC and I believe, it was the Federal Farm Act that was recently signed into law by ... by President Trump. I believe we should update the Schedule to reflect that but under the eyes of the federal government, Hemp, under that particular level is legal and this amendment would have absolutely no effect on that. It was also stated that this would put us out of line with the federal guidelines. I would like to remind the body, there is a rules bundle moving quite quickly through this building right now, that would change DEP rules that would put us out of line with EPA rules. All ... it happens all the time, in this building, that we have ... we pass things that are in conflict with federal guidelines such as the EPA and from other agencies.

But, more important than that, the reason I offered this amendment is because if you look at Schedule I and look at all these subs ... as many of these are very dangerous designer drugs in there, I believe Heroin is in there, Cocaine, these are all reserved for substances that have absolutely no medicinal value. Now, through the research that we have done since we have passed the Medical Cannabis Act, it is a ... it's ... it's quite clear there is a medicinal value for Cannabis. So, what the ... this simply puts the ... the substance where it belongs, the Schedule IV, nonnarcotic, if it's even scheduled at all. We

decided to reschedule it, putting it in a place where it does have some medicinal value but still could be controlled.

But, if you look at all these other substances in Schedule I, the big difference is; if you take too many of any of those, you will have a lethal overdose and there are no know lethal overdoses from Cannabis, so it does not belong in Schedule I. It's more fitting to have it Schedule IV, nonnarcotic. So, I urge support for the amendment and I would ask for a roll call.

SUPERINTENDENT OF BERKELEY COUNTY SCHOOLS

REMARKS
of
MEMBERS
February 13, 2019

DELEGATE BARRETT. That's the county I represent. I would argue that our superintendent puts in a lot more work than our Governor does.

AMENDMENT TO COM. SUB. FOR S. B. 451 BY DELEGATE WILSON

REMARKS
of
MEMBERS
February 13, 2019

DELEGATE COWLES. Thank you very much, Mr. Speaker. Ladies and gentlemen, I rise in support of the amendment. It adds some level of choice for parents and families and students. Small options of choice expands it from two fairly limited to maybe five across the State ... for the whole State, five. There are no mandates so it's an option and controlled by the local school boards. For too long I think we have been without options for our students and I think this is a ... an opportunity to expand this choice just a little. I would note there are forty-four states that have some limited charter schools. There's also in a couple of territories in the District of Columbia, Guam and Puerto Rico, students and parents in those territories have the option at least in part for charter schools. So, I certainly support the amendment and I would note that the local system will decide

APPENDIX

in this amendment. The school board is the only authorizer. It is a public school ... they would all five of them would remain public schools and be under the school board ... under the State school board and under the Board of Education's umbrella and you know, what if one size doesn't fit all would be my question. It doesn't obviously always fit all. This is an option for those students. I would ask you ... I would imagine most of us here are familiar with the Governor's arts academy or the Governor's stem institute ... those are opportunities to expand traditional learning and I think fall in line with something like a charter school. Local control ... I certainly support local control but what about the home rule bill or some other options that we've had for local control, innovative different styles of learning that we've implemented. These things, I think, we should all agree have been quite successful. Expanding charter schools in a limited role of five empowering local school systems to decide what those are and how they look and giving parents and students an option is certainly something I think we should we adopt, and I support the amendment. Thank you, Mr. Speaker.

DELEGATE WILSON. Thank you, Mr. Speaker. I would like to add to the discussion here that I have actually heard of a few people who want school choice, want charter schools, want ESA's. As a matter of fact, it's not just a few ... I've heard a deafening roar of people yelling saying that they want to be in charge of their own education. They want to be in charge of their children's education. They want to direct their children's future rather than what we have now. So, I'm not sure why it is I'm hearing these things and other people are missing them. I don't know ... my hearing is not great but perhaps it's because I'm paying attention to some people who are being ignored by others. We have to engage all of the stakeholders ... all the stakeholders. Thank you, Mr. Speaker.

PRAYER

PRAYER
of
HON. DANIELLE WALKER
February 13, 2019

DELEGATE WALKER. Dear Heavenly Father, we want to give you thanks and praise. We want to thank you, Jesus for

waking us up this morning. We want to thank you for giving us a opportunity to govern this great state. I want to thank you for letting me stand before you with my sisters and my brothers, Father God. We know that we are of royalty because you are the King of Kings and you are the Lord of Lords. Father God, we know that you gave your only begotten son because of love. And it's with each and every one of us are, we are love. Give us the wisdom and the knowledge to govern this great state. Father God, give us the patience and a understanding as we govern this mountain state. Father God, break the hearts of those who do not align with your word and order our steps, Jesus. In his name we pray, let the House say Amen and Hallelujah.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS
of
MEMBERS
February 14, 2019

DELEGATE DISERIO. Thank you, Mr. Speaker. I'll try to brief. I rise before you today ... my colleagues to tell you that I said something on the floor yesterday that was not factual. I misspoke. I was a little bit taken back when I heard a list of school closures being read off and I took it as because of our poor education system that these schools were being closed. I stated that my grandchildren went to Franklin School, which they do, and I also told you that I drove by on a daily basis past Jefferson Elementary School, which I do and they're operating. I made the statement that my sister was a teacher at Hooverson Heights School and that's where I misspoke ... she's spent her entire career at that school, but she is retired now so she's not a teacher at that school but within that list I was ... I was taken back a little bit, you know, when I heard that ... that school where my grandchildren went, and I hear all these other schools that have closed like Wellsburg Middle School and Follansbee Middle School but it was never mentioned that they closed because we have a brand new, state-of-the-art multimillion dollar middle school on the same campus as our high school. To me, my friends, that's thinking forward. It was mentioned that Beech Bottom Elementary was closed, Colliers Elementary was closed, Wellsburg

APPENDIX

Elementary was closed along with Millsop Elementary. Those schools were combined because of our decreasing membership in our schools. They were combined ... combined to use the most central locations and I don't speak for the Board of Education, but the rumor has it around town that those closed ... those schools that have been combined in the future are going to be put on the same campus as our high school and our middle school which I believe is kind of forward thinking. And now my point today is that I misspoke and I'm here to own it. I think the people that we represent, deserve for us to own what we say, not to just throw stuff up against the wall and see what sticks or see who will believe it. Thank you, Mr. Speaker.

DELEGATE EVANS. Thank you, Mr. Speaker. Yesterday we had a very long day and you sort of went right through comments by the Delegates and that's okay, that's cool but Tuesday I wanted to bring this out yesterday but Tuesday Fall River Elementary had some ... well they had Pages here a couple of days before that ... but Tuesday one hundred percent of those students attended school from kindergarten to fifth grade. Not a single student was absent, and I wanted to recognize Fall River Elementary School and their principal who is one of my former students actually, in McDowell County, for having such an incredible achievement. How many schools in West Virginia on any given day have one hundred percent of the student population sitting in a chair in the classroom being taught by a teacher and I think that's an incredible achievement. Congratulations, Fall River Elementary.

S. B. 451

REMARKS
of
HON. PAUL ESPINOSA
February 15, 2019

DELEGATE ESPINOSA. Thank you, Mr. Speaker. Senate Bill 451 was the subject of a great deal of debate yesterday but there was one statement made that frankly I missed during our proceedings, but I found very troubling when I read press accounts of the debate. It's quoted in the Martinsburg Journal ... our colleague from the 4th apparently offered this; from the teachers I hear back

home ... "they don't want any charter school whatsoever in this bill. That's not palatable for my teachers back home and I can't blame them. I know of no one who wants to take two cockroaches home with them and not think they're not going to breed."

That's right Mr. Speaker, our colleague from the 4th actually referred to public charter schools as breeding cockroaches. Mr. Speaker, while our colleague from the 4th may choose to compare public charter schools to breeding cockroaches, I'd submit that with seven of the nation's top ten high schools listed in U.S. News and world reports ranking of the best U.S. high schools and our top West Virginia high school checking in at number 1,517 in those rankings, we could probably afford to see a few public charter schools multiply in our state. Senate Bill 451 is approved by this House yesterday, was not the exact version of the bill that I or perhaps anyone in this body would have preferred but I nevertheless joined 70 of my House colleagues in advancing this amended legislation for further consideration by the Senate.

As our Finance Chairman summarized yesterday, this legislation as amended by the House, would dedicate more than \$200 million to fund a host of benefits to traditional public education including an additional five percent aggregate pay raise for our teachers and school service personnel; \$24 million for additional student support personnel, a \$2 million bonus for certified math teachers, an attendance incentive for teachers, a 1400 student minimum funding level for school districts in the school aid formula, a \$250 tax credit for the purchase of school supplies, a provision to enhance school safety and more flexibility for county salary supplements to attract and retain highly qualified teachers. As I noted Wednesday evening as it arrived in the House, Senate Bill 451 would have permitted unlimited public charter schools across West Virginia with multiple authorizers including local boards of education, colleges and universities and a state commission. By contrast as approved by the House, education choice would be limited to a maximum of two conversion public charter schools. The least prevalent variety in the 44 states and the District of Columbia, that currently authorized public charter schools under very

APPENDIX

limited circumstances, making it unlikely that any public charter schools will be authorized in West Virginia. That assessment was confirmed in a bulletin released by the West Virginia Chapter of the American Federation of Teachers yesterday, intended to allay the concerns of its members that the legislation included a charter school provision pointing out that “before a pilot can be approved, the initiative would have to be approved by the majority of the staff in that school.” Essentially the school staff decides if their school will be a pilot. This requirement renders the charter school ... the charter language practically meaningless.

You’ll recall that in an effort to provide West Virginia parents, students and communities a meaningful public charter school option and to include an education choice provision that the Senate might accept. Several of my colleagues and I sponsored an amendment during second reading, that would’ve permitted up to five public charter schools in West Virginia subject to local board approval, as well as the conversion of the West Virginia Schools for the Deaf and Blind with State Board of Education approval. That amendment was not adopted by the House.

Mr. Speaker, in announcing their yes vote for Senate Bill 451 on third reading yesterday, several members indicated that their support was contingent on the Senate not changing one iota of the bill. I’d suggest that if we’re serious about making numerous benefits to traditional public education contained in this legislation a reality, we’ll need to be prepared to meet our Senate colleagues partway by offering West Virginia parents, students and communities a real public charter option as opposed to what the AFT described as a meaningless provision currently contained in the bill advanced by the House. Thank you.

H. B. 2010

REMARKS

of

MEMBERS

February 20, 2019

DELEGATE CAMPBELL. Thank you, Mr. Speaker. When I was sworn in here on

November 9, 2017 by Speaker Tim Armstead, he told me the House is a big family. Early last Wednesday morning I got a call that we all fear, that I needed to get home because my mom wasn’t doing well. I raced back to Greenbrier County as fast as I could. When I got there, I was 10 minutes late.

I stayed with her as long as I could. Then I did what she would have told me to do and that’s to go to work. So, I raced back from Lewisburg, here to the Capitol. When I got here on the floor my friend from the 28th and when I say that I mean my friend from the 28th, came over to visit because he knew something was wrong. He asked if he could say a prayer for her here. At first I wasn’t sure because I didn’t want the attention and I was still trying to process the worst day of my life but I appreciated his offer and I wanted it for my mom.

I remember the first time I saw this beautiful Capitol Dome. I was about eight years old riding with my dad down Kanawha Boulevard. We stopped and parked around the same area where my parking spot was here last year. And I could remember playing in the grass in the corner of the grounds just outside the corner of our chamber.

My dad never lived to see me here but he is with me here every day I walk inside this Capitol. I’m blessed my mom got to see me here doing something that I have wanted to do since I was in junior high. I want to thank everyone in my house family and across this state for your expressions of sympathy over this past week. I used to be more partisan but when I got here, I actually started liking a bunch of you guys. I know that we all love our great State of West Virginia and I’m proud to a member of the House of Delegates family, especially in this past week.

Since last Wednesday, I’ve had many people say, “If there’s anything they can do, just ask.” I know that’s always the thing to say but I’m gonna take everyone up on that so please do this; if you still have your parents, please pick up the phone and call them tonight, do it for me and do it for all of us that wish we could. Tell them you love them because one day you’re gonna reach for the phone and you’re gonna realize they’re no longer here. Thank you, Mr. Speaker.

APPENDIX

DELEGATE EVANS. Thank you, Mr. Speaker. Today I rise to celebrate, to celebrate the birthday of McDowell County. McDowell County is the southernmost county in the State of West Virginia. It was formed on a ... on an act of the Legislature on February 20, 1858 from what is now and was originally Tazewell County, Virginia. The county seat is Welch, WV in the heart of the Pocahontas coal fields.

The county is often referred to as the free state of McDowell. A term coined by a local newspaper editor, referring to the unusual politics and demographics of the area. Once nationally known for its prominence and record setting coal production, it was a major player in the state's economy.

Before the decline in the coal industry, McDowell County's population reached 100,000 people making it the third most populous county in West Virginia. Today, we have about 18,000 people. Our poverty rate is off the chart. U.S. President John Kennedy said in a 1963 speech, "I don't think any American can be satisfied to find in McDowell County in West Virginia 20 or 25% of the people that that ... of that county is out of work. Not for six weeks, not for 12 weeks but for a year, maybe two, three or even four." Direct quote from President Kennedy.

You know that John Kennedy could not be elected President until he came to McDowell County because he needed West Virginia's five electoral votes. McDowell Counties population gave him those votes. I'm very proud to represent McDowell County. It's the home of the first municipal parking garage in the nation.

When I was a little boy my dad would take me from Beckley to Welch to go Christmas shopping. Couldn't buy anything in Beckley. When you went to Welch, it was little New York. It's the home of the first World War I memorial to our black soldiers. It burned down years ago, it's been rebuilt, it's beautiful. It's used for dances and all kinds of soirees. We have a growing ATV industry. Come down to our beautiful Ashland Park. You have to wait a couple of years. It's too popular to get in to but I want you to come.

It is the whole of the world's I mean nation's longest running, continuous Veteran's Day parade in the entire United States. Think about that. This past Veterans' Day was the 100th Veteran's Day Parade, without a break. Incredible. Incredible. You want to see some real patriotism, come to Welch, West Virginia on Veteran's Day.

Several of the United States Presidents have been the Grand Marshall of that parade. And a vice president who would become president, eleven days later. The list of Grand Marshalls of that parade reads like a who's who of American politics.

Sadly, McDowell County has fallen on hard times. I believe we've even been forgotten by the entire State of West Virginia. You know anytime I ask for something down here from the state, I pretty much have to beg for it. I've had a bridge that was built two years ... almost two years ago, now, just sitting there because the state can't get it open because of some problem with a right-of-way, two years. Businesses leave every day. That puts a real economic hardship on our county government. We've lost a Kmart, a Magic Mart, a Walmart. We lost Long John Silvers for goodness sakes. And that list can go on and on and on. A jobs hard to find. Now, we're faced with a bill that's moving through the Legislature that's gonna take away one of our magistrates. I don't want to lose that office, it's got several people working in there, not just the magistrate. Not enough cases, I'm told, for the magistrates to handle. Let me tell you why. It's because the Sheriff's office budget is so low because we don't have any B&O tax or any other tax, basically or a tax base to allow the Sheriff to hire the nu ... the needed number of employees. Crime gets ... you know, it's not gone away they're just getting away with it or our magistrates would be busy, I promise you if we had the officers on the street.

We do have the State Police, fortunately, that covers us during the night time, bless their hearts and I mean that, I honestly mean that. Thank them so much for being there at night. I also understand the ... face losing our DMV office in Welch. That's a bunch more jobs. People come from three counties to that facility, three counties to do their business, whether it be getting a driver's license, whether it'll be putting a new tag on the car, the sticker, whatever it might be, three

APPENDIX

counties. If it goes I will have to drive an hour, maybe an hour and 15 minutes to Mercer County to do the same business I can do in downtown Welch.

I drive to Mercer County now, pretty much, for all our groceries. Do you know you can't buy a pair of blue jeans in McDowell County, I'm not kiddin'. McDowell County surely increases the economy of Mercer, Wyoming, Mingo, Raleigh and Tazwell Counties. The state brags about how much the state economy is growing and how many jobs we've added in this quarter or this sector or however they do it. How many people have come home to West Virginia. How many ... how many roads that we've fixed and paved. Come on down to McDowell County and you're not going to see any of that there.

Happy Birthday, McDowell County. The county whose coal built the State of West Virginia. Happy Birthday, McDowell County. The county who has sent more soldiers, per capita, than any county in the United States to the military. Happy Birthday, McDowell County. The county whose residents thirst, literally, for clean water to drink. Happy Birthday, McDowell County. The county with the best people in the whole world. Happy Birthday, McDowell County, my home. Thank you, Mr. Speaker.

DONATION TO BENEFIT FOSTER CHILDREN

REMARKS

of

HON. TERRI SYPOLT

February 21, 2019

DELEGATE SYPOLT. Thank you, Mr. Speaker. I just wanted to take a moment to publicly acknowledge and thank you and this body for an incredible act of kindness. First, earlier this year, this body passed House Bill 2010 to help improve our State's foster care system. During the debate on House Bill 2010 our colleague from the 12th District spoke passionately about the struggles of our foster care children and held up a roll of black trash bags to illustrate that. But the work of this body did not end with that bill. Second, last Tuesday we held the annual Speaker's dinner in the upper rotunda just outside of

this chamber. For those who don't know, this dinner is just not an opportunity for us to gather to break bread and honor and have a little fun with our presiding officer. It serves as a fund raiser with the proceeds going to a charity of the Speaker's choice. Our Speaker chose Mission West Virginia ... that's a nonprofit focused on improving the lives of our State's foster children. Those trash bags that were illustrated sadly are what most children in the foster care system use to carry their belongings from one home to the next. Mission West Virginia ... they work to replace those trash bags with suitcases containing some products like a flashlight, a blanket, a stuffed animal and you know, this may just help that foster child make that difficult move with some dignity. This organization ... Mission West Virginia, believes that all children are adoptable and they deserve a permanent, loving family. Mission West Virginia actively works to recruit families to foster or adopt children. They help families to navigate the certification process and to provide support for kindness gift takers ... caregivers. Mr. Speaker, I am proud to say that this year's Speaker's dinner, this body ... this body right here, Republicans, Democrats, ones that was able to attend the dinner and even some that was not able to attend came together and raised \$2,000 to go to this worthy cause. I know its just the tip of a very large iceberg but for many children and the State's foster care system, this donation will help make a direct and lasting difference in their lives. It will show them that someone ... that someone does care and that someone does love them. Mr. Speaker, too often when we come to Charleston the attention is focused on things that divide us but tonight I want to stand and remind this body and the media and the public at large of the incredible good that we as public servants can do when we join hands and come together to make a difference for this State. This body ... yes, this body stood united and we did something that will make a direct positive impact on the lives of foster children and the State of West Virginia. Mr. Speaker, regardless of anything else that happens this session, this act alone is something that we all can be proud to have played a part in. To my colleagues and friends, thank you for your donations for helping to brighten the lives of these precious children. Thank you all, thank you, Mr. Speaker. May I now present this check made to the order of Missions West Virginia in the

APPENDIX

amount of \$2,000 made possible by the West Virginia House of Delegates.

H. B. 2730

REMARKS

of

MEMBERS

February 22, 2019

DELEGATE BIBBY. Okay. I'm ... I'm really torn with this bill cause ... I'm going to have to be a no vote on this bill. I really, really would like to have a clean bill just like a lot of people have said; we were gonna get a clean bill on the teachers' pay and ... and the ... and the personnel ... and the school personnel but now I'm ... I'm ... I'm torn because I got a bill here where we've got the West Virginia State Police and prior military ... I'm ... I'm ... I'm a hundred and ten percent behind the police. In fact, I'd give them a ten percent raise if we could. Unfortunately, they're stuck in a ... in a bill here where we're gonna give a pay raise to people who walked off the job and we have laws ... I mean, I've been ... I've been in West Virginia for 18 years and never paid much attention to what went on at the statehouse ... you know, I was busy doing the job, working and figured everything would get done. It's been an eye opening experience for me but I'm gonna get the West Virginia Code and it's Chapter 18A, Section 2-2, paragraph E and it deals with the employment of teachers but also failure of teachers to perform contract or violation thereof and in paragraph E it reads: a teacher is disqualified to teach at any public school in the State for the duration of the next ensuing school year if that teacher: (1) fails to fulfill his or her contract with the Board unless prevented from doing so by personal illness or other just cause or unless released from his ... his or her contract by the Board or (2) violates any lawful provision of his or her contract.

DELEGATE BIBBY. Okay ... and for the past couple of days we've ... we've had ... had teachers who took two days off to ... on a strike to come here and lobby for a pay raise. What was missing was those ... those parents who had to find alternative day care for their kids to cover those two days while they were ... the teachers were walked out. I'd like to take liberty here and read a couple

of correspondence I got from my, my constituents ... people out there who are ... who don't have a say. They weren't able to come up here the past couple of days to say whether this pay raise was good or not.

Dear Delegate:

Character and integrity are two valuable and admirable traits. Unfortunately, those who voted to table SB 451 are in danger of losing both, in my eyes. I find it despicable that the citizens of this State who happen to not be teachers carry so little weight with our House of Delegates. Let me tell you how you might raise your esteem among the citizens you have marginalized. You now have before you another bill. One that just provides the teachers and other State personnel with raises as a taxpayer I have been told through this process that I had zero say in how my tax dollars are spent. I am denied choices and the teachers and their union have all but held the legislative process hostage to make sure I am kept in my place. If my tax dollars could not follow my child ...

DELEGATE BIBBY. Okay. This bill if passed will give a pay raise to the State ... State Police which I wholeheartedly ... wholeheartedly support but we will also be giving a pay raise to people who walked off the job, had a signed contract that they were supposed to be providing instruction to our students. We are going to give those people, those folks who ... who disregarded West Virginia Code ... their contract ... and we're going to give them a five percent pay raise. Just keep that in mind when you ... when you vote ... what you're doing.

This isn't going to go away folks because if people can come here and demand that you only give them a pay raise and you not listen to the folks out there, the hardworking parents who pay taxes every day to pay the salaries for those teachers and for us by the way ... we're here to do a job for those people. We work for them, they don't work for us and they need to be listened to and they don't have the time to drive down five hours to Charleston and sit up in the galleries and demand and chant on their behalf. We're the only ones that can do that. They don't have a union to back them up. They have their own individual self that they have ... and they rely on us as their representatives. Each of us

APPENDIX

represent approximately 18,000 folks in this ... in this State. We have an opportunity to stand up for those folks. Yes, even the ones that you know ... that don't get heard. So, with my vote, Mr. Speaker, I will be voting no. It's unfortunate that the State Police had to be drug into this and we couldn't have a clean bill like the opposition demanded that we have a clean bill on the pay raise and we're denied that opportunity.

So, unfortunately I will be a no vote on this. But its with deep regret that I have to ... have to do this because of the State Police because I really value their ... their service, their dedication to stay on the job 24/7 ... work weekends, holidays, whenever ... respond whenever. Not walk off the job ... do their job and not ... and ... and maintain what their ... what they signed up to do. Not breech a contract like ... like was done here the past two days. Thank you, Mr. Speaker.

DELEGATE WAXMAN. I have angsted a long time trying to decide what to do with this bill because there's a lot of deserving people out there ... the hardworking teachers that did not want to be coming down here. But I think that somebody has to be the voice of all the people that were appalled at what was taken away from the students of West Virginia with the tabling of the bill that contained this very same raise in it. My county alone, with the blessing of the county school board and superintendent for closing the schools, lost \$4.499 million that could've helped my county. The extra counselors could've helped the students in my county.

DELEGATE WAXMAN. Thank you, Mr. Speaker. I was speaking about communications from my constituents to me regarding this bill that we are getting ready to vote on and they are very concerned again, about all that was taken from the students of this state with what happened with the other bill that contained this very same raise. So, with very deep regret to the many teachers who really deserve this ... I will be voting no because I have heard from many teachers who said don't vote for that pay raise because we need a choice in West ... in West Virginia. So, I will not be voting for this bill but it is with a very heavy heart because there's a lot of deserving people that deserve this money but there are too many of my folks, the silent majority out there, that want their voice heard and I will be their voice.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS

by

MEMBERS

February 22, 2019

DELEGATE SPONAUGLE. Thank you, Mr. Speaker and I'm going to be real brief ... I know its late and this is the last day for remarks. Earlier today I put on all your desks DOH land owner battle over landslide. This ... and that's the Pendleton Times and on the second page of that there is a Moorefield Examiner's story, new DOH court filings could create huge liabilities for West Virginia landowners. So, what's this all about? No ... let me ... this is a pretty big issue that's going to be coming your way because there is a lawsuit that has been filed in my district that's going to be coming pretty closely to yours very soon if they are successful. West Virginia Code §17-16-2 ... "it shall be the duty of the owner or occupant of land situated along any state or county district road to remove all obstructions within the bounds of the road which have been placed there by himself or with consent."

So, what are we talking about obstructions ... we're talking about trees, limbs, landslides, mudslides, water directed from its regular course or channel so it's to go on ... wipe out a road. Why do I bring this up? There was a landslide that occurred down the Southfork Road, shut down this road in Hardy County for a period of about a month ... the landowner and highways got in an argument back and forth because he refused to sign a waiver of liability for them to come on the property but allowed them to come on to clear it out ... they refused. They took a law out ... a Writ of Mandamus from another individual to open up the road, DOH gets upset and they file suit. They had the Attorney General file suit and now they're demanding a judgment against a landowner for two hundred to three hundred thousand dollars to clean up the landslide. Patrick Morrissey, our Attorney General ... his filings ... his name's on it. But no casual activity is required for one to place a landslide within the meaning of Chapter 17, Article 16 of the West Virginia Code. It is sufficient for purposes of the statute for a person to own the

APPENDIX

land from which road, dirt, trees have slid on the road.

The landowner alleges that the road runs through Mr. Kirkendal's property and that the landslide debris from his property has entered the road. That has everything the court needs to know that he is liable. There's no intent, there's no action ... you have heavy waters which occurred back here. We had record rainfalls ... his whole bank gives way ... your responsible. You've gotta pay highways back. You have streams coming off down through the ... off your hillside ... wipes out roads ... you gotta pay highways back for those repairs. That's the position that they have taken in court ... of taking an obstruction. I don't believe it takes any type of legislation to clear it up ... that they're just being very liberal with their construing and frankly I am disgusted with our Governor, I'm disgusted with our Secretary of Transportation, Tom Smith, and I'm especially disgusted with our Attorney General who should know better than to file something like this and this is pending in the Hardy County Circuit Court.

If this goes through, there's going to be lawsuits throughout the State trying to get money to fix secondary roads. Now here we are on day 45 ... we've yet to see a plan from the executive how to fix our secondary roads. Maybe this is the plan. File actions against landowners where the states probably used eminent domain to get an easement through their property which the public used back and forth and for no fault of their own through rain, natural disasters whatever ... it goes down and now we're giving them the bill to clean it up. It would be my hope ... it would be my extreme hope that our Governor would have a conversation of our secretary and consider dismissing this frivolous suit. Thank you, Mr. Speaker.

DELEGATE JENNINGS. Thank you, Mr. Speaker. Today I want to publicly address the 18,000 people that I represent in my two counties, Preston and Tucker. I just voted to give the teachers and the state employees a five percent raise which I feel they deserve but three days ago I wanted to give that very same raise along with \$2,065,484 to the Tucker County School Board system so that they could use that ... it almost half again would ... in their budget ... that's what it would have done for them.

Just think how that could've transformed that entire school system there but we were only 45 strong. To the people of Preston County who I worked together ... and one of the best committee efforts that I've ever seen in our county we finally passed an excess levy that gave four and half million dollars to our kids there to use in the school and I was just giddy cause I thought I was gonna also get to give them \$2,024,837 on top of that. What we could've done with that ... but we were only 45 strong when it counted. I was told we need more counselors, nurses, psychiatrists to help our children. They would've gotten \$24 million to have went to that for our state so we could've worked on it, but we were only 45 strong. In some eyes you were saved from the evil ESA's accounts but if we would have fully funded those ESA's for two years it costs in one day for just the teachers' salaries ... that's what it would've cost to fund them for one day of work stoppage. One day of work stoppage would've funded those for two years. Thank you.

DELEGATE DOYLE. Thank you, Mr. Speaker. In a few days, if it hasn't happened already ... I've been wrapped up here and I don't know what's happening outside, but I think in a few days the City of Huntington Chamber of Commerce is going to hear a presentation from a company called Rockwool. Rockwool is a Danish company that manufactures Stonewool insulation and they want to set up shop in Jefferson County. The overwhelming majority of the people of Jefferson County do not want Rockwool. The proof is in the 2018 election.

Now Rockwool is supposedly going to explain to the Huntington Chamber of Commerce how they are handling the environmental extremists in Jefferson County. I think they're talking about people like me that believe in clean air and clean water. Now the people in Jefferson County are upset both because of substance and process. There is very little transparency in the process when someone goes about seeking an air quality permit or a water quality permit and nobody in Jefferson County knew how much pollution there would be from this company until after the groundbreaking. Within two weeks there were 11,000 people that had signed on to the anti-Rockwool website and we know that at

APPENDIX

least two-thirds of them live in Jefferson County.

The amount of pollution that's coming out according to DEP is within limits for adults. The problem is this factory is going within a half a mile of an elementary school and when asked about that the CEO of Rockwool said, "well, we don't think we're going to put out that much pollution but maybe the kids can be air monitors when they're on the playground" ... he actually said that. Now, that school is a Title I school. It is adjacent to not only the lowest income neighborhood in Jefferson County but one of the lowest income neighborhoods in all of West Virginia. Now Jefferson County is ... has the highest per capita income in the State and a lot of people don't realize we've got some pretty poor areas ... this is the poorest. There's another problem with Rockwool and that is the amount and nature of the pollution poses a threat to the agriculture industry and the tourism industry.

DELEGATE DOYLE. Thank you, Mr. Speaker. The agriculture industry in particular has been the backbone of Jefferson County's economy for a couple hundred years. There are hundreds and hundreds of families who make their living ... a very good living ... in this industry and they are threatened by the presence of a polluting factory that will create, at most, 150 jobs.

Now, there's something else about this. Its something called a pilot agreement. That's an abbreviation that stands for payment in lieu of taxes. It's a fancy name for a big tax break that the State of West Virginia and local governments would be giving to Rockwool and it ... it often involves property taxes ... it does some here but there are other subsidies as well. Now the State's Constitution says that taxation must be equal. Now it does make some exceptions but I'm ... and I'm not a lawyer, so I leave it to the lawyers in the group, Mr. Speaker, to tell me whether I'm right about this but as I read it the exception seemed to be of a general nature. For example, when I was here a few years ago, I supported a proposal to have privately owned airplanes declared salvage value on property taxes in order to encourage the parking of more private airplanes in our state. I think this passes muster but stop and think; suppose instead of a provision that said that all privately owned airplanes will be declared

salvage value that said something else: airplanes belonging to Mary Elizabeth Stackhouse of Vero Beach, Florida are to be given salvage value ... nobody else's. That's what a pilot agreement does. It says this one company gets a tax break that the Constitution doesn't allow.

Something else ... when the site work was contracted for ... and it's almost done ... there are a number of companies in Jefferson County that could've done that. Guess what company got the contract for the site work? Thrasher Engineering, last year. Now was there a bid? I don't know ... this is a private company. But wait a minute ... they're getting a whole bunch of tax breaks. Shouldn't they have to show their cards to the public if we're giving them millions and millions of dollars in tax money to bring their pollution here? I think they should. Bottom line ... there is a very pungent odor about Rockwool and I urge the folks at the Chamber of Commerce in Huntington to bring some clothespins and put over your nose when you come to hear them. Thank you, Mr. Speaker.

H. B. 2732

REMARKS

of

HON. PAT MCGEEHAN

February 22, 2019

DELEGATE MCGEEHAN. You know, I've got a little bit of heart burn over this. It's a difficult decision for me to make here. I have a lot of good teachers back at home. My ex-wife, great mother and she's a excellent middle school teacher. Actually, this year she was a ... the best eighth grade math teacher and because she is the best, she ... she tells me she's getting punished because now she has to move down and teach the sixth graders, to try to get them into shape.

And so, ya know I ... I ... part of my heart says you know, I'd really like to give this raise out. But there's a couple of points I just want to present on ... on ... off of an opposing argument on this bill. You know collectivism is something that I really could never wrap my head around. And, I find it ... I fin ... I've noticed that some of the leading teacher ... some of the leading figures of some of the most prominent teachers unions

APPENDIX

... some of the rebble rousers, anyway, insists on equal outcomes. You know they insist that ... that every teacher must pay ... be paid the same, you know. And, in ... in ... and they all have to be paid the same and Charleston has to essentially make that decision. And I suspect because of those beliefs, that's why teacher salaries are embedded in the state code.

But, you know, Jefferson was a huge proponent of public education, if you read some of his writing, but he never advocated for centralized education. He always advocated for local education, at the county level, in Virginia. He never said the state should get involved and he definitely never said the federal government should get involved.

And I think, you know, that is one problem that we have to make these binary choices on, you know, everyone gets this equal pay raise, everyone ... every state trooper gets his equal pay raise, we have to group them all in together and ... and that's one difficulty when we ... you know ... one problem I see when we start centralizing education. So, I think the answer going forward is, we have to decentralize some of this. And ... and ... and there's a lot of benefits in that.

First, you don't have a whole lot of mass chaos ... and I'm ... and I'm ... I'm getting a little bit off the bill, just grant me a little bit of leeway, Mr. Speaker. You don't have a lot of mass chaos sometimes because when Charleston controls education and pay, from time to time, you have this sort of mass chaos when ... when teachers and educators and school personnel descend on the Capital because they know we control everything.

So, if we had a decentralized model, not only would it preclude that sort of chaos from closing down every school in the state, but also we could have regional pay, you know, where the cost of living might be a little bit higher. You know, some educators in the Southern part of the state, their making on average, twice the average means of ... of ... of an income down there. But up where I'm from, you know, we really need some higher pay going to teachers because of the geographic nature of the Northern Panhandle, competing with Pennsylvania and Ohio. And I suspect it's the same way in the

Eastern Panhandle. So decentralization going forward, would really help us out here.

You know, and there's another thing I just wanted to bring up that kind of folds into this ... this surplus money that we've been using to fund this ... this pay raise ... if you guys who have served in the last couple of legislatures ... legislatures will remember we came into special session and I believe in September of 2016, to deal with the massive flood that occurred earlier that summer and we approved a package which included roughly \$90 million, coming out of the Rainy Day Fund. And, I voted against that ... that measure because of a number of reasons, I mean I thought it might lead to corruption, which I think it has but also because it was promised by certain individuals, to one of which is the President of the State Senate right now, that that \$90 million would be put back into the Rainy Day Fund. I just didn't ... buy ... believe that that would happen and now we have a chance to put that money back into the Rainy Day Fund, like we promised to do and that's important and ... and if we go through with this, I'm not sure that we'll be able to live up to that past promise to restore the balance in that Rainy Day Fund.

You know, another thing I just want to bring to your attention is that during last year's strike there was an implicit agreement and I believe an explicit agreement, as well. And the agreement was a 5% pay raise, last year and then also it was to, "fix PEIA" or fully fund PEIA or do something with PEIA. It wasn't this additional pay raise.

And I know we all got put on the hook by the Governor's promise, all of a sudden, this past fall. But ... but this extra pay raise was not part of the agreement. We've never addressed the other part of the agreement, we did the first one, the 5% pay raise last year, but we never addressed, you know, the PEIA portion, really. And that was never brought up. So, I guess I just have, you know, a couple of problems which is both going through with this, because I think what's gonna happen is, to be practical about it, those surpluses are not sustainable. I think from studying some ... some economic theory, economic forecast, over the last couple months we'll probably have a massive crash coming in the next couple of years and when that happens, once we increase and lock in higher rates and higher salaries in the state code, we're going to be forced with

APPENDIX

difficult decisions when revenues drop. Because if each educator is now more expensive, they have a more expensive salary, then all of a sudden we might be forced in the position to lay off more teachers, because the nature that their salaries are higher, when that ... when those surpluses run out. Or, we'll be forced with trying to raise taxes and I really just don't think, once the economy goes downhill and I believe that's gonna happen within the next year or two, we're going to be able to increase any taxation. So, with those comments, I'm sort of in between right now and I just wanted to sort a ... sort a present an alternative view on some of this. Thanks, Mr. Speaker for all the time.

**BATES AMENDMENT TO
H. B. 3139**

REMARKS

of
HON. MIKE BATES
February 25, 2019

DELEGATE BATES. Thank you, Mr. Speaker. The purpose of my amendment is to fix PEIA. Specifically, it incorporates the findings and recommendations of PEIA Task Force that I, along with you Mr. Speaker and the former Finance chair ... the gentleman from Kanawha were appointed to, by this body. Specifically, those four things that requires that the PEIA Finance Board incorporate ... anticipate a growth in medical inflation into the estimate it uses in this five-year funding model. It requires the government to use and incorporate these estimates into its October 15th revenue letter to PEIA. It establishes a firm and timely deadline for funding of these needs by the Legislature and establishes a fair standard for application of the 80/20 rule and flexibility for the PEIA Finance Board establishing premiums, deductibles, co-pays and benefit levels. I ask for the yea's and nay's and the right to close. Thank you, Mr. Speaker.

REMARKS

of
HON. SEAN HORNBUCKLE
February 25, 2019

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. I would just like to note that on

Monday, February the 25th, we just now discharged bills on the Defense Guard and Tim Tebow. That's ok. But we do not want to debate Civil Rights for everybody.

Understand what we just did. Consistency, as the gentleman from the 37th just spoke. Wherever you're at, that is ok, that is your right. We just talked about the Defense Guard and Tim Tebow and Civil Rights came in last. I ... I don't know what we're doing here, Mr. Speaker. Thank you.

H. B. 2519

REMARKS

of
MEMBERS
February 27, 2019

DELEGATE STEELE. Thank you, Mr. Speaker. You know, it ... it ... it again, you know the gentleman from the 27th right, how could you not want this, other than its comin from the same people that I have gotten, I don't know, 500 emails from, all in opposition to this bill.

Ya know, so, so we're gonna get a report from WVU, Marshall and the other universities, public universities throughout the state, that's ... I can tell you what the reports gonna say right now. It's gonna say that enrollment is declining, even though enrollment has been declining for a very long period of time.

It's gonna say that students report having a sense that their First Amendment Rights are being repressed because of the presence of firearms on campus. Even though that those same students for the last 10 years have been reporting that their teachers have been taking away their First Amendment Rights in class.

So, we're just sitting this up for a report. We ... we could sit here, all of us could sit down and write this report right now, of exactly what it's gonna say. If ... if we really wanted a true report, we would ask for it to come from some form of law enforcement. We would ask for it to come from some type of unbiased entity and I cannot say at this point, based off of the communications that I've received from the various universities, thorough-out this state, that they are

APPENDIX

unbiased. If anything, they are completely biased. And to take a report from them, at this point, on this issue, to me is laughable.

Now, if you want a report, you want a report. I think that's fine. But the simple fact that these universities are going to be the ones preparing it, when they're the ones that are going to try to take away, right now, the rights of 18 to 20 year olds from being able to defend themselves from assaults and sexual assaults and robberies and different crimes on campus, I ... I think that this is a little tongue and cheek and I'd vote against it.

DELEGATE KESSINGER. Thank you, Mr. Speaker. I stand in strong support of this bill. Just a few moments ago, during debate amendment we talked about the importance of reports and I have a few here that I'd like to share with you today. At Fairmont University, from 2015 to 2017 there were eight forcible rapes on campus. At Concord from ... in the year ... since 2010 there's been seven rapes on campus. At WVU there were 13 rapes in 2017, alone. Marshall University has had six since 2016.

My friend from the 51st, the gentleman from the 51st, stood up and talked about being free from fear. Well, maybe the men in this body have never had to feel the fear of walking by yourself, at 10:00 o'clock at night from your chemistry lab to your car. Maybe the men in this body have never felt the fear of running around campus and having to constantly watch your back because you never know who's gonna be around you.

Statistics show that persons age 18 to 24 experience the highest rate of stalking. One in six women in the United States have experienced stalking during their lifetime, and more than 30% of women who have undergone stalking have been victims of sexual assault. This bill to me is about women's health. For the last year the Me Too Movement has brought awareness toward women and their ability to protect themselves and to stand up for themselves and that's what we're doing here today. For the last year we've talked about believing women and today we have the opportunity to take that a step further and say, "not only are we going to believe you but we're going to give you the ability to protect yourself." You don't have to wait for a man to come and protect you. You

don't have to wait for somebody to come to your rescue. You don't have to be the princess in the tower waiting for you knight and shining armor but you can be your own defender. You can be your own protector. That's what this bill is about. This bill is about giving the ability of ... to our students to protect themselves without having to wait for somebody to come and do it for them.

For me, this is an easy vote because this is me walking from my class to my car, alone. I see that ... I saw it all the time while ... while I was in college, while I was on campus and I think back to those times and I think back and I think about these women who underwent horrible experiences and I'm voting for this bill for them. And, for any woman ... and I ... I want to make sure that future generations of ... of women in West Virginia don't have to say "Me Too." That they had the ability to stand up and protect themselves.

DELEGATE WALKER. Thank you. So we've heard many things and we've heard that students want this bill. We've heard that students uphold this bill and I've sat here respectfully ... I've taken off my jacket, I've taken off my shoes, I've cried, I've gotten angry but I want to read you two things:

Dear West Virginia Delegates:

My name is Ashley Moore and I am a sophomore, Psychology and Public Education major at Marshall University. I am openly against campus carry because as someone who has been raped and sexually assaulted, I don't think that guns are the answer.

When I was 15, I was over-powered by a man I still don't know. And last month, at a social gathering, I got sexually assaulted by someone who is known to be violent and have a short temper. In both situations, I think that if I had pulled out a gun, I would have been killed or at least had a worse outcome.

This might seem irrelevant, but if guns are allowed on campus, there most likely would be more people like that, only with guns. They would by law, be allowed to have, that is possibility, I would hate to see come true.

APPENDIX

I've talked to my friends and they all state that they would most likely transfer, if passed, because of fear. Even two hours ago, while I was in class, there was a shooting on the street I live on and if there would have been more than one gun, that situation could have been worse and has more injuries.

Guns on campus could make things like having night classes dangerous and scarier to take because the idea of someone could be waiting with a gun they were told they were allowed to have. It is more likely that this bill would be putting guns in the hands of attackers, not the victims. It's like giving another way to intimidate someone because even if they don't shoot them, the fear that they could get shot, in the moment, is enough to make fighting back an option.

Please, as a student and someone who has been in a situation like that, please vote no for the bill.

Sincerely,
Ashley Moore

That is Ashley's truth. I don't know if Ashley is a real person. But maybe Ashley felt that her words needed to be heard. And I understand that there's other students that support this bill. I have one more thing to read.

Who am I? I am shame and she is me. I am a woman created to be the host of great leaders and geniuses. I am a woman empowered with the knowledge to be seen and not heard. I am a woman who has been told where my place should be in the kitchen and in the bedroom. I am a woman who should blush when pet call is meant to be complimentary. I am a woman who should bear as many children as my dear spouse dictates.

DELEGATE WALKER. We said this was a woman's bill, so I'm gonna continue, thank you. I am a woman who is privileged to wear pants, attend school and keep the home kept. I am a woman who is criticized when my body gets wrinkled and worn. I am a woman who is shunned when my body naturally dispenses every month. I am a woman who is never recognized for my wits, creativity and strength. I am a woman who works smarter, not harder, yet my wages are unequivocal to

my male co-workers. I am a woman who is shunned for breast feeding in public. I am a woman who is ashamed when you abuse my body, mind and soul. I am a woman who is enrolled in etiquette training to become a lady. I am a woman who is a product of all these things. Conversely, I am she and she is me.

I am the woman who will raise her children to respect, sympathize, empathize with every being. I am the woman who will use her voice against gender inequality, racial inequality, domestic violence, hunger and homelessness. I am the woman who will take her seat at the main table. I am the woman who will call out unwanted invasions of my personal space. I am the woman who will take ownership of my reproductive choices. I am the woman who will put on her cape everyday as a super mom, super daughter, super granddaughter, super niece, super advocate and super activist.

I am the woman who will see the raw wounds on my body because of heart disease, breast cancer, diabetes, lupus, MS, thyroid disease, child birth, pregnancy and hysterectomies. I am the woman who will probably donate feminine hygiene products because shame has no home here. I am the woman who will be recognized amongst my peers, in achievements of thinking outside the box. I am the woman who will fight for equal pay. I am the woman who will create a new norm for a mother to nurse her child in public. I am the woman who will stand against abuse, neglect and rape. I am the woman who will empower other women and inspire other women. I am a survivor of rape. I am a survivor of sexual assault. I am a survivor of domestic violence. I am Me Too.

You sit in this body and you speak about numbers. You speak about statistics. You speak about your daughters. There's someone walking the isles with you every day. Who sit in these chambers, who smile because you can't see that hurt. If I had a concealed weapon the night that I was raped, I would have went in room and I would have committed suicide because that was shamed, that was hurt. You putting a gun in hand would not have given me power. You put a gun in my hand, in the mental state I was in, it would have been fight or flight and I don't know who would have been a friend or a foe.

APPENDIX

That's what this bill does. I believe in the Second Amendment. I am a gun owner. I cannot afford to be an NRA member but have you thought about the children who live in HUD housing? They also cannot have a weapon. When I first moved to this great state, I lived in a gated community and life happened. I had to make sure that my guns was under lock and key because I could not have them in HUD housing. Who protected me the first day I moved in and there was a drive-by shooting? Who? Because it was a bad neighborhood it took the police officers 45 minutes, but the rules were I could not have a weapon there.

We talk about law abiding citizens and we talk about good guys. Well, I'm sorry. I'm born a female and I'm proud of it. And I'm sorry, this year round tan does not allow me to have the same privileges to have a concealed weapon. Because if there is a mass shooter and I take out my weapon from my purse and the police come, do they know if I'm friend or foe?

Now, I already know how you're gonna vote so it doesn't matter if I tell you to vote in opposition of, or I tell you to vote for it. But my freedom and my choice was to bring to this body the voices of my constituents, the voices of the Me Too rape survivors, sexual assault survivors.

Now I know that good things went on the desks for many, many weeks, and you talk about throwing in a ditch. How I wish I was thrown in a ditch the night I was raped. How I wish he would have just killed me. But that didn't happen because there was something greater for me to deal with. My story is my glory. I'm no longer a victim. I am a survivor and I'll be damned if this body is going to make me feel that way. Thank you, Mr. Speaker.

DELEGATE MALCOLM. Thank you, Mr. Speaker. I've listened to a lot of things and ... I really hesitated to stand up, but I am going to stand up. I am for this bill. I'm a woman, I don't need to roar. I don't need to roar because I've been packin since I was 18 years old. When I went off to school in 1965 and I know I don't look that old but I am, my dad, as we were getting ready to move things through the house and I had my last suitcase heading for the car and he handed me a pistol and a box of ammo. Now, I've been shootin for a long time because he'd educated us and

told us all to do that. And I started to open my suitcase and he said, "what are you doing?" I said, "I'm putting my ...," "that gun's not going to help you if it's in that suitcase. You carry that gun on your body at all times. And you tell no one that you have it, no one. And you never leave your apartment without that gun. And you don't pull that gun unless you intend to use it. If you are afraid for your life, you pull that gun. And you remember, if you point it at somebody, you intend to take em out." And I have no fear in taking you out. If I hurt you with my car it would break my heart but if you try to take me out or one of mine, I would not hesitate, because that's the way I was raised. It's my God given right to protect myself and my children and I will do so at all times. I didn't put it in my suitcase and I didn't fear anybody. And had I had to use it, I can hear my father's words, I've heard them all evening here, just remember, if you have to use it, dead men tell no lies.

ADDRESSING THE HOUSE

REMARKS

of

HON. ROGER HANSHAW

February 27, 2019

MR. HANSHAW, MR. SPEAKER. Friends it is day 50 and for 50 days we have had some good spirited debate before this House. But, let us all pause for just a moment and reflect on the fact that our visitors this morning who are visually and hearing impaired can find enough good will on this world to stand in the floor of this House and sing "What a Wonderful World."

I hope that for the next 10 days we can find in all ourselves to realize it's a wonderful world.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS

of

MEMBERS

March 1, 2019

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I'm gonna try to make this brief and get to the point. I'm gonna try not to be partisan about this and I'm gonna try to keep

APPENDIX

my cool cause right now, I'm ... I'm pretty upset.

Walking into the chamber today and I realize that it's ... West Virginia Republican Party Day and that ... Party Day, today and that's great. Okay, I'm also a member of political party and that's wonderful too and I'm gonna try not to make this partisan but as ... as part of the display out there, there's a ... there's a poster with a picture of the planes flying into the ... twin towers in New York on 9/11 and ... and ... and underneath there's a picture of a sitting member of Congress, Representative Omar, I believe from Minnesota. I find it distasteful, I said so. I went over and spoke to the people at that booth, that I believe is sanctioned by a political party, they're out there with them and I ... I ... I expressed my disgust about something like that really, I believe points out they ... a hatred and a mistrust of somebody because of their religious background, because of their religion, because that Congresswoman isn't from ... isn't even ... she's not from Saudi Araba, she's from Somalia. She entered this country through a refugee program and I can tell you that personally, I'm proud to live in a country where somebody can come into this ... come into this country with absolutely nothing and wind up in ... in the halls of Congress representing the State of Minnesota. That makes me proud to be an American.

But I'm disgusted by what I see out there, Okay. And maybe it's a little bit personal for me because, you know, I'm also the member of a religious minority who, you know, in early ... in the early 30's in Germany you might see a similar poster about a different religion. And ... and ... and that's one of the many reasons it bothers me.

All I can say is, if ... if ... if it was a Democratic Party Day, day today and there was somebody promoting hate speech ... with a poster that ... denigrated a member of a religious minority, in the people's capitol, outside of the people's house ... if the shoe was on the other foot, I would condemn that and I would disassociate myself from that, because it's ugly, its hateful and there's absolutely no place for it in American politics. That's not ... not in the country that I love. Not in the state that I love.

We all give up our time, during this time of year, to come up here and ... and serve our

constituents because we love this state. Well I love everybody in the state no matter what they look like, who they pray to, who they love. I'm tired of it. It disgusts me and I personally wanted to stand up, publicly and condemn that poster out there. I'm ashamed of it.

DELEGATE ANGELUCCI. While I agree with the Gentlelady from the 38th, we have freedom of speech and that's something we have to respect but let me explain to you something that we experienced, just a short while ago. I just got done speaking to the Speaker and I wanted to talk to him before the end of session because I wanted to tell him how much I respect him because he's been fair and he's been respectful of all members. And, I told him as a freshman Delegate coming in, I respected him as my Speaker.

I walk out of the chambers and I see this discussion going on with Delegate Pushkin and a lady with a display, which was reprehensible but like the Gentlelady said, she has her freedom of speech and I respect that. And while I was talking with Delegate Pushkin, I said let's ... you're not going to change her views, come on. Let's ... let's ... let's get back inside. Sergeant-at-Arms of this body had enough nerve to say to us, "all Muslims are terrorists." The Sergeant-at-Arms of this body, that represents the people of the State of West Virginia said "all Muslims are terrorists." That's beyond shameful. And that's not freedom of speech! That's hate speech and it has no place in this House, the peoples house! And I am furious and I don't want to see her representing the people of this great state in this house again. Muslims are not terrorists! Christians have killed people. That doesn't mean Christians are terrorists. I'm a Christian. I'm a proud Christian. I'm not a terrorist. There's no room for that hate in this house. Thank you, Mr. Speaker.

DELEGATE CAPUTO. Thank you, Mr. Speaker. I'm the one that kicked the door open. That's how angry I was and I went over to that poster and I said it was a racist poster. That was me, I'll own that. I'll own that cause that's what I believe.

I tried to get in here between the prayer and the pledge and I'm a member of this House and no one is gonna keep me from opening that door. But the point I'm tryin to

APPENDIX

get to, I have always preached to freshman Delegates and people who have left this body got up and said "Mike Caputo taught me not to make it personal." When it gets personal with me, it's bad. It's bad. There's no place in these halls for the crap that's going on out there.

We can be as partisan as we want, when it comes to elections but is it proper to do it here and take away from the business of the State of West Virginia? When we've got Doorkeepers going nose to nose with members! Sergeant-at-Arms going door to door ... nose to nose with members! We have created an anger that I have never witnessed in 23 years in this body and it sickens me! It absolutely sickens me!

But yeah, I kicked that door open, I'll own it. I did it. And I said some things that I ... don't normally say. So the point should be, we shouldn't do what's going on outside here, whether it's the Democratic party or the Republican party, there's no place for that! Come down, talk to your Delegates, talk to your Senators, preach your politics but that in sighted anger like I've never seen before.

I suggest to you, Mr. Speaker, we review that. We review that policy and don't let this happen in the House, it's taken away from our work and that's just wrong. It's just wrong. And I apologize for my anger cause I don't like getting this way. I'm very passionate but I don't like getting angry and I'm very angry today.

COM. SUB FOR S. B. 175

REMARKS

of

DELEGATE CHAD LOVEJOY

March 5, 2019

DELEGATE LOVEJOY. Mr. Speaker, it's probably unusual to speak on a rules bundle. It's not typically the most exciting aspect of legislation here but I want to take just a moment, if I could. In this bill there was an amendment that was successful in the House Judiciary, that will save lives and will save families. It was an amendment that strikes at the heart of mental health parity for substance use disorder and I'm grateful to the members of that committee and the chairman that we

are allowed to ... enable to get that amendment in.

You noticed this morning, during introduction of guest, Mr. Speaker, I introduced Leigh Anne Wilson, she's over in the south gallery and I told you that she was the mother of Taylor Wilson; I held up this picture ... now you may recall ... or all of us may recall, a dark day in August in 2016, dark in our state, particularly in my city, where there were 28 overdoses in five hours. Now these ... these 28 overdoses are often cited as statistics but I submit to you my friends, they're a lot more than that. Each one of them was a son, was a daughter, a mother, a father, a brother or sister and one of them was Taylor Wilson.

For the next 41 days her family fought day in, day out, without sleep to try to get help for Taylor, they drove from door to door to look for treatment beds. They sought medicine. They finally found one across the river in a treatment facility but under a technicality in our rules, she wasn't able to go to that bed.

On the 42nd day, a beautiful Sunday in late September 2016, she succumbed to her struggle, her disease and she died. Her mother has fought mightily since then to remove impediments, technicalities, legal obstructions that get in the way of saving the lives of other Taylors and other families. So, this bill is greatly important and I'm greatly appreciative of my friends who have been supportive. I don't want my remarks to end that somehow Taylor's life was defined by her addiction, so I want to end by telling you that she was a beloved daughter and a cherished friend, a Girl Scout, a book worm, she loved to write, she loved to ride horses, she was loved, her life mattered and through the fight of her mother, her death mattered too. Thank you, Mr. Speaker.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS

of

HON. BARBARA FLEISCHAUER

March 6, 2019

DELEGATE FLEISCHAUER. Thank you. I just want to make sure everybody knows that today is the ice cream social that is put on

APPENDIX

every year by the Disability ... West Virginia Developmental Disabilities Council and for those of you who aren't aware, it's fresh homemade ice cream. It's really good. You ... if you're in committee you should sneak down and get some. But also, Mr. Speaker, this is the first session since two of the most important people in that coalition have passed away and I would like to just share a little bit about them. One was David Stewart and his wife, Jan Lilly Stewart and they both were very important for me. They were both in wheelchairs. They were around here all the time. Those of you who have been here any length of time probably would recognize them. But I want to share a little bit about each of them.

I first met Jan when the state was closing the Colin Anderson Hospital and she was involved in that, and then Governor Caperton wanted to set up something where these group homes where medication would be given to the patients by people that weren't nurses, and I was concerned about that and Jan came up to me and said, "You know, some of us, if we weren't in a wheelchair, if we didn't have these disabilities, we would just give this medication to ourselves. Please give us the dignity that we deserve and pass this bill." And so, I listened to her, and then David, who they got ... I don't know when they got married but I can remember him telling me that when he was growing up, before he lost the total use of his legs, he used to have to drag them with crutches and people would, in junior high, would trip him and make fun of him, and he became an advocate for all those people who were disabled and were tortured in middle school. Could we have a short moment of silence to recognize their service to our state and what ... and the goodness of both of those people?

COM. SUB. FOR S. B. 4

REMARKS
of
HON. EVAN WORRELL
March 7, 2019

DELEGATE WORRELL. I rise in support of the amendment. You know, referendum language is one thing. I'll tell you though, why do we even have elections to elect people in our municipalities? Are we going to put a 30% referendum on the Legislature?

There are already built in recall provisions in a lot of charters across the state and these are the people that represent the people, you know, closest to the people. I come from a small municipality where only about a thousand voters vote. With this referendum language, that means 300 people could turn around and make changes or come back and do things to the ... to amend ... sorry, what we're speaking about. I apologize, I just lost the wording. But the whole purpose of what I'm trying to say is that, you know, we elect these people for that very reason. Why we're elected, to do things for the State of ... the State of the people of West Virginia. So, I completely disagree with keeping this referendum language and I would support the gentleman's amendment to remove it entirely. Thank you.

DELEGATE WORRELL. Thank you, Mr. Speaker. I rise in support of this bill. Realize that you are representing the 231 cities across this state that the Municipal League represents and near ... I guarantee your municipalities want this. These are the people you represent and those are the people who represent the govern ... the body ... the governing body closest to the people. Keep that in mind that this is power of the people. This is power of the people in their municipalities. Especially mine, Barboursville, a very small one. This gives the power to them and not the power to us up here. So, please vote in favor of this bill. Thank you, Mr. Speaker.

COM. SUB. FOR S. B. 152

REMARKS
of
MEMBERS
March 8, 2019

DELEGATE MANDT. Thank you, Mr. Speaker. Good Morning. As ... as ... as the friend of mine and my colleague there from the 35th stated, I really ... I ... I ... I have lived this ... this situation in this bill, as far as being an employer in Cabell County, in Huntington, West Virginia and also having great interest in ... in Recovery Point and helping those people that have had a difficult road, that have made wrong decisions but now they want to make those decisions right. And, ya know, he ... he's extremely correct in saying that this is a vision for our state,

APPENDIX

something that ... that we are wanting to champion and help those people to get back and have a positive life and a lot of times these people come from the situation where they've lost their children, they've lost a spouse and they would like to show that they can be positive and productive and repair those damaged relationships.

Having a family business, that being said, I have children that work in my business and you know, I've never had an issue, never had a problem in hiring somebody that has come from a negative situation like this, wanting to make it right. I think it's our duty as people, it's our duty as individuals that want to help people and have an impact and make a difference. I truly support this bill and I hope you all do to. Thank you.

DELEGATE BIBBY. Thank you, Mr. Speaker. I usually come from things pretty much hard nose rule of law and I don't sit on the Judiciary Committee but I looked through this bill and it really is a good bill. We got a problem, not only West Virginia but throughout the United States of the workforce participation and we need to loo ... need to understand that people make mistakes and this bill goes a long way in trying to alleviate that and get these people back in to a productive work force by being able to expunge some of these records it gives them hope that they can get back and participate in our ... in our country, in our economy. It's a good bill Mr. Speaker and I would recommend that everybody support this bill.

DELEGATE ROHRBACH. Thank you, Mr. Speaker. I too rise to support this bill because as we've continue to work constantly on this substance abuse problem, one thing that's come up over and over and over, Mr. Speaker, is that if we can't get people back into the workforce it's very, very unlikely that their recovery is going to hold. So this bill is a real attempt to get people back into the workforce and I would strongly urge us to adopt this because this is really one of the missing pieces to get people fully recovered. Thank you, Mr. Speaker.

DELEGATE HOWELL. Thank you, Mr. Speaker. I rise in support of this legislation. I have a dear friend that had a problem with drugs, still has a problem with drugs. She was clean for a while but her felony convictions kept her from moving forward with her life. Had this bill been law, several years ago, I

believe it would have prevented her from falling off the wagon. It's important that we pass this. It's important that we understand that we can help these people and while they make mistakes, those mistakes haunt them the rest of their life and prevent them from getting the help that they truly need and I think that this bill goes a long way toward that, so I urge passage.

DELEGATE BATES. Thank you, Mr. Speaker. Likewise, I also strongly believe that people make mistakes and that they're work record should not be permanently blemished for something that they ... they've found to be a mistake. So, with that in mind, I support the bill.

DELEGATE PAYNTER. Thank you, Mr. Speaker. I gladly rise in support of this bill. Southern West Virginia has a pretty big drug problem, as everybody here knows but we have a lot of people that have pretty much ruined their lives with one bad decision and they just keep going on down that road because they don't think there's any way out of it. This bill will give them a second chance to get out of it and I'm a big believer everybody deserves a second chances because everybody screws up, so this is a good bill and I'd urge your support.

H. C. R. 33

REMARKS

of

HON. LARRY KUMP

March 8, 2019

DELEGATE KUMP. Tomorrow will be the end of my fifth year in the state Legislature. My vote on this concurrent resolution and a companion one will probably be the most difficult and the most heart wrenching, at least for me.

Truly, we as a nation and as a society are in an existential crisis. Our national unity, the principle and constitutional clarity is coming apart at the seams. Furthermore, I serley sympathize and support the passionate proposals from those who advocate convening a constitutional convention of the states. I also believe that it is our Constitution that is the well-being of our American excellence even though it now is hanging by a thread.

APPENDIX

It is my personal experience in life, in my personal experience of life, I've been a student of our Constitution ever since I was a teenage boy and I love it dearly. And, point of fact, our Constitution is deeply rooted in my simple faith so much so that I can scarce tell the difference between the two. That's why this issue of convening a constitutional convention of the states has brought me to my knees in deep personal prayer.

Indeed, I too share the sincere concerns of many of those who are among my constituents and dear friends who ... and who so passionately pursue and propose a constitutional convention of the states. In that vein, I've prayerfully pondered this issue, for a number of years and I've had many discussions with constitutional scholars and lawyers, constituents, friends and many others. Accordingly, I simply do not believe, not for a second, that our country's wo's and worries are in any fault of our Constitution. Instead, I firmly believe that those who so relentlessly twist and thwart our constitutional rights are responsible as a true culprit. Moreover, it's my understanding that there's been no Supreme Court or even lower court ruling, result ... regarding exactly how the procedures and the scope of a constitutional convention of the states actually and lawfully, will play out.

Now, that's probably because the courts don't have jurisdiction. I further believe that God has a plan for us and that plan does not include convening a constitutional convention of the states. Simply put, the idea of playing Russian Roulette with our Constitution gives me the galloping heebies. Therefore, I have a moral duty to vote against proposing a constitutional convention of the states and I encourage all to go and do likewise. May God bless you all, real good.

OPENING PRAYER

PRAYER
of
BISHOP MIKE KLUSMEYER
RABBI URECKI
SUE BARAZI
March 8, 2019

Let us pray in the name of God, the Merciful, the Compassionate. God of Wall Street, God of main street. God of the mountains and God of the hollers. God of our

neighbors. God of the stranger in our midst. God of the refugees. God of Ansted, God of Welch, God of the content, God of the distraught. God of the gay's and God of the straights, God of the Christians and God of the Atheist. God of the Jews, God of the Muslims. God of the blacks, God of the whites. God of all.

Look with compassion on the State of West Virginia as your people continue to struggle with drugs, education and economic issue, as well as, many other issues that affect their daily lives. Guide us to focus on those things which are truly important and not on those things that are easy or are ... or on things that will make sensational headlines. Oh, God, guide the people of this state to use our public and private wealth, that all may find suitable and fulfilling employment and receive just payment for their labor.

Let the people of this Legislature put aside their own personal agenda so that your agenda will prevail. Let us not do the Republican thing nor the Democratic thing but rather the right thing for the people of God.

You gave us a vision of that Holy City, to which the Nations of the World bring their glory, behold and visit the great cities and towns of the State of West Virginia. Renew the ties of mutual regard which form our civic life. Send us leaders with inward strength and upward reach. Enable us to eliminate poverty, prejudice, hate, depression that peace and good will may prevail with righteousness and justice with order and that men and women from different prospectives, backgrounds, religious beliefs and the different talents, may find with one another the fulfillment with their humanity.

Give this Legislator ... Legislature wisdom, courage, mercy and grace to accomplish that which you purpose. We pray in your most Holy name, Amen.

COM. SUB. FOR S. B. 564

REMARKS
of
HON. EVAN WORRELL
March 8, 2019

DELEGATE WORRELL. Thank you, Mr. Speaker. I rise in support of this bill and I feel

APPENDIX

it's fitting that today on International Women's Day, that we are voting on a bill that will help women. You know, as the Chairman said, this raises the limit from 150 to 185%. I want to first thank my Chairman of Health and the Chairman of Finance for allowing this bill to be on their committee agenda's this week and getting it through committee. But, just to be fully transparent, our state actually funds at 163% through an expansion from Governor Earl Ray Tomblin, back in 2013 and just to get some statistics on this, you know, at 163%, at a regular 40 hour a week job, that equates to someone making \$9.51 an hour. So, if you make \$9.50 an hour, you qualify, as a pregnant mother to get Medicaid. But, if you make \$10.00 an hour, you don't. And, I've called around some local businesses in my area this week and talked to them that kinda hire or have employee's that make this type of money and ask, "do you offer insurance? What does it cost for an individual to have insurance with your company?" And, it ranged from \$400/\$800 dollars a month. So, at the risk of being dramatic, I won't use the \$800 figure, I'll use the \$400 figure and per ... per hour that equates to about \$2.50 an hour. So, if you're a pregnant mother and you make about \$10 an hour and you buy insurance through your employer, you now make \$7.50 an hour. Who can live on that?

So, this bill, I believe, just provides a little bit of help and just to be clear, raising it to 185% is nothing new here. As my friend from the 35th will love to hear, 37 other states already do this at a higher rate than 185%, so we're not trying to go to some crazy number here. Even when we go, if we pass this bill and it goes to 185, we'll still be below 37 other states that already do this at a higher rate. And, I would say to my friends who fiscally responsible or believe in limited government, this price tag of \$600,000, I know it's a lot of money, but most of us just voted for 4.6 billion to be spent yesterday, so I don't think \$600,000 is a lot of money, compared to that. Also, I look at it as a pro-life issue. I'm a pro-life advocate and I look at it this way, I believe that this bill will allow one mother to maybe not make a hard financial decision and keep her baby. I believe that. And so, my friends that are pro-life, what's one baby worth to you? Is it worth \$600,000? I think so. I would vote for this bill all day long, so Mr. Speaker, I ask and urge that everyone in this house vote for

this bill and help our pregnant mothers. Thank you.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS
of

HON. TERRI SYPOLT
March 9, 2019

DELEGATE SYPOLT. I rise again at this 11th hour, to speak about a dash. Yes, about a dash. I usually speak about this dash when I speak at a funeral, because this dash is usually between two dates. It's between the date of a birth, and a date, and it comes from a poem; if I can just read a little verse from that. It says, "So think about this long and hard, other thing you'd like to change, for you never know how much time is left that you still can be rearranged. If we could just slow down enough to consider what's true and real, and always try to understand the way that other people feel. And, be less quick to anger and show appreciation more, and love the people in our lives like we've never loved before. If we treat each other with respect and more often wear a smile, remembering that this special dash might only last a little while. So when your eulogy is being read, with your life's action to rehash, would you be proud of the things they say about how you spent your dash?"

Well, I wanna tell ya about a dash that was between two dates. The date of 1-1-2004. Can you imagine a birth date 1-1-2004, what a way to start a year, with a newborn, and then, short dash, with a date of 2-14-2019? Do the math. Just 15 years later. Headlines, "Bruceton Mills Crash, victim remembered as funny and outgoing." Funny and outgoing are the words used to describe Preston High School freshman, Brayden Bishoff, by some of his classmates. Fifteen, died Thursday from injuries from a vehicle accident along North Preston highways.

Anyone that knew him ... he was ornery, sense of humor, he kept everyone laughing. Huge heart, he was a natural comedian, practical jokester. He could turn anger and sadness into a smile, with just little effort. A freshman at Preston High School, where he participated in technical education program.

APPENDIX

He was an FFA Member, a 4-H Club Member, Preston Livestock Association Member. He loved to exhibit animals at the Preston County Buckwheat Festival, at the State Fair. In various other shows around the state, in the region, he showed lambs, goats steers, heifers, and he made friends all over the state and the area, wherever he showed livestock. He liked playing sports, basketball, baseball, he was an outdoorsman, he loved to hunt and fish. And, he enjoyed tearing things apart, just to put them back together again. He spent time with his family and his friends, and he was loved by kids. He helped others by helping them build things. He'd lend a hand to everybody at the shows, around the house, or on the farm. He loved to even help makin hay with his Pap. He loved diesel trucks. He loved the smell of the diesels and the rolling smoke. He loved riding ATV's, the dirtier the ride, the better. His family chose to honor him by donating his organs so that his tragedy would help others. County officials linked the Bruceton accident to the lack of road work in Preston County.

We didn't lose this teenager to drugs or to alcohol, but to the conditions of the roads in Preston County. We, in Preston County, put out an emergency, a State of Emergency, because of the highways. We were laughed at and told yes, we know it. The roads were bad everywhere, and then they chuckled when they seen our ducks laughing ... they laughed and chuckled when they seen the ducks swimming in our potholes. But, they didn't laugh when they seen the obituaries. So, appreciate the money that is being put into Randy's dream, and hopefully we won't have any more nightmares. Could I ask for a moment of silence?

APPENDIX

FIRST EXTRAORDINARY SESSION, 2019

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS
of
MEMBERS
May 20, 2019

DELEGATE DOYLE. Thank you, Mr. Speaker. Some of you may have heard that Jefferson County still does not want the polluting Rockwool Plant in its mist. Protests continue and will continue. They will continue for years if they have to. Couple of points; we have a state law that says that a school board may not construct a school close to a factory, but we do not have a law that says that you can't put a factory next to a school. I submit, that makes no sense.

Also, just recently, the Infrastructure Jobs Development Council approved a 100% funding of a water project for about \$15,000,000 for Jefferson County. There are dozens of communities in our state, particularly in Southern West Virginia, that cannot find any water. Jefferson County, the county I represent, is the ... is the wealthiest county in the state. It's very unusual to give these grants out without some local match. They didn't even ask us for a local match. I think this is preposterous. That money ... we can ... we can fend for ourselves. That money should have been put into southern West Virginia to some of these very small communities that don't have any ... any running water at all.

Finally, Rockwool ... it's a company that manufactures stone wool installation. They have two different kinds of technologies that they use. The antiquated technology, which about half of their factories have, and then there is a state-of-the-art technology; what's called the electric arc furnace. Most of their recent plant ... all of their recent plants have been built to the electric arc furnace. There's one being built in France right now. That technology produces pollution by at least three quarters, but the only new plant that they're building, with the antiquated technology, they are building here in West Virginia.

Why do the French deserve state of the art technology and West Virginia does not? I think we should all ask the Governor that question. Thank you.

DELEGATE EVANS. Thank you, Mr. Speaker. As we approach this special session on education, I'd like to make a few comments. Most of you, in the Legislature know that I have taught school for 35 years and currently an attendance coach for our local middle school. Seems like every time we turn on Talkline or pick up the Gazette or some of the other newspapers, we hear the teacher's hands are being tied and that they're unable to actually teach school. The problem is nobody actually says what's tying them. What is the binding cord? What is it that prevents teachers from actually teaching? Why are we vilifying the teachers, all of a sudden, for educational performance of our school systems? We say we can magically improve the state in the way we deliver education by coming up with these charter schools, and these educational savings accounts. Is that the best we can do? On the State Board of Education's listening tour, which I'm sure most of you attended at least one, we heard overwhelmingly, 88% was the total that said no to charter schools, ESA's were nonstarters.

Now, some wanna even mess with educational law, law 18 or ... §18 and §18A of the school law, that's the only protection some teachers and school systems have. How is that, that keeps certified teachers in the classroom, how is that gonna improve education? I'd like to suggest a few things that I think would improve education. Something we're not hearing anything about. Number one, let's do something about the discipline in the schools. Teachers are losing countless hours of instruction, statewide, because they have to deal with problem students, and unfortunately it becomes the same student over, over and over. These chronic problems aren't dealt with in the offices because, maybe, they're hands are tied, I'm not sure. But these students continue to disrupt their classrooms. How about attendance? As I said, I'm an attendance coach, I've got kids that have missed 30 and 40 days of school. Teachers cannot teach kids that aren't in the classroom. What are we doing about that?

APPENDIX

How about some targeted professional development for the teachers? You know, there's a lot of good programs out there that are research based that help fix low performing schools. We're not hearing anything about those. How about some tuitions and scholarships ... tuition grants and scholarships for prospective educators? If we're having trouble filling 800 classrooms, right now, and we're having to do it with uncertified teachers, then I think it's time we invest in education. We just put \$54,000,000 into potholes. How about putting some in the classroom.

Colleges also need to revamp how they're preparing our teacher candidates. These old systems that they've used by ... and I hate to say it, by professors that have been there a very long time and continue to do the same thing, and turn out teachers the same way they've always done it. This is ... the technologies that exist today, that our kids know how to use better than we do, are not being implemented in the classrooms. We need to do that. We need to put the technology in there. We need social workers and mental health people. Our school recently got a social worker, oh my gosh, you cannot believe ... you cannot believe the difference that this gentleman is already making. Kids coming to him in droves, just because they know he'll talk to them, they trust him.

You know, I could go on and on, I know it's a ... I know we all want to go home, and I could give ya many more samples of what could ... you know, improve education, and I look forward, Mr. Speaker, to working with the committees that you've set up, and the Education Committee itself. My wrists have no scares; they have no cuts from anything that bound me from teaching. Let's get over that, and let's fix education in West Virginia. Thank you, Mr. Speaker.

S. B. 1037

REMARKS
of
HON. SEAN HORNBUCKLE
May 20, 2019

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. Ladies and gentlemen, the bureau

would be providing the information to the applicants to track the necessary information. So, there wouldn't be anything that would be burdensome, because they are the ones that would be creating that information. Also, what we're talking about here is a few different things one are Veteran owned businesses. In this state, and rightfully so, cause we have the most Veterans, per capita in America, we try to do everything and more for our Veterans. We should keep up that trend. Women, women and business. As I noted before in regular session, women, since 2007, have accounted for over 70% of economic growth in the private sector. Over 70%. And, last but not least, minority population ... when talking about this very delicate subject, of marijuana, there has been no other community that has taken the brunt of it when it comes to disproportionate punishment, there's been no other. And, now that we are on the right tract to make sure, as of right now, that cancer patients ... that cancer patients can have a resource that they need, and along with that comes a business opportunity. And, I think that as a community ... folks, and again, I've been disenfranchised, it has tore up generations of their family, we should do all that we can to make sure they can make sure they can enjoy the other side of it. That's all I have to say, and I ask for the yea and the nays.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS
of
MEMBERS
June 17, 2019

DELEGATE BATES. Thank you, Mr. Speaker. This is remarks that I had prepared in anticipation of discussing and debating the motion I made earlier to reject the Senate message on Senate Bill 1039, and also on 1040, which was referred to committee, by heavy recognition. Mr. Speaker, under Senate President Mitch Carmichael's leadership, and Governor Jim Justice's lack of it, betterment has become an embarrassment. Because of their actions and inactions, Mr. Speaker, you and this House have an opportunity to show leadership, and to join together with us and send a message that we don't intend to spend the next week wasting time and money debating things that

APPENDIX

people sent us here, don't want, when we could be spending time to make sure that they have the things that they need. S. B. 1039, also known as the Student Success Act, SSA, whereby others, the Act for Student Success, ASS, or S. B. 531, the Omnibus Bill, Act II, has a number of compositions that I, and a number of my colleagues on this side of the aisle, and a number of you would like to vote for, and would like to support. Unfortunately, I can't and it's not because of what's in the bill. It's because of what's not in the bill.

We have a number of educators with us here today, Mr. Speaker, I think you might have noticed that they're back. So, let me spell for everybody; the word of the day is respect. RESPECT, which can be used both as a noun, and a verb. As a noun it's defined as, a feeling of deep admiration for someone or something elicited by their abilities, qualities, or achievements. And, as a verb, to admire deeply, as a result of their abilities, qualities, or achievements. Synonyms ... synonyms include esteem, admire, think highly of, have a high opinion of, considerations, thoughtfulness. This Omnibus Bill was to be rejected, cause it does not respect ... it violates Chapter 30 ... sorry ... Article 6, Chapter 30 of the Constitution of West Virginia, and Rule 797 of the House, the single object provision. Most importantly, it needs to be rejected because of its inability to appreciate the views and wishes of people in this gallery, in these halls, and that are watching back home, that are tired, tired of this fight, like we're tired of this fight over the last six months, and what has been the last two years. Mr. Speaker, in closing, in the words of Aretha Franklin, "What you want, baby I got. What you need, you know I got it. All I'm asking, all I'm asking, is for a little respect." Thank you, Mr. Speaker.

DELEGATE BUTLER. Thank you, Mr. Speaker. Members, I want to just say how thankful I am for all your concerns, and prayers, and calls, and so forth, with concerns for my son. Last month when we were here for the session, I got a phone call just as we were getting started that my son had been in an accident, and he was being life-flighted to the hospital in Huntington. So, you can imagine, life-flighted, that makes you think of the worst and certainly so, I went out and said a prayer, hit the road and headed to Huntington. I didn't even know which

hospital to go to. On the way I found out he was going to St. Mary's. I went there, basically what happened, is he was in a vehicle ... he was ... the road went left, and he went straight through somebody's yard that was on a motorcycle. And ... so, got to the hospital and he was not as bad as we thought. Had no broken bones, he was scuffed up and bruised up some, had a ... had a head injury that caused a little bit of bleeding in the brain, no ... no cuts on his head or anything like that, just I guess the impact was enough to cause a little bit of bleeding and a blood vessel burst, or something, so they kept him in the hospital overnight, and it basically clotted itself up and healed, and he's been doing really well since then. He had headaches for a few days after that, and ... but after about a week, he had no more symptoms whatsoever, so he's in good shape. He's been on light duty ever since then. Today he has an appointment to have a CT Scan, they're gonna check his brain out and make sure that vessels completely healed, and again, it did that all on its own. And I think ... we all think he's gonna be just fine. The appointments today, and then if he's cleared from that then he'll be back to ... off of light duty and back to doing his normal thing, so God was watching after for him, I think, and all your guy's prayers helped, I think, so he's doin well, and I just wanted to say thank you very much, and give everybody an update on that.

H. B. 206

DEBATE
of
MEMBERS
June 19, 2019

DELEGATE BATES. Thank you, Mr. Speaker. Mr. Speaker, you and I were elected to this body the same year, and I've got a love, hate relationship with this place, and over the past five years I've seen it at its best, and I've seen its worst, and I've described my experience down here as being the most ... the most frustrating and rewarding experience I've had in my life, outside of raising my children. One of the things I've fully grown to appreciate, and love, as I believe it is sometimes, the process, the procedure.

APPENDIX

Mr. Speaker, I think you would agree, it's a beautiful thing that through a system of laws, people can come together that have very different beliefs, and opinions, and do good things for their communities. What we'll be doing today, and what we've done since January, has been pretty ugly. Mr. Speaker, I'm voting no, primarily on the ... not on the content, but on the construction of this Omnibus Bill, which I believe to be a clear violation of Article 6, Chapter 30 of the Constitution of the State of West Virginia. It states, no act hereafter passed shall embrace more than one object, and that shall be expressed in the title. A provision that is so important that it's repeated again in Rule 97, of the House. Again, no bill shall embrace more than one object. I would challenge any reasonable person in the courts to conclude that this bill deals with a single object, when it's 140 plus pages long, the title runs five pages, the abstract, ten pages, and the gentleman from the 66th has to take 20 minutes to list separately, the unrelated and enacting six and thirty new sections of code, and 47 provisions of this bill. Mr. Speaker, I respectfully suggest that this bill, and the actions of the House are in clear violation of the spirit and letter of the Constitution and the Rules of the House. And, while I recognize that you did not start us down this path, at any point, you have stopped it. This bill, while primarily a creation of the Senate, I also recognize your interest in expediency and efficiency in dealing with all thing's education related in a single bill. It is not right, it is unwise, and I believe in your heart, and your head, you know it to be so.

I do not think today has turned out to be very expedient, or efficient. The very fact that earlier today, we passed eight bills dealing with singular objects that could have been included in this Omnibus bill, and the rulings of the germaneness of multiple amendments on everything under the sun, today, support this conclusion.

As you, and I have discussed, and you have stated publicly, these items were intended, should, and could have been addressed individually. Mr. Speaker, respectively, House Bill 206, is simply Senate Bill 451, bundled up, repackaged, and in a way, to gain enough votes to pass this House in an attempt to get something that the Senate will accept, and the Governor to sign, as a vehicle for charter schools. Unlike you,

Mr. Speaker, I am no attorney, nor am I a national recognized expert on parliamentary rules and procedures. In recessing this issue as an amateur paralegal, with the assistance of wise council, I had an opportunity to read a 1993 case, Kincaid v. Mangum, that came before the West Virginia Supreme Court of Appeals. In the text of that decision, my friend from the 1st will be pleased to realize that the one subject rule can be traced back as far as the Romans, and that 43 states have some form of one subject rule. In fact, whether, or not to adopt this provision of the Constitution, at our Constitutional Convention, in 1863, it was argued that if you strikeout this provision, you can, towards the heel of a session, take any bill, whether important, or not, and make it an Omnibus to carry through all sorts of schemes.

Further, the constitutional framers of this state thought it was so important for the members of the Legislature to be fully aware of the subject of which they were voting, as an informed Legislature, is even more important in modern times with the complexity of many rules and regulations. The primary, and universally recognized purpose of the one subject rule is to prevent log rolling; The enactment of laws, the practice of civil minorities combining several different proposals, and different provisions in a single bill, and thus consolidating the votes so the majorities obtain for the Omnibus bill, where perhaps, the most single proposal of each minority could have obtained a majority approval, separately. Another stated purpose for this provision is to prevent riders from being attached to bills that are so popular, and certain of adoption that will secure adoption, not on its own merits, but on the merits of the measures unto which it was attached.

Mr. Speaker, I am not an attorney, but I did stay in a hall late last night, and I have a coffee cup to prove it, and I think I'm on solid ground when I say that irrespective of the vote today, this bill is in jeopardy. This scheme if it is allowed to continue, would allow the Legislature to pass only a few bills each session, in broad subject areas, like relating to taxes; relating to criminal laws; relating to things that begin with the letter C, or E, or D, which our Supreme Court has said exactly the topics of excessive generality, such as government, or public welfar ... welfare, are inherently a deceptive, and unfair.

APPENDIX

House Bill 206, relating to public education is not just log rolling, it is a log truck that has been driven through this building by an outside interest, against the rule of the people who represent charter schools, as a rider, and I reject it, and I believe in time, the court will as well. Thank you, Mr. Speaker.

DELEGATE WAXMAN. Thank you, Mr. Speaker. I think we can all agree after a very long debate today, that this bill contains a lot of really good and necessary improvements to education. But we've also heard a tremendous amount of angst expressed about the mere permission to establish a charter school. I could understand the angst if we were saying that we were forcing... that we were saying a charter school must be established. That was not said here, at all today. It's not implied in any way, shape, or form. But it does give particularly students of poor parents who maybe are a single parent who can't homeschool, and can't afford a private school, but the child is miserable in school. It gives those parents a public education choice. Nobody is forcing anybody to attend these schools, nobody is forcing anybody to teach in these schools, if you don't like charters, and you don't want a charter, you don't have to have a charter. But, I really do not understand how anybody here, who is serving this state, and has sworn to uphold our Constitution, would take away an individual's right to make a better choice for themselves, so that they could live their best life, because they got a good education that worked for them.

Our schoolteachers work very hard, and they are working in an impossible situation. This bill tries to give them as much freedom as we can possibly give them, giving the control of the schools closer to the people in the county boards of education. So, I would certainly hope that everybody here that cares about every individual child living their best life, will join me in voting yes for this bill. Thank you, Mr. Speaker.

DELEGATE PETHTEL. Thank you very much, Mr. Speaker. I know it's been a long day, so I'll try to be brief. But I rise in opposition to House Bill 206, mainly because I believe that the constituents that I represent in the 5th District, definitely don't want this bill. And the 5th District is comprised of all of

Wetzel, and one precinct in the Western part of Monongalia Counties.

You know, I will say though, especially the people in Wetzel, that they like their small public schools. They have eight schools for approximately 2,500 students, and just recently, reopened a votech school. Let me say that they've paid for those schools. In the late 1970's they passed a bond to build four new elementary middle schools. Three of those schools were pre-k through the eighth grade, and one was pre-k through the sixth grade. In the late 1980's they passed another bond to refurbish four high schools, single A high schools, which today have student populations of slightly more than 100, and the largest school, around 400 students. They also in Wetzel have a 100% excess levy. So, they really do like their small public schools.

As I attended the forums around the state, and being a retired teacher of 40 years, and still substitutes in Wetzel, I've found very quickly, that they did not want charter schools. And, let me say that the people in Wetzel have, for the most part, been good to their incumbent office holders, and that includes me, that they have elected me 14 times to represent them. So, I feel like I have a pretty good handle on how they want me to vote on issues, but I can tell you that they are watching. You know, in 2016, teachers, school service personnel, county office personnel and the public in general were upset with that superintendent that occupied that position in 2016, and they were upset with the board for what policies and situations were going on. It was so bad that they had to move the board meetings from the board office to one of the school gymnasiums, Magnolia High School, in order to hold people that were attending those meetings. It got to the point to where teachers, school service personnel, people in the board office and some people in the community went out and recruited a retired superintendent of schools, a retired school principal, and a lady who had been very active in the Wetzel County School System with volunteering to run for the board. It wasn't even close. They elected three new board members and I was on the ballot at that time, and I told them, I said, "You know, I wish I could get you to work for me like that." And, they said, "Yeah, but we like you. We're gonna vote for ya, but we don't like

APPENDIX

what's been going on in situations that I just described." So, I feel confident today in voting no on House Bill 206. I believe that's what the people want me to do.

There are a lot of good parts in this bill, but you know, one other thing I want to say is that I know that most of you believe that the extra compensation for math and special education teachers, you probably believe that that's really good. And, it is good anytime that we can give people more money, but I know I've already heard, when I went back from the last regular session, that some people told me, "Well, what about our discipline? What about Science? What about Social Studies? What about Art?" Because, we work hard in those positions, also. So, for those reasons, and other reasons I'm not gonna go into here this evening, I'd urge a no vote on House Bill 206. Thank you.

DELEGATE MILLER. Thank you, Mr. Speaker. I don't know if everyone else has had the questions, and I ... and I hate to beat the evening on any longer than we've already been here, but this is important, and there's lots of questions. I ... I don't know if anyone else is thinking the same things, or if it's just in my warped mind that I come up with these questions, but there's lots of things that come to mind in listening to everything that's happened here today.

I listened earlier, as we had, Mr. Speaker, some individuals get up and delineate this as a Democrat vs. Republican issue. I find it hard to ... to really envision that. I've attended many forums across Central West Virginia, South, whether it was put on by the Department of Education, whether it was put on by Senators, whether it was just meeting in charter schools, and ... and ... and Christian schools, in home schools, and talking to all those people, and not one time, not one time, with any educator, even those that are in the gallery, or outside, do I know ... unless I know those people very, very personally, do I know whether they're a Democrat, an Independent, a Republican, or if they're even registered to vote for any of us. At no time did that ever cross my mind, that I ever ask them, nor did they ever volunteer that to me. Now, we may hear some things, some chatter back and forth, that whether it's somebody in the majority, or the minority, there's nothing I can control about that, but when it comes down to the basic ...

the basic discussion of the folks that I have talked to, and ... and I'm sure that some of you may have ... Gentleman sitting in front of me obviously has, by his comments, some people have indicated that they would like charters, but the folks that I have talked to, not one person that I have spoken to, have indicated that, "Now, we've have got to have that."

Now, the homeschoolers, the Christian schools, and things like that, we talk about ESA's, we've talked about tax benefits, talk about things like that. Tax credits, that's a whole different issue. Yeah, I've heard about that. I've heard about that. We don't have that before us though.

It's been discussed, and ... and I've kinda beat that horse a little earlier, in regard to no fiscal note. We're not passing things today, as far as amendments, because it put budg ... budgets in jeopardy, but we don't have a fiscal note for this bill. This is the biggest thing we have before us today. We don't know. We've got an estimate. I don't doubt the ... the Finance Chair, I don't doubt what he's telling me, but we don't have that evidence before us, to make that decision.

We exempted the School of the Deaf and Blind, on the motion from the Gentlelady from the 57th, because, as she indicated, very clearly, that with what we were doing is going to hurt venerable students in the State of West Virginia. Thank you for standing up for your school. What about the rest of the schools? We want ... we've heard advocates for charter schools it's gonna help our most venerable students, how much is that gonna cost? How much is that gonna cost? Cause, I agree with her, we ... we don't want, at all cost, to get this system started, and hurt our other students. If we want to do something, bolster what we've got in place, maybe try some new things, a few new things, not a lot of new things. You can't eat an elephant in one bite, it's gotta be one bite after another, and move the state forward. Don't jump off the cliff because the grass looks green along ... along way down.

I find it very ironic, and I hate to go out on this ledge, but I find it very ironic that my friend was quoting Barack Obama. Maybe, even the Clintons, who are very much either credited with, or being blamed for the entire

APPENDIX

destruction of an industry in the State of West Virginia, that other ideas they've had are good ones. I find that ... I find that kinda ironic to think that we're going to praise him with one hand, and curse him with the other, in West Virginia, of all places.

In Southern West Virginia, where I come from, where the yellow line should be gold inlay, with as much as we brought to the State of West Virginia, and that's just Boone County. That's not McDowell, Logan, Mingo, all my friends from down south.

I've also heard credit, or blame, if you will, about what has happened with past administrations. Who talked charter schools, who advocated for this, advocated for that, you know what, I wasn't here, and there's a lot of people in here that weren't here? We can't live on ... on that history lesson alone, we are here dealing with a problem laid on the desk before us, right now. So, what are you going to do today? You'll be remembered later. But what are you gonna do today? I can't ... I'm not going to stand here and live on ... on the pluses or minuses of any administration before us. I can't do that. We have to stand on our two feet, because this is a different time, a different Legislature, a different administration, a different school system, for goodness sakes, it's definitely a different school system. If you talk to our professionals in our school system today, they're dealing with what I have called ... came up with, I didn't invent it, I came up with it by talking with some educators, specifically at the Huntington Department of Ed forum, when I talked to a teacher who had to work as an EMT of the evening, just to make ends meet, so she could pay her bills. And, talking with her, I kinda coined a term, what we are dealing with, what these folks in the gallery, and across the state are dealing with, are three to seven issues. Three to seven issues are affecting what's going in our school system. Three p. m. to seven a. m., when those teachers don't have those students in front of them, they can control them from seven to three, but it's the three to seven issues that are infiltrating our schools, if you will, that's what's impacting. That's what making things so difficult. That's probably why that you see people so passionate here on the floor, talking about the wrap around services, and all those other things that we've talked about.

I caught a little bit of flak for this, back during the debate on 451, but if you'll remember, I held up two books, a black one, the Holy Bible, I held up an orange one, the annotated school code for the State of West Virginia, and the orange one was thicker. We're about to put some more pages in that book, and make it even more thicker folks, so I would ask you to not be the problem.

In regard to our Finance Chair talking about the data, in regard to the surveys from the Department of Ed, how many were collected, how many of them were utilized, has anybody talked about the ... the ... what I personally witnessed, where there were individuals that were taking survey cards, and if you will, stuffing the ballot box. They were filling out multiple data cards and stuffing them in the survey box, did anybody talk about that? I saw that. I saw that, myself. It is gonna skew the numbers, so, whether it's accurate or not, I don't know, but it happened. But it happened.

And finally, being in this position, and having one, I'll leave you with this; with what's going on in the State of West Virginia, the state of affairs that we are in with our education system, would you, anyone of you, Mr. Speaker, or anyone in this chamber, or anyone in this state, as far as that's concerned, would you advocate, or push for your son, or daughter, to become an educator in the State of West Virginia? Would you do that? Under the current state of affairs, because I've got one who just got hired as an educator in the State of Kentucky, with a master's degree, and I ask her specifically, specifically, "What about coming home?" That's my greed factor. I got a shocking answer. She looked at me square between the eyes and she said, "Why?" It took me back. She said, "Why would I, with the way things are going on, and the way they're getting treated, why would I come back?"

Now, again, I'll go back to the 451 debate, with the black book, and the orange book, and then I'll sit down, why? Why are we doing this? We're ... this is why we're running people out. It's us, we are the problem. I agree with the Gentleman from the 37th, look in the mirror, because it's us. We are creating the problems that these folks have to deal with. We're not helping. We're not helping. We need to get them onboard with us, and we need to work with them, not against them. Mr. Speaker, I would oppose. Thank you.

APPENDIX

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I first want to repeat what the Gentleman from the 37th said, that ... I think his analogy about the emergency room was very apt. We are blaming schools for an emergency that aren't responsible for. It's as if you're blaming the emergency room for the people that were sick there. And, I agree with the lady from Greenbrier, too, and part of the reason we have such high expectations, we have these high expectations, but we can't ... we are ... this bill does not address one of the biggest issues, which is poverty. But a question was asked earlier, "why would anyone oppose this?" And, I just think the answers so easy, is because this bill will rob public schools of resources. It will harm public schools, that's why some of us feel so strongly. We do not want to harm public schools, and that's what the people ... I don't know about you, thousands of people who have communicated with me, who've attended the forums, who filled out the online questionnaires have been saying, is do not take resources away.

One of the things I think we have forgotten to mention is all the positive things that have happened in public education and, I'm gonna mention just five. We are the leaders in the nation in enrolling children in preschool, and I don't know if it goes all the way back ... it's a long ... over 30 years ago, that we started early kindergarten and preschool. It's something we can be really proud of, because that, we add to the time that the children are at school and we have a possibility for having a positive outcome.

Our graduation rate is in the top five in the country. We've done a lot of bashing of our education system, but we have ... we're forgetting some of these positive things. We're 30th in the nation in ACTS scores. We are 17th in the nation in the percentage of nationally board-certified teachers and then last, but maybe most important, our lower income students that are taking the NAP score, and that is National Assessment of Educational statistics, they score in the top 15. Our lower income students compared to those from other states. And, so I think that what those of us who oppose this bill are afraid of, is that by taking resources out of the ... where the majority of kids are going to be going to schools, were gonna stop that progress, we're gonna slow it down, and it will harm our students.

Last thing I have to say, I agree with the Gentleman from Raleigh about the Constitutional issues. If you look on the ... the description of the code sections that are affected by this bill, it's a really big number. We have six different chapters. We have chapter 5, which is where the public PEIA comes in we have chapter 15, which is the chapter on public safety we have chapter 18 and 18a, that kind of to be expected when you have a bill that's relating to education, but we also have 18c, and we have chapter 29, that is very clear law. Like he said, it goes back to the Romans and I think that we have bundled together lots of things in the past, but this is everything and the kitchen sink. And, I think it violates the Constitution, for the reasons he explained, that it's log rolling. That we are combining a bunch of things, and a lot of that happened in the last few days. What do you want in this bill? What can we get you to do to make it pass, and that's log rolling, and that's happened? So, I urge rejection of this legislation. I don't think it's going to help our state. I think it's ... the risk of harming it are too great. Thank you, Mr. Speaker.

DELEGATE KUMP. Thank you. Great googly moogly. I stand in support of House Bill 206, but I'm also upset, I'm frustrated and I'm disappointed. Not because of what's in it, there's lots of provisions in it, I support all of them, including charter schools, and I think the total bill will move West Virginia forward and help us. I don't think it moves us enough, but I think it moves us forward. The biggest disappointment I have in the bill, that it doesn't include enough of a salary increase for the teachers. We have a tremendous exodus of teachers because of salary issues. But what bothers me the most is not the bill, but the dynamics of the discussion. It's been frenzied, both pro and con, and that's alright, but it has been focused mostly on charter schools, and in absence of almost all the other issues of the school ... of the school systems.

People have talked, and I've talked to my constituents. There's been some discussion about charter schools, but the most of my discussion that I've had with constituents has been a concern by parents of wanting a better education for their schools, and more choices. Maybe a better way to say that would be, parents want more freedom. Quite frankly, what I would like to see is more choices. I'd like to see the education dollars follow the student. I think we ought to have

APPENDIX

more freedom, more choice with our education systems, and I think that more than anything, and that competition in education will bring West Virginia forward, faster. Thank you.

DELEGATE DOYLE. Pardon me, Mr. Speaker. I oppose this bill because of the charter schools provision. It's the essence of the bill. Charter schools is a bad idea for West Virginia, because it has ... Charter schools have been demonstrated to be ineffective in rural areas, and West Virginia is one of the three or four most rural areas in the Union. It does not make logical sense that we would go for charter schools, and I think that is why the overwhelming majority of the people of our state oppose charter schools. They're smart enough to understand that charter schools have not worked in rural areas. Yes, there are some good things in the bill. There are also some bad things. I was appalled to hear, a little bit ago ... about an hour ago now, I think, that there's a provision in this bill in which we have voluntarily seseated ... not seseated, pardon me, seated through the Secondary Schools Athletic Commission, the ability to override state law. That's appalling. Anyway, this bill needs to be defeated, and we need to go back to the drawing board.

DELEGATE CANESTRARO. Thank you, Mr. Speaker. You know we've been on the floor now, since eleven o'clock this morning. I'm just receiving word from back home that there is some significant flooding going on in my district, once again. We've been hard hit by it a couple times over the last few years now. So, I'd ask you to please pray the people of my district tonight.

I rise in opposition to this bill. It is so large and includes so many things and so many provisions, it reminds me of something that in my job as a prosecutor that we laugh at and make fun of with other lawyers, with police officers, with corrections officers. It reminds me of a loaf. And, if you don't know what a loaf is, loaf is what they fed prisoners and people in the regional jails. It may have yesterday's ground beef, may have green beans, corn, breadcrumbs, all put together, mixed up, put into a bread pan and baked.

The experts in the state of West Virginia, the teachers and service personnel, don't want charter schools. Now, you can say that

you don't trust the numbers from surveys, from polling, but you know what, if you went and looked at the ones that weren't looked at, as the Finance Chairman said earlier, if you went and looked, it would have to be such a significant turn the opposite way to make an impact on that poll to say that people want charters. And, when you have that significant of a cross section, that 88% of the people were not in favor of that, that's not going to change, and flip the other way. That's just a way for him to try to explain his vote. That's it. That's ridiculous. This reminds me of loaf. The people that want charter schools are doing to our educators is what ... what they do to the prisoners, in prison, when it comes to loaf. They're forcing them to eat something that they don't want.

You know, I've talked on the floor of this House, a few times in the past, about my father. My dad was a teacher in Marshall County, and a coach in Marshall County, for over 30 years. In ... I may have mentioned in the past, when it was time for me and my twin brother to head to college, he had one rule for us; you cannot become a teacher. And, that's coming from somebody that put his life as being a teacher, and coach, and educating children, taking his time away from his family to coach, and teach other people's children, to the point where he didn't have time to pass ball in the evenings with my brother and I, it was my mom doing that sort of thing, and I could never understand, especially when I was not doing well my first couple years in college. When I was getting poor grades, because I'd rather worry about the next football game in Morgantown, or the next basketball game, where ... where we're gonna go hangout this Thursday night, or Friday night. But, you know, being on this floor since eleven o'clock today and seeing what we've done in the past, with 451, and now, I now understand why my dad didn't want my brother and I to be teachers. He went as far as to threatening us, to cut off any monetary support to pay for our undergraduate work, if we went into education. And, as somebody that wasn't doing well, as a biology major, who had aspirations of maybe going into the medical field, when I first started, that hurt, because I looked at him as an idol, and thought maybe I could be coach, maybe I could make a difference in some child's life, in a different way.

APPENDIX

Why in the world would any person currently studying education, want to subject themselves to the constant disrespect, harassment and abuse from politicians, and that's what we all are, whether you like it or not, you put your name on the ballot to be here, you're a politician. And politician's, the vast majority of whom has ... have never stepped foot in a classroom to teach a child. Instead they don't rely on the people that have, they rely on people from out of state, paid for by corporations to tell them what's best.

Now, as many of you did, I went to several of the public forums. Even those that weren't by the Department of Education and I listened to what my constituents told me, none of them wanted charter schools. They worried about wrap around services, class size, curriculum, testing, seniority rights, those sort of things, but not charter schools. What we did by having the Governor let us go around to different places in these forums is ... is we just went and had ... were put through a shargde, is what ... what we did. We went through ... through an act for no reason. Eighty-eight percent of the people said no, and yet, we're not going to listen to them. I don't understand why we went through that act. We might as well have just came back two weeks after we adjourned, and voted for this bill and got out of here. What we've done is wasted money and time of a lot of people.

Now, we can have three, we can have five, we can have 10 charter schools in the state of West Virginia, but know for a fact, that none of them will solve West Virginia's real problems, right now. Loss of population, lack of a trained work force, lack of work force, heightened poverty levels amongst children. Crumbling infrastructure, we have flooding going on in my district, we have 700 road slips, and I can't get people from the DOH to even call back continents to even just tell them no, we're not going to fix your road. That's the type of government we have in West Virginia, we don't care about the people. We don't care about our experts, and teachers, and service personnel, and this bill shows it.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker Pro Temp. I know it's been a long day for all of us, going on, what, 10, 11 hours, almost. So, I guess I'll start out agreeing with

... a couple of my colleagues across the aisle, they already mentioned this point, specifically the gentleman from Raleigh County, and I think there was someone else that mentioned this, and that's, you know, Article 6, Section 40, does layout in our state Constitution, what's called the single object rule. And, I'm sure people are tired of me say this over, and over again, but you know, when we put our hands up, put the right hand up, put the hand on the Bible, and we swear to uphold, support and defend the U. S. Constitution, and the state Constitution, and we have our pictures taken, we have family down for the ceremony, it's supposed to mean just a ... something little bit more than that. You know, just some sort of nice photo op, when you come into office, for the record books. It's supposed to mean you have absolute conviction in supporting and defending everything in that document. Now, I'll admit, we've gotten away from that. All of you guys know, over the last several years, that ... that we've had bills that were rushed, you know, someone wants a bill, and another person wants a bill, then it goes over to the other chamber, you know, one or two nights left in the 60 day Regular Session and then all of a sudden, somehow we've gotten into this tradition, the other chamber really has, we'll just combine all these bills and we'll send them over and we'll see what sticks, you know. And, some of that is our fault. The public's really not been paying attention, because when that happens, it's not really that happens it's not really controversial, the topics aren't. Right. It has to do with like, hunting license, or ... or regulations over barbers, or whatever, but that's in there, okay. It's not the common denominator rule, it's not the single subject rule, and that's how ... and that's how the proponents of these omnibus bills, which are technically unconstitutional, and illegal, in the State of West Virginia. That's how they get away with, or that's how they argue that they are constitutional because well they have some sort of common denominator, because everything in this omnibus bill has something to do with education. Well, really that's really just doing away with the single object bill.

And, I'd appreciate it if everyone would try to pay attention, a little bit, cause this is important. This bills part, at least, about the constitutional document. Okay, they get away with it because they say, "well it all has

APPENDIX

to do with education.” Same subject. Same common denominator. Well, if that’s true, then we could basically say, “well we can just stick any type of proposals for laws in one package, and say, well, it’s a law reform, it’s legal reform.” That basically does away with a single object rule, altogether, so enough about that.

Alright, let’s go into the bill itself, and some of the things I have, some problems with, that really haven’t been touched on. First ... first, not too many people have ... have of ... have of mentioned this ... this expansion of these military schools we have in this state. Of course, we call it the Mountaineer Challenge Academy. In the bill there’s ... I came up with a wording, you know, because of course an omnibus bill, which technically is illegal in West Virginia, is a hundred forty, a hundred fifty pages long, I can’t remember what section that’s in, verbatim, but now we’re gonna expand these military schools, you know. We’re gonna establish more government wrong, military style schools to throw little kids into, removing little children from their families, from their local communities, place them in camouflage, you know, pretend they’re like toy soldiers, and place them ultimately under the charge of the ... this ... this Adjutant two-star General. I don’t know about you folks, but that’s a little creepy.

We used to have this thing call the Posse Comitatus Act, but I guess we just, sort of, degraded that over time, you know. So, we place all these kids underneath, in camouflage, underneath, take them away from their homes, put them in these little camps, treat them like they’re little soldiers, yeah, there’s some good results, it’s exaggerated though, come on. Last year, family I know, a girl, had some problems, went to this Mountaineer Challenge Academy, comes back five months later, overdosed on drugs, obituary is in the paper, late teens, early 20’s. It works sometimes, it doesn’t work, okay. Yes, we have this guy this Adjutant General who fashions himself as some sort of Colonel Nathan R ... you know. Basically Jack Nicholson, this freakin character from “A Few Good Men.” “Colonel, why the two orders?” “Sometimes men take matters into their own hands. That’s not what you said. You can’t handle the truth, that’s right.” Or, maybe he fashions himself as Capitan America, you know. Let’s just put

it this way with everything that’s been going on, with his supervision, over the Department of Homeland Security, with his supervision, over the last year and a half to two years, over the flood recovery effort, do you ... does this civilian Legislature honestly want to award more tax dollars, and more influence to an organization and a supervisor who has demonstrated at least some sort of incompetence, to expand more government schools? Well, that sounds stupid to me. So, you know, the gentleman’s demonstrated dreadful track record, but we’ll go on from there.

By the way, this is all coming from someone who actually attended one of the nation’s three service academy’s, okay. That might be a little bit ironic, but I kinda know what I’m talking about here. It’s not good for very young, little kids, alright. But, let’s talk about the cost, the cost of the omnibus bill. What’s the total price tag of this bill? Refresh my memory, I’m not sure. I’ve heard numbers. I couldn’t find the fiscal note before I stood up here, but I have heard \$180 million, \$150 million, \$145 million, \$125 ... I think it depends on who’s for, or against it, you know, but \$125 million, \$180 million, whatever. That’s a pretty large, significant amount of money for one bill, and guess what, that is a base builder, okay. We’ll take the median right there, between \$125 and \$180, say \$115 million dollars, for this one omnibus bill. A base builder, in perpetuity. Where are the fiscal conservatives? I’m looking, I’m not sure. Where are the fiscal conservatives? That’s a lot of money. That’s a lot of money and I know we think we have all this money, we have all this surpluses, and you know, the Trump economy is just going to continue to go on, and go on, but I recommend a few books on monetary policy and trust me, it’s not going to continue to go on. The boom is going to come to an end at some point and we’re gonna have to pay the piper, alright. So, we can’t just live in this boom era thinking that we’re going to have all these surpluses, and we’re not going to have to worry about taxes, or spending cuts, or anything like that. There you go, there’s one expense. That’s not even a mention on the supplementals that we just dedicated to be blown on bloated agencies, by the way. I mean, two days ago the Governor raised the revenue estimate by \$98 million dollars, so there’s another \$100 million dollars that we just dedicated towards who knows what. So,

APPENDIX

no boom, a conservative estimate, \$150 million dollars in savings. Take the \$98 million dollar revenue estimate going up, I'm not even counting the supplementals that we carry over from May, now you're talking real cash. I'm pretty sure that a lot of you in this chamber, perhaps think that there are a lot of potholes, a lot of damages to major roads. Up my way, every other day I get some sort of irate phone calls about the roadways. That's a lot of pavement, that's a lot of roadway repairs. Frees up a whole lot of money for the next four, or five months, before we come back in, in January. No one's talking about that. Or, we could put part of the money in the Rainy Day Fund. Remember the flood in 2016, for those of us who were still here, okay? Yeah, I voted against the bill. Folks that needed it, that election, I think it was a month before that election, in '16, it was promised by the Speaker at the time, I'd have to find the news article in the Gazette, and the current President of the State Senate, that "don't worry, the \$55 million dollars we took out of the Rainy Day Fund, we will put that back in." Hopefully, we'll live up to that promise, you know, because that's not exactly not so unimportant fund. So, there's a lot of things we can do with this money. We haven't even mentioned trying to maybe cut taxes and try to give some of this money back to its rightful owners, to the taxpayers. Geeze, you know, so, I know we get into these little battles we have, teachers, and we all just kinda have this dichotomy, this binary approach where all the teachers are against Republicans, and the Republicans are reactionaries, and we have to do something against the teachers, back and forth, blah, blah, blah, blah ... it's really immature, come on. That's not what we should be focused on. We should be focused on fiscal conservative measures. Making sure that our house is in line. Because these surpluses are going to dry up. It's unsustainable, this spending is unsustainable. It's gone on too long.

Just a couple years ago we passed a budget that was \$4.1 billion, and now what's to spend, counting all the supplementals, we're up to \$4.7 billion, in what, two years? Republican lead House, Republican led Senate, Republican Governor. Yeah, we're for small government. Geeze, cremini. It's ridiculous. This is like a silent live skeet, sometimes. But, you know, I want to talk about something that is a little bit more serious, let me tell you one more thing. I've

rarely been so disgusted by the amount of disingenuous statements and promises, or guarantees, or with this entire process, for the last month, over the past few weeks, to possibly six weeks, promises were made privately, they were made publicly, that will be examined, that will be debated, all of these different topics, by themselves, one at a time, on an individual basis and that did not happen. Did not happen at all. That was said, by leadership, publicly to the press several times, didn't happen. Just an omnibus bill, yeah a couple token individual bills from some of these committees, didn't happen. There are people here, sometimes, seem to opto ... opto ... seem to operate off of a Machiavellian theory that within the political orbit, we're talking about power, holding on to the power, gaining power, winning the power battle, then guess what, all the typical standard, moral conduct rules, they don't apply anymore, because now, it's acceptable to lie and cheat, as long as it's for power. We can tell the public one thing, we can tell the public one thing, but in private, you know, that's not really what the deals gonna be. I've seen it happen too many times. This is absurd.

It's like the long-standing ethical tradition all the way from Cicero, through Augustine and Aquinas, Cot, and others, turned upside down. It's nothing short of western ethics, backwards. It's always justified as, well, the means ... the ends are worth the means. That's not what's western ethics, that's just not even Christian ethics, anyway, I'm voting against the bill.

DELEGATE CAPUTO. Thank you very much, Mr. Speaker. I tried to listen through most of the amendments to, what I call the experts in this body, the educators from McDowell and from Mingo, different parts of the state, because I think they are the ones that we should be listening to. They are the ones that we should be looking to for guidance, when it comes to issues that affect the children of this state. You know, the teachers have been working their tails off, and they've been coming down here for two years in a row, and they had a little bit of hope. They had a little bit of faith in us, back in the regular session, and thought that the majority of us listened to them when we ppi'd that bill. And, they felt good about that. They said, "finally, finally our elected representatives are listening to what we have

APPENDIX

to say.” But, if you’ve been around here long enough, you will know that if those in power want something bad enough, they will always find a way to achieve that, so, here we are again.

You know ... you know there was a lot of discussion today, about polling numbers, and data, and this, and that, and the other. I’m kinda like my friend from Wetzel. I’ve been here a long time, and obviously I’ve got my hands on the pulse of my district and I can kinda feel what the majority of the people that I’m sent down here by want me to do, which is what we all should do. I don’t need a poll to tell me that 88% of West Virginians are opposed to charter schools. I just gotta answer my emails. I’m sure you guys are getting the same emails I’m getting. I just have to return my phone calls. That’s all I gotta do. I don’t need to fabricate polls or listen to polls. I listen to the people in my district. But you know what’s really sad? My friend from the 30th gave a speech about respect. I think we need to change that to disrespect. Because the people we trust with our children, I believe, Mr. Speaker, have been disrespected in so many ways. I got here for that public hearing this morning, where educators traveled from all across this state hoping that people would listen to them. Hoping that their House, would listen to them. They got 60 seconds, at the microphone, the Chairman of that hearing cut them off abruptly, didn’t even let them finish their sentence. Threatened to shut down the hearing because there was a little display of emotion. We work for them. We work for them. It’s just ... it’s just unbelievable to me. And, to touch on a little bit about what my friend from the 1st just eluded to, let’s look back at about October 2nd, about one month before the election. There was this big presser, down in the Governor’s office. House leadership was there and the Speaker was there, the Senate President was there, many members of that side of the aisle was there and the Governor talked about how well we’re doing, and we’re gonna give the teachers, and the school service personnel, and all state employees a raise. Got a big rah rah, and everybody went out and campaigned on that ... on that promise. But, he didn’t say that you had to take charter schools along with that. He didn’t say you’ve got to fight education savings account with that. He didn’t say you was gonna have to deal with union busting language, you’d have to deal

with seniority issues, none of that was ever mentioned. So, once again, the public just got hoodwinked by the leadership of this state. And, they’re down here fighting ... fighting for what the three top leaders of this state, and others, promised them.

We ask so much. We ask them to teach our children. We ask them to clean up after our children. We ask them to cook for our children, then we ask them to drive them to school, and get them there safe, and return them home safe. And, they care so much about the students of this state, they said we don’t want the raise. If we gotta have charter schools, and diminish public education, forget the raise. We don’t want any of it. That’s how much they care about the children of this state. And, I find it kind of amusing we ... when we were discussing the sales tax holiday, my friend the Finance Chair, thought we study that. Let’s take a couple years and study that. Let’s take a couple years and study charter schools. Let’s make sure we’re doing the right thing for West Virginia here. I agree, Delegate, this is not going to move the needle. We got enough problems in this state, with children we should be working on fixing, and not catering to some special interest, forcing, forcing something on the people of West Virginia they just simply don’t want.

I mean debate was tried to be stifled. The previous questions was moved at least four times. When we go out and campaign, and I say we, every one of us, we promise our constituents that we’re going to try our best to do what we believe the majority of our constituents want. Every one of us in this room has made that promise. Every one of us, but we’re not doing that today. We’re back here once again taking money from public education, that’s not going to benefit the masses of our state, it’s only going to benefit the very few.

I don’t think the poor kids in McDowell County will benefit from this. I don’t think this does anything to move the needle in education, but it takes money from our system that could benefit all, and that’s why I oppose this bill. You know, I really wanted to give this process a chance, Mr. Speaker. When our Speaker proposed the select committees of A, B, C and D, I supported that against some of my colleague’s wishes, because we was really going to get into some,

APPENDIX

some good discussion, some good testimony from experts, experts like we have up here today, not experts that was flown in from Louisiana and where ever that work for foundations that the DeVos family created. I didn't think that was the way it was gonna be. I thought we was really gonna have good, honest, open discussion, but that wasn't the case. That wasn't the case. One committee was set to deal with that bill, and once we seen what was happening, I think we all knew what the end result was gonna be.

We've got good people on both sides of this aisle that know what needs done to improve our education system in West Virginia, but we're not listening. We're not listening. We're not just disagreeing we're just not listening. I trust the folks that have been coming down here with the children of our state and I kinda wish that the rest of you would do that as well. There was about 53, 54 of us that voted to kill that bill, last time, what happened? What happened? I don't know, I read the newspapers, I don't know if any of that behind the scenes stuff went on. I certainly hope not, but I'll tell you this, you shouldn't listen to anybody in this chamber, except your constituents. You should look deep in your heart, if you feel your constituents want that, then you do it. But, if you feel they don't, you've gotta live with that vote. When you push that button, regardless of how you feel, you have to live with that vote, and you have to go home and explain that to your constituents. But, more importantly, more importantly than that, you gotta know you did the right thing for the children of West Virginia, or that will haunt you for the rest of your lives. Vote no. Thank you, Mr. Speaker.

DELEGATE BIBBY. Thank you, Mr. Speaker. I promise I'm not going to mess with the question. I appreciate an opportunity to speak up on this bill. I wasn't a proponent of it, a week or so ago, I am for it now. But I've listened to the other side attribute things to us, that ... I have no ill regard for my colleague in the 50th. I don't question his motives. I represent about 18,000 people in the district of Berkeley County and I ran on school choice. I'm supporting and I'm talking about my constituents and talking for them. We're all doing that. I don't question anybody's motives. I find it very distasteful to have that ... to do that. I don't want to give that impression, because I want to talk about this bill.

We're missing the point people. The problem with West Virginia education, it's been on Governor Tomblin's Blue-Ribbon Panel Report, it's the most centralized bureaucracy, or centralized education, in the United States. What this bill does and what we're missing, we're concentrating on charter schools and like my colleague from the 35th, who said, three charter schools isn't going to do ... move the needle, at all, and I would agree. It's not going to move the needle, at all. If you want to go unlimited, I'd be glad to give the people of West Virginia that ... that ability, but right now, we can't ... we can't do that. But what we're missing is, this centralized control is ... is ... it's killing us. Centralized control vs. decentralized control and that's what this bill is all about. We're pushing control and authority down to the local level, we're not wanting to keep it up here and, I think that's what the fear is, there's a lot of fear that that power that's in Charleston is going to be slipping away, and it's going to go down to those local school boards. Those local ... those local counties, and districts. That's what we want. That's what we should all want. We should all want people to have that ... that freedom.

As far as to whether it's constitutional, or not, one object ... one object rule ... one object is ... is ... is one purpose ... I can ... we can go and look at the definition, it's one single purpose, or thing that you're going towards. We're going towards improving education for West Virginia. My God, we get ... wrapped around the axel about where we're looking at this and looking at every bill is ... is like that. We couldn't pass a budget bill if we ... if we looked at a single ... if we considered every object within the budget, was a separate object, so let's ... let's not be ... get ourselves so focused on the words in the Constitution, that we're missing the point. The point is freedom for our people, and that's what this bill is gonna do, more than anything. The charter schools is one more tool we're giving those ... those ... those county boards. It's one more tool that they're gonna be able to have to provide that freedom, that ... for those parents who are stuck. If you've got the mind to do it, if you've got your time schedule, you can do it, you can go and send your kid to private school, or you can take time to home school. But, there's a lot of parents out there that are hurting, they don't have the money to do that. They don't have the time schedule to do that,

APPENDIX

and they're not getting out of what ... out of what they want our of our system, because it's so centralized control up here in Charleston. We're trying to remove a lot of those regulations and push them down. Someone ask if charter schools is going to be the savior? No, it's not going to be the savior. We've got a lot of problems in our country. It's not education. We can't ask our teachers to solve all of society's ills. We can't do that, but we have to give them the tools to be able to educate, and that's one thing we're trying to do with this bill. Nobody's trying to force charter schools at anyone. In fact, if you look in the ... in the bill, there's nothing that mandates that these counties have to have charter schools. That's a tool that they can use. Give them the tools. Let the local control ... let the local counties decide that in a local ... local citizens, that's all we're doing. Nobody's forcing anything. We may not even have a charter school after three years. But, let the people, at least, decide. At least the people in my district had that opportunity, other districts where people want that, that's all we're asking, and with that Mr. Speaker, I can say, support this bill. This is good for ... it's good for public education in West Virginia, it'll be good for the freedom of people in ... in West Virginia. Thank you.

DELEGATE C. THOMPSON. Thank you, Mr. Speaker. I'll be brief. It's clear that no one's really listening to the educators, anyway. Earlier today, we were told about an amendment, that I supported, and it dealt with accountability for students. I supported it. During that amendment though, we were told that this would be a great opportunity for educators to have some say in what ... you know, in policy, and what's going on, and what would really be beneficial for the students. I guess that ends ... ended then, it didn't continue on. So, I guess we're not qualified to make those decisions further than the student's accountability.

Couple of other things, with this bill. We don't know how much this bill's gonna cost. But, yet, we've given hundreds of millions of dollars out, this year, to every industry. But, we can't afford to give anything to our retirees, so never ... I'm ... I did my part, but I want to make sure that we all understand how we voted that down. We've given hundreds of millions to someone else, to industry, a lot of money out of state. The retirees still in this state who have worked,

who were your teachers when you guys were young, who were your bus drivers, who were your cooks, we told them no.

Heard so ... heard some of the same words over, and over tonight, again. Choice, freedom, well, I mean, I'm a teacher, I don't ... I don't ... I don't walk into my classroom and go; freedom, choice, and the students learn. The students learn by differentiated instruction, good classroom management, having good teacher preparation programs, having certified teachers in the classroom, small class sizes, I will try it though, when I go back this fall, well, maybe. I'll try freedom, and choice, and see if it works.

I do have to say one thing though. One thing did come out this evening that I was very, very, very happy about. I may not be a fan of charter schools, at all, but I'm very, very pleased that we were able tonight, to pass some antidiscrimination language that was going to the charter schools. I'm so happy, I'm so happy there our students that won't have to worry about discrimination, or Lesbian, Gay, Bi-sexual, Trans and questioning students. I'm so glad, and I'm thankful for your all for standing up for my community, thank you. I hope that that sets a precedent for future legislation, and potential court cases in this state. Again, thank you, but I will not be supporting this bill.

DELEGATE DEAN. I am really not sure, and I don't want to give you an incorrect answer.

DELEGATE PUSHKIN. Mr. Speaker, just briefly address the bill, because this is what concerns me, are those students and I can tell you with ... honestly I came here at the beginning of the week, I had my ... I did have some predispositions in regards to charter schools. I've done a lot of reading on it, but I did come here with a willingness to work for the benefit of the kids that live in my neighborhood and in my district. I broke rank with my caucus to vote against a procedural motion. I can tell you that I didn't do so because anybody threatened any of my committee assignments. I did so, because I sincerely wanted to work on real legislation. It became apparent during those couple of days that ... in my opinion we have not really been acting in good faith. And, I can tell you, I don't have a ... an unwarranted, or unjustified fear of ... of charter schools. I'm

APPENDIX

not afraid of charter schools and I don't consider myself somebody who'd get up here and spread something that wasn't true, or be a fearmonger, or anything like that. My concern is that we are quite possibly doing something to detriment of low-income children.

I told you that the parents in my district have not come and ask for charter schools, they have not ask for corporate schools in their neighborhood. And, I know I've heard from some you, that parents in your districts have ask you for that. But what I'm concerned about are the kids whose parents never ask me anything. Those are the kids that I'm concerned about. Who up here speaks for them? What in that ... what is in this bill for them, for the kids whose parents aren't so involved?

I tell you I did not come to this Legislature, ever, with the intent of taking resources away from poor kids and sticking them in the pockets of ... of education management organizations, from out-of-state. So, I'm voting no.

DELEGATE ZUKOFF. The number one school ... first of all, I want to say that school reform is hard. In my research, I found that Bill Gates put \$575 million dollars into three different school districts, in America, and those schools had to match those funds to see how they could make schools more effective. And, one of the top things that they did in those areas was to tie those districts, the teacher's performance, to test scores, to try to increase competition between those teachers, to make it easier for the schools to actually improve they're test scores, and it didn't work. That's a lot of money to try an experiment. And, I also think in doing some of the research, I found out that the number one influence in improving student achievement, and that's why we're all here, right, because this bill is supposed to improve student achievement, is the effectiveness of our teachers. Regardless of how this bill turns out today, we have done the teachers in West Virginia a huge disservice over the last two years, because we think shortage now, I have teachers in my community who have years to go before they can retire, and they're leaving now, because they're tired of worrying about their job every day, and what's going to happen, for the last two years. And, do you think that when they're worried, and they're

worried about their livelihood, and how they're going to take care of their own children, that our children in those public schools aren't harmed by that? That's an unintended consequence of what's happened in Charleston, for the last few years. And, I think we should be ashamed of ourselves, and I also am not ... I don't ... I don't have a huge issue with charter schools, I'm all for choice, except today we said, we want choice, but it has to be the local school board. We won't approve an amendment that has a local referendum, so that the people, the very people, the parents that we want to have that school choice, make the determination in their own community, for that choice. We said no, so I question the motivation of that, and I don't want to.

I've done a lot of reading. I think it should be required reading of this body and the Senate, on the other side of this House. It's called, "The Deepest Well", Healing the Long-Term Effects of Childhood Diversity. It's done by Dr. Nadine Burke Harris, and if you don't have time to read a book, go out and watch "What Ted Talk". It's 16 minutes, and it will change how you think of education, and what we need to do in our state.

I also read after the Education Reform Wars, again we're following a lot of ... we're at the very end of this issue in trying charter schools, and for the very reasons that many people have talked about, there's a long host of reasons as to why. But to hold the students and the teachers in West Virginia hostage over choice of a charter school that we've talked about today, may not even happen if the local folks don't want it, to hold this whole process up to make that a reality, is a travesty.

And, to close, the last thing I've found in all my research, and I should tell you that I'm a partner in education with one of my local rural grade schools and I have been for over eight years. My husband, and I have done a of work in that school, financially. I've written over \$50,000 worth of grants for that school. I take my dog out, we read to the kids, not just that school, but several others. I paint with the children on a regular basis. Two weeks ago I was there and a second grader had a meltdown while we were having fun painting a picture, because he went out of the lines, and the teacher said, "it's ok, this

APPENDIX

happens regularly” and she calmly took him out of the classroom and dealt with it so he didn’t disrupt the rest of the class.

These teachers, sometimes, have to stay after school because the parents don’t come and pick their kids up. We’ve had washers and dryers donated, so they clean the kid’s clothes. We’re asking them to do so much more. And, the last thing that I’ll say is that the most successful states, which have the highest test scores, pay their teachers very well and they don’t change what they do frequently. They leave their testing in place, they don’t change their regulations, they let their systems work and we don’t do that here. We have the new idea, the next idea. We’ve had ... changed our testing mode four times in the last six years. I went to school, I thought my retirement ... preretirement job would be to be an educator, so I went back to school to an accelerated teacher program at Wheeling Jesuit University, about eight years ago, did my student teaching five years ago, been in the school system and I determined very quickly while I loved the teaching and I loved the children, I couldn’t handle the bureaucracy for what I was gonna get paid. These people are my heroes because they have the guts, every day, to put up with all the needs of those students, to love them and care for them, because those students don’t know, don’t care how much they know, until they know how much they care. And, I think we’re losing that in this whole argument. For those, and the reasons that I talked about earlier, I will be voting no on this bill, and I encourage you to do the same.

DELEGATE WORRELL. Thank you, Mr. Speaker, I appreciate it. I want to first rise and say that I support public education. I support our public educators. I truly do. My daughter, I’m the father of five kids, my daughter just graduated two weeks ago, public school all her life. I support our public educators in the room tonight. And, a lot of our dear friends I go to church with them, they’re my next door neighbors, even the crazy guy ... the crazy guy in the Uncle Sam suit, is one of my longest, dearest friends. An educator, Debbie Chapman, on her way home, she’s listening right now, taught my mother 40 years ago at Huntington East High School, and just got done teaching my daughter for the last two years. I support public education, I truly do. And, I’ve heard a lot tonight about how this is going to ruin

public education. It’s going to hurt our teachers, it’s going hurt our kids, and my question is, have you read this bill? Have you done your job? I have. I worked hard on this. A lot of time out of my full-time job, traveled places, I’ve worked hard and vetted a lot of this. So, I support public education, because I support a provision of this bill that makes the max teacher to student class ratio, instead of from first to second, raised it from first to sixth grade. So no more than 25 kids now in third, or fourth, or fifth, and sixth grade. I support public education because when I have a study on class overcrowding in class sizes, due to us next year, to the Gentlady got an amendment in, it does it even further than that on class sizes, cause that’s one thing that’s affecting our kids. I support public education because our school counselors in this bill now have to raise the percentage of time, they spend with students from 75 to 80%. I support public education in this bill because of the provision that provides wrap around services everybody in this room and in this state want, in the tune of \$21,000,000. I wanted seven during regular session, I’m ecstatic with \$21,000,000.

I support public education because we’re going to give block grant funding to school boards, and along with that ties in transparency, where we’re going to see where they’re spending their money, which we don’t know right now. And, in the last auditors report we have school boards, 55 and polled over \$780,000,000 in checking accounts, we’re going to get to see how they’re spending that money. I support public education because we’re now going to take teachers recommendations on whether we move kids to the next grade level. Something I think is very important, as a father of a kid whose still in middle school and struggles from time to time. I support public education because the language in this bill improves the Local School Improvement Councils, the LSIC’s and how important they are from a bottom up approach to involve our community members, and people in our school to raise these schools up. I support public education because we’ve increased the Underwood-Smith teaching scholars from \$5,000 to \$10,000, to help recruit and retain our teachers. I think that goes far.

I support public education because I also support public charter schools, because I’ve been to them. I’ve talked to people that have

APPENDIX

been to them, that go to them. I've talked to the teachers that are in them, they're public schools. They aren't religious schools, they don't charge tuition, they're open to all. They provide services to special needs, and children with IEP's. They have to report and have the same transparency as public schools. Matter of fact, they are tied to all the federal laws that our public schools are tied to, including nutritional standards, civil rights, disability right, health, life and safety requirements. They are subject to FOIA requests, just like public schools are, same immunization, same school attendance, same minimum number of days, same student assessment requirements, you know why? Because they are public schools, that's why. So, this talk of these corporate schools, the boogie man, apparently in the room today, is absurd and that's the problem. I'm tired of the misinformation and lies. The lies of how this is going to rob our schools. Well, I'll tell you what, this bill is over \$125,000,000 in additional annual spending, in our public education. One hundred and twenty-five, plus. We've had good amendments that have raised it a little bit, the Delegate from the 16th having gave a sales tax holiday. That's a good addition to this bill, I appreciate him for thinking of that.

We also have the increase in support personnel, from the Delegate from the 21st, that's a great thing. That's going to increase the cost of this bill. This is all public education money and in my little tiny rural district, I love our schools. I ... we have small, tight knit community schools, I really do and I love how much our families are involved in them. It's great. I'm not here saying I'm against public schools, public charter schools aren't going to save public education in West Virginia, but guess what, they're not going to destroy them either and that's what I'm hearing on the other side. And so, it was irony that the Delegate from the Boone County quoted Barack Obama earlier. My purpose was to let you know that I don't think this is a partisan issue. I think the height of irony is that you all voted in this President who said he was going to bankrupt coal, that's irony.

You know, I get to go back to my county and say that I'm going to give a \$5.8 million dollars in additional funding to them. That's what I get to do, and even though half of my Cabell delegation isn't going to vote for this

bill, they get to go back and say that too, if this passes. So, the Gentlelady from Monongalia say it's going to rob our schools, her county is going to get \$5.3 million dollars in additional annual spending. That's robbery. Let me tell you what is robbery, that you would vote no on this bill and rob our kids, and our teachers of this money that is owed to them, deserved to them, because you don't like public charter schools. That's robbery. We're going to give our pay ... our teachers and educators a very important pay raise, another 5%, in this bill, but yet, this is all against teachers. This is absurd. I don't make decisions in here for reelection. I don't make decisions in here for my party, as I've shown in the regular session. Nope, I sit down and talk to my wife, she's not political, she don't care and I say, "Let's talk about this bill. What do you think?" She's tired of hearing about it. She's probably watching right now, she's tired of hearing about it. She's like, "I think this is a great bill," and like, "I do too, but why is there so much noise, why does so many people are telling me this is awful?" One hundred twenty-five, plus million dollars, but yet I hear we have an underfunded education system. My county has \$55 million dollars in the bank right now. Six, eight, ten million dollar surpluses every year, but I keep hearing that our county is underfunded. I don't understand. I really don't. So, I would submit to you, Mr. Speaker, that a no vote on this bill is an anti-education stance. A green vote on this bill is for public education, and my kids are in these public schools and don't you dare rob them of this money. Thank you, Mr. Speaker.

DELEGATE LAVENDER-BOWE. Thank you, Mr. Speaker. I rise in opposition to this bill. My remarks will be brief. At this morning's public hearing I heard a teacher say, "A mentally and physically well child is a successfully learning child."

When it comes to education reform legislation, there is an underlying assumption that students are ready and able to learn every day. Often that is not the case. To remind you, we have the fourth highest child poverty rate in the nation, and parent income is the highest indicator of student performance. We rank third in the nation for incidences of mental illness. Mental illness is the crisis of this generation. We rank second in the nation in the percentage of children enduring two or more, adverse childhood experiences. Those

APPENDIX

exposures are the root cause of major academic, social and behavioral problems that prevent children from receiving the education their given.

Finally, West Virginia leads the nation in the percentage of children not living with their parents. You know about our foster care crisis, but did you know that children that live apart from their parents have lower standardized test scores, a higher dropout rate and lower college attendance rates? It is unfair to place the burden of achievement upon the backs of our students and their educators without giving them the true support that they need to overcome these barriers to learning.

Granted, school systems theoretically aren't supposed to supply all the needs of our students. But, when those needs impact their learning, we must rise to the challenge. I don't believe that this bill does enough. We need to think more about the true barriers to successful education in our state. Thank you.

DELEGATE LOVEJOY. Thank you, Mr. Speaker. You know, as I approach this bill, probably like some of you, I thought about my teachers over the years and there's probably as many methods of teaching as there are teachers. But for me one of the most effective was always the parable, you know, pretty simple story that was intended to tell more of a great truth. And, there was a parable of the wise and the foolish builder, and the wise builder who built his house on rock, the storm comes, the house stands. And, the foolish builder built his house on sand, and when the storm came the house fell. And, there was only one difference and that was the foundation that each built upon. And, the foundation of this bill, of this whole concept of whether you call it reform, or betterment, is an indictment of our West Virginia public school system. That that system is failing our children, that that system must be opened up for what my good friend from the 66th, called these private organizations, however you label them. And, I reject that premise as being as weak as those shifting sands. It's not the West Virginia system of public education that's failing our kids, it is society that is failing our kids and it's patently unfair to lay those failures at the feet of our school employees.

You know, like everybody here, I hope, attended those forums put on by the state and otherwise, and I listened. I listened. I listened to a teacher over in Wayne County and she faced the dilemma of how do I teach math to a room full of fourth graders, when I have one student whose mother overdosed last night? So, she held the young girl, she comforted her as much as she could, and she said, "Next Thursday, we have a counselor that will be here for three hours, maybe we can get you in to talk to her."

That's not that educator's failure or fault, it's ours. Because we didn't take action on a drug epidemic until it ravaged, ravaged our communities and generations. I went to another and I listened. I listened to two service personnel. One was a bus driver and one was a cook. They snuck food to hungry kids, mostly on Friday's, because they knew the kids wouldn't eat again until Monday. That's not their fault. That's not their failure. That's ours, because we prioritize everything, over hunger and food, and security. They're not responsible for the traumas of these adverse childhood events, for the epidemic of drug abuse, the scourge of domestic violence, the destruction of the family unit.

When I say they're not responsible for them, I mean they're not responsible as the cause of them, but make no mistake, they are responsible for dealing with the effects. I wish they could go back and be just professionals, just educators, just bus drivers, just custodians and just cooks, and they didn't have to be therapists, and nurses, and pastors, and parents, but they must. They must because they're in the breach and they've taken a solemn vow of not to let us, or most importantly, our kids down. They must because they're the only institution that casts a wide enough net to catch all the kids. They're the only ones with eyes on every day, they're the only ones who know who's hungry, who know whose maybe being abused, to know who is hurting and in a position to do something about it.

Now, I learned that not only by listening, but also from what I've seen. I say that as a parent of three kids in Cabell County schools, what I've seen. I say that as a kid of a 34-year West Virginia public school teacher. Like my friend here, I saw them leave before the sun came up, I saw them come home long after

APPENDIX

the sun went down. I saw the weekends that he spent on lesson plans and on grading papers. And, you're gonna tell me those people failed? That they're failures to these kids and because of that we need to enact some sweeping reform that does very little? No, I'll tell ya, I say that so that you understand the type of West Virginia professionals whose expertise has been ignored in pushing this bill. When you ignore their expertise you not only disrespect them, but you waste what's probably our most valuable resource in this fight. When you blame them for societies failures, you not only disrespect them, but you waste an opportunity to address the real problems.

But, perhaps most of all, when you ignore their expertise and you don't listen, you build from a premise that is fundamentally flawed. You build this whole house on sand. And, what the parable teaches is that that house that was built on sand, when the rains came and the floods ... the rains fell, the floods came, the winds blew, it says the house fell and great was its fall.

My kids are in that house. Our kids are in that house. That house is too important to fall. And, so I have to vote no on this bill and I hope that you'll join me as well.

DELEGATE EVANS. Thank you, Mr. Speaker. I guess the thing about not being called on for a while is that all the good stuff has been said. I wanted to talk ... what Ms. Lavender-Bowe said there ... Delegate Lavender-Bowe said there about kids not living with their parents. When is the last time some of you were in a classroom? The week before you graduated. Tell the truth. Maybe went in there with your own kids, once or twice, that's great. But, being in the classroom all day long is not an easy job. It's a very stressful job. You have stress put on you from the office, you have stress put on you by the kids, the parents, your own family. By the times my wife would say, "Are we going to be available to do this, this weekend?" I say, "Honey I don't know. I got so many papers to grade, I'm not sure I can."

It's a tough job. And, when the kids don't live with their parents, they bring a whole set of different problems with them to school that they generally will act out. As others

have said, you can't blame the public schools for a kid's failures. It's just not right.

Man, I got a call back in the spring, and they said, "Delegate, would you come to school and present the Promise Scholarships?" Did you ever get to do that? That's pretty cool. You know you get to read the cool letter from the Governor, and whoever and you get to give them the Promise Scholar, that didn't know that they're going to get to go to college for four years. I got to do that this year, at the local high school. Only one problem, there were only two of them. And, there's a bunch of reasons ... yeah, two. Don't shake your head, that's true. Two. And, there's a bunch of reasons for that, one is the lack of certified teachers, you would not believe how many permanent substitutes in our building. You talk about making sure we post jobs and everything, and only 64, or something, were ... were posted ... Well my golly, we probably have that many everyday posted down our way. I looked at Kanawha County, there are over 64 today, by the way.

You know we can make public education better, we really can, all we have to do is invest in teachers. Teacher training, you know we've got to provide some money to our colleges so that we ... they can hire the faculty they need to train our teachers a little bit better. We're not doing that in this bill. We're adding anything to make the pre-professions, or even invite pre-professionals to the program, to the profession. AFT, I'm not a member of AFT, I'm a WVEA guy, have been for life, but AFT is very friendly with McDowell County, and I really appreciate that. I don't know if Fred Albert is listening, or not, but we're about to start construction on a teacher village. During the Wine Garden, the National President was here the other day when she was on Hoppy, and she talked about that and now it will allow us to recruit teachers to McDowell County. One of our biggest problems is, there's no housing for them. Somebody said, a while back, yeah, they'd love to be a recruiter for a school system and be able to just go to the college and meet with the kids and say here's your contract, sign it, you've got a job. Well, we're not the only County with a housing problem, are we? Tell the truth.

APPENDIX

Low income, low income, number one indicator in a child's performance in school. We don't corner the market on that in West Virginia. It's nationwide. What's the medium income in your county? Think about it for a minute. Twenty thousand dollars to be a legislature, unfortunately that's more than some families live on for the entire year, where I'm from. I've invited many of you to come look, come see. Sorry to say, but none of you have accepted. Richard Ojeda came once. You know, had a good ... good tour, saw some people. But I've invited many people here to come visit me in McDowell County, to see what it's really like to see some kids in poverty. You haven't come.

If you want me to vote for a bill that would take money out of the public school system, away from the public classroom, then put it into something else. Someone said it tonight, it cost zero to the State Board of Education to start a charter school. How is that possible? Won't there be salaries to be paid? Won't there be light bills to be paid? Somebody has got to buy the milk, and the lunch and all that. Where's that money come from? From the public ... from the county's coffers, correct? Doesn't cost zero.

You know, I was always told that you have to have high expectations for your kids. I think I was a success as a teacher because that was my number one rule, I had high expectations for you and I expect you to have high expectations for yourself. What expectations does the Legislature have for our teachers, and our students? Do you have high expectations for them, or is it easier to say, "We're failing? That we're 48th in this, 47th in that?" Okay.

I like the fact that teachers will make recommendations for promotions, and I'd forgotten about that and I thank Delegate Worrell for mentioning that. Only problem is that the principal is going to make that decision, especially in middle school. They're not going to have a 15, 16-year-old kid around the 11-year old's, are they? We're going to send them right on up. No matter what they incur ... what they did, how hard they worked, what their grades are, how many days they've missed.

I volunteer a little bit as a ... well not volunteer, I get paid a little bit to be a

graduation coach and I get kids that miss a ton of school. But they're going right on, they're not prepared to go but they're going. You need to visit a classroom. Not just visit, you need to stay a day, maybe can come back the next day. Offer to teach a lesson, work it into the teacher's lesson plans. Offer to teach a lesson. Doesn't matter what it is. You don't have to be an expert math, or social studies, or just anything go in, you know, teach them how to tie a tie. Teach them how to compare prices at a store, it doesn't matter, just go in and teach a lesson. I challenge you to do that. And then when you've walked in their shoes, you're ready to say, you know, this is how we make it better. Cause if you haven't done it, you can't.

I can't go into a court of law and tell Delegate Fluharty, or any other lawyer sitting here in front of me, one, two, or four of you, how to do your job better, because I've never done it. Don't know much about it. He says I can him, okay. Alright, anyway, I'm going to hush, but I do appreciate some parts of this bill, I really do. I'm not going to vote for it, but there are many, many things in it that are good, I just wish it wasn't some big hog tied, as my dad would say, "Something in a burlap sack." He'd say, "Looks like two muskrat's fighting in a burlap sack." Crazyness.

There is one point that I'll leave you with, comes from Aristotle, my favorite education quote, "The roots of education are bitter." This debate has been bitter to me. But the fruits can be sweet, given time. We're rushing this, we're not giving it time. Thank you very much ladies and gentlemen. Mr. Speaker, thank you very much.

DELEGATE ESTEP-BURTON. Thank you, Mr. Speaker. I know we're all tired and we've heard a lot of what's already been said, but I felt like I couldn't sleep tonight if I didn't get up and say what I'm about to say. And, perhaps I'm naïve as a new legislator, I expected this body to uphold they're word when they said we would take up individual bills. I expected the Senate to do what was right when we killed Senate Bill 451. We killed the charter bill not once, but twice and when a few legislators didn't get they're way, we had to manipulate the democratic process. So, now we have four committees of the whole ... or I'm sorry ... We have committees of the whole in the Senate, and four new education committees here, and I

APPENDIX

thought that this four new education committees was going to be for the individual bills we took up, not a couple and a couple ... I mean we all could have done this in the same day.

We have ... ended the debate about the constitutionality of parts of this bill we have refused to allow our colleagues to voice their concerns and my lovely friend from the 62nd actually said, "Don't get bogged down with the Constitution." We have refused to allow our colleagues to voice their concerns, and some have literally been bullied into supporting this bill. Some of us have made education betterment a partisan issue, which it is not. If this bill, like my friend from the 16th said, the 18th, I'm sorry, like he said that it has \$520 million dollars for good things for school, put them in individual bills. We want that. We do not want this part and we've made it abundantly clear. If this bill passes, I'm not sure how any of you can sleep tonight. If this were truly a great idea with public support, it wouldn't have died twice before. You wouldn't need to manipulate the committee process to get it to pass. If you support public schools you would have ran individual bills, bills that my colleagues and I drafted.

We have ignored education professionals, we have elected education professionals and our constituents to push a corporate agenda. I urge you to think real hard before you hit red or green as we vote on this bill, hopefully, in a few minutes, but we need to do what's right for ... for our constituents. Thank you, Mr. Speaker.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. When we left here on March 9th, we were ask to go out and listen to the people in West Virginia on education reform. Over the last three months, I personally attended 21 education forums, town halls and meetings in nine West Virginia counties, including Greenbrier, Monroe, Summers, Fayette, Raleigh, Wyoming, Logan, Kanawha, and Putman. I heard from nearly 300 people including parents, teachers, students, home school parents, and community members, all stakeholders in our public education system. There were five common themes for education reform. Smaller class size, more wraparound services, less standardized testing student accountability and testing,

and the expansion of vocational programs in our middle schools.

Of the nearly 300 people that I listened to, only five spoke in favor of charter schools and educational savings accounts. Five individuals all spoke in Putman County at Hurricane and Winfield and that represented less than 25% of the speakers, that's it. In 21 meetings, nine counties.

In the West Virginia Department of Education's data, 88% opposed charters and ESA's. It's been said that the participants in these state department forums is a non-scientific sample size, and that only teachers showed up. I'll remind everyone that these town halls were open to the public, and to quote my friend from Kanawha County, "Decisions are made by those who show up." After listening to all the people, it's clear that we don't have an education problem, we have a society problem in West Virginia that's caused by a drug epidemic and poverty. Some of their stories are heartbreaking. There is no greater reflection of a community than its public school system. Every demographic is represented. All socioeconomic levels, everyone. To blame our schools is to blame our communities. To say we have failing schools is to say we have failing communities, and if we have failing communities then we have failed as a state government. There are too many public school success stories out there in West Virginia. Lisa Dolan's technology education class, in Eastern Greenbrier Middle School, made a prosthetic hand for an eight-year-old boy using a 3D printer.

Public school students in Union, Monroe County's Monroe Robotics Team has represented West Virginia in the World Championship Robotics Completion's. One of my former students at Greenbrier East High School is Ryan Allen, from Alderson. Today, Ryan lives in Montreal and does visual effects for major motion pictures, including some that you've heard of, Star Wars, The Last Jedi, Star Wars, The Force Awakens, Avengers Endgame, and nearly 40 other movies.

And, I'll never forget the students and staff at Berlin McKinney Elementary School in Oceana, Wyoming County, who reminded me this spring that schools can be judged by

APPENDIX

test scores, alone. Teachers did not ask for this pay raise. Make no mistake, it was a campaign promise made inside this capitol on Tuesday, October 2nd, five weeks before election day and there were no strings attached.

If we're going to ask the public for input, and not listen, and implement their ideas, then the last three months has been a dog and pony show, and a waste of time to everyone across this state who thought their opinion actually mattered. Let's do the right thing and restore public trust, that we're going to listen and represent the people of West Virginia. Thank you, Mr. Speaker.

DELEGATE WALKER. Thank you, Mr. Speaker. To the Delegate from the 18th, your statement, your question, were like an insult, my dear friend. Do your job. I've been doing my job for over 14 hours, just today alone. Do your job. I was doing my job before November 6th, of 2018. Do your job. I do it every morning at 3 a.m. when I get up to go to my first job. Do your job. Is when I answer the emails on this computer and the calls and the texts on this phone. Do your job. It's when the folks in the galleries invite me to their class, not just to speak to their class, but to shadow them. Do your job. When the constituents in my district and other districts, invite me because you are not doing your job. Do your job. I attended some of those education forums and not only did I listen, but I heard. Do your job. Respect. Do your job. Poverty, we spoke about low incomes, what about no incomes, West Virginia? Do your job. Cause we pass an expungement bill and now drug felons can get SNAP benefits, we think that we'll just ... the bee's knees. Do your job. What happens to the grandparent who just got the call at 3 a.m. saying that they have to take the three kids cause mom and dad has overdosed? Where is they emergency SNAP benefits? What pantry are they going to go through? There is no transportation and how are they going to go to school tomorrow? Do your job. Do your job. It's a 100 of us in here. Do your job. There's a 100 of us in here. We all worked hard to put our needs on ballot. We're going to have to work even harder to keep them on there in 2020. Do your job. We always speak about pulling up your bootstraps, what about the folks that's still bare footed? Do your job. We speak about truancy like you feel like it's a choice for a child not to able to be in a

classroom. But do we ever find out the roots of why their child is not in the classroom? Maybe that same great grandparent is in the hospital. Maybe that parent didn't have the lights turned on and the child has nothing clean to wear. Maybe the refrigerator is empty or there is not none. Maybe they slept in the car. Do your job. Or maybe they are in the foster care system and they're leaving from Charleston and they get to that home at 3 a.m. and you expect for them to be at school at 8 a.m. in the morning and be a successful student. Do your job.

Now we spoke about the money that's going to trickle down into our different counties with public charter schools, so I ask each of you to do your job. This is not about values, so I don't want to hear nothing about choice and freedom. This is about priorities. You know the ones that we always keep at the bottom of the list because they don't have a voter's registration card yet. Because they're the students that's under the age of 18, or they are the kids that's special needs and their parents still have guidance over them. They're numbers don't count and you feel that voices don't either, so do your job. Count the priorities, not the pennies. Thank you, Mr. Speaker.

DELEGATE BOGGS. Thank you, Mr. Speaker. I rise in opposition to this bill because the citizens in Braxton and Gilmer County have overwhelmingly said that's what they want. They do not want charter schools. They want us to focus on our public schools, and I wholeheartedly agree.

You know, the people we haven't listened to, the teachers, the service personnel, the cooks, bus drivers, the custodians, every one of them has a part of learning, and the teaching, and the care of our kids. From the time they get on that bus in the morning, till the time they get off it in the evening, they're all part of the continuum of care that they provide. If we would focus all these energies and all of this time and all of this effort on building up our public schools, instead of chasing a dream that ... you know it pains me, we've had ... sometimes we get a ... West Virginia gets the rap, and probably deservedly so in some areas, that we're about 10 years behind the rest of the country. And, all you have to do is look at the internet, cell phone service, and it's probably more than 10 years. But we've also been provided with this

APPENDIX

debate and this issue, with the window to look back at what other states have done. And, there may have been some limited success in some places, but by in large, it hasn't been ... charter schools have not been a success, so why do we want to after we've had this window to look into and to see, why do we want to now just go ahead and take that plunge when other states are waking up and saying, "This wasn't the right thing to do." I don't understand it. I don't think our constituents understand it and I really don't think they're going to understand it after we pour hundreds of millions of dollars into this for it to be a failed effort down the road. I'm for putting the money, the effort into our public schools.

You know, the people that came out this morning, the people that have been here, the people that are still in the galleries and the people who are listening at home, the people that are counting on us, they're not doing it for the money. They're not doing it for the money, they've got a calling, they've got a calling to do that, and I'm so thankful that my kids put me ... my kids, and your kids, and you, and everyone to come, that goes to public schools, our wonderful public schools, have had teachers that have a calling. I don't want to go to a doctor that just needed a job. I don't want to go to a church that has a pastor that just needed a job to make a living. I want to go to one that has a calling, a calling to preach, a calling to heal. I want ... I want my kids to have teachers, and I do, and we have, that have a calling to teach. That we have people in the school system that are in the cafeterias and in the aides that are in the classrooms and the bus drivers that have a calling, not because it's just that they needed a job, but because they love our kids and they love what they do.

One of the ... I look back and it's more profound, every day, several years ago, longer than I like to think, because my son just turned 36, but he and his wife are wonderful educators. Wonderful educators. I'm so very proud of them. But I'll never forget, between ... my son's junior and senior year we were sitting at the table and Justin said, "Dad, I think I know what I want to do." I said, "What?" I said, "What, pal?" Cause I always just called him pal, I said, "What do you want to do, pal?" He said, "I want to be a teacher." And, before I could even say how proud I was of him, before I could even get

those words out of my mouth, sitting just as close between Sammy and I, he ... he started apologizing and he said, "Now Dad, I know you're probably not happy because I'm not going to do something that I'll make a lot of money, or I'll make a really ... a wonderful living ...," and I stopped him right there, and I said, "Whoa, if you've got a calling to do that, there's nothing else I want you to do." And, I am so thankful that he followed his calling, and he went into education to be a teacher.

Ladies and gentleman if we worked as hard at getting utilities and water, and sewer, and cell phone service, and broadband service to the citizens of ... the unserved citizens of our state, as we are in what we've put into this, there wouldn't be any lap ... laps of coverage anywhere in West Virginia. And, I submit to you that the broadband issue alone, and Mr. Speaker, I know that's near and dear to your heart, that would be something that would lift all boats, and help our public schools, and help our kids. We're not talking about that. I know that we all maybe in other forums, and behind the scenes. I can't support this bill. I think our direction is misguided. I want to put the time, the energy, and the resources into our public schools, and I haven't just heard it from our active teachers, I've heard it from the retirees. The people that have been there for decades, but they still care. They still have calling, even in retirement.

Look in your heart. Listen to your constituents. Vote no on this bill.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. What a long embarrassing day, to cap off a long embarrassing process. One that has ignored our Constitution and has certainly ignored our educators. I don't know if there's one person left in the gallery, or watching at home right now, that can look down on this body and say, "Hey, they look like they know what the hell they're doing right now." We're going to get a great byproduct out of that well-run government of West Virginia.

You know, I was excited back in March, when we had these forums announced, right. The listening tour. And, our distinguished Speaker told Metro News, "We're going to spend the next several weeks listening to the people."

APPENDIX

Oh! The people from where? Because I don't think they're from West Virginia. Certainly not. You know, we heard these statistics today and percentages, right, I mean we heard 88% over and over and over again. Well, I'll submit to you that's not the important percentage here. Hell, neither is the 12%. You know what the important percentage is in West Virginia ... in West Virginia history, over and over, and over again, the one percenters. Because the one percenters run our state, they continue to run our state. Team Betsy's running this bill. That's how it works in West Virginia, because if your part of the one percent you're the privileged class. And then you come in and you take advantage of our people, cause that's how we do things. Over and over again, every single industry wash, rinse, repeat. Right? We heard it with the repeal of prevailing wage. Well, good news, maybe we'll build five charter schools for the price of three, right? We've been told that over and over again, still waiting. Right-to-work. We were told all these jobs of people would be coming in, still waiting.

DELEGATE FLUHARTY. Sure thing. We'll stick to the point. The point that the middle class in West Virginia has continued to get squeezed and squeezed, and squeezed, by the one percenters who don't send their kids to our schools, who don't reside here, who don't care. Do you think Betsy DeVos cares about West Virginia? I have some ocean front property to sell you in Ohio County. I'm tired of this process. I'm tired of watching it over and over again. For the past month and a half our statewide news radio has served as an infomercial for this bill. An infomercial. That's what we do, so I will not support this. I will not be complicit, and yet again, repeating West Virginia history, the bad parts, you know, pretending that we're on this yellow brick road to some new education system that's going to turnaround our state. Stop. I know better. You know better. That's why we passed certain pieces of legislation last session, to help with campaign contributions. Because they're going to be a lot of IOU's coming this next election, and I won't be a part of it. Thank you, Mr. Speaker.

DELEGATE WILSON. Thank you, Mr. Speaker. The fact that this debate is centered, firmly, on the potential for school choice is a minuscule ... which is a minuscule part of this bill, serves as a very clear indication of

the fact that this debate is really about the answers to three questions. Those three questions are: Who's in charge around here? Is schools are they? Is children are they? These are the core elements in this discussion over institutional education. I don't believe that the opponents of liberty fear that liberty will fail. They fear in fact, that it will thrive, if we can just remove the boot from liberty's throat.

My friends, I ask you to lift the boot just a little. Just a little bit. I ask you for just a little liberty. Thank you, Mr. Speaker.

DELEGATE SWARTZMILLER. Thank you, Mr. Speaker. Long day. Long day. You know a few years ago I worked in the steel industry, and we had to work doubles quite often, so this really doesn't bother me. What really bothers me is all day long I couldn't help but look up in the galleries and see teachers and service workers that are here, when they should be off. They should be home enjoying time with their family and they're still here. That bothers me. I don't know how many other people it bothers, but it bothers me. I've looked into their faces today. I didn't see a lot of smiles. Didn't see a lot of smiles. Saw a lot of respect, frustration, because the Governor, a few months ago, he said, "Hey, we're gonna have these informational meetings." But, let's face it, that was just another one of the Governor's dog and pony shows. That's all it amounted to because the things we heard out there, and many of us were at many meetings, not in the bill. So, you're all talking about how great your bill is, cause it's got charter schools in it and that's what the focus is. And, that's fine, if that's what your focus wants to be. I wanted the focus to be on teachers. I wanted the focus to be on kids. Kids are in the public schools today and the issues that they're all facing, that would have been my idea of a good bill. But I think we fell way short of that.

We've heard things today about how great it was. It was so great we were afraid of a referendum vote to let people vote locally. You know, a few years ago, maybe some of you'ins were here, excuse me ... we passed a table game bill and there was a big fight on the floor, and back then it would have been here the R's wanted a referendum vote for the county, the counties that was gonna have the racetracks. Matter of fact, my friend from the 66th, lives in one of those counties, and he

APPENDIX

liked that idea. Referendum let the people decide. Wow. I'm for letting the people decide because I can live with how they vote. Some would even call it elections. Some would even say it's how we get here, or don't get here.

So great. Three months ago, this body ... this body PPI'd this bill. That's how great it is. It's so great the Senate couldn't even get it out of their own Education Committee, pretty great, huh? Pretty great. It's so great, the Governor wasn't even on board, but he has a new way of doing business now. He comes in, at least once a week, at least once a week, hooks up with the real Governor Bray. Bray let's spin the Twitter wheel today. Let's see who tweeted me today so I can decide what I'm going to do. Oh look, that's who tweeted today. Opp ... she needs me, Opp ... spin the wheel the next day. Look, Donnie tweeted me, he wants me by his side. I gotta do what Donnie wants. Oh look, Mitch tweeted me, we're buddies again, he likes me. I'm gonna have to support this. It's pretty much how the Governor rolls. It would be funny if it wasn't true, if it wasn't sad. Flip, flip, flip, that's what the Governor does with this bill, because it's so good. He's probably home right now flipin between his two favorite shows. Flipin in the apprentice, okay, because he can't make up his mind about anything.

Dear Mr. Speaker, I'm gonna make a couple predictions, here. I'm gonna predict this bill will pass, unfortunately for the people here, the people around the state who is watching tonight, because we didn't do anything for them. Going to predict the Governor will sign it. You what else I'm going to predict, Mr. Speaker? When I walk out of this building tonight, I'm going to walk out of here knowing that I joined my colleagues over here, in bi-partisan opposition, as my colleagues in the Senate joined in bi-partisan opposition. Not bi-partisan support, that you all think this bill's so great. If it was that great, there'd be bi-partisan support, not bi-partisan opposition. And that, Mr. Speaker, you'll have to live with. Thank you.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. We all have our personal convictions. How we feel about certain issues, that's important. That's what makes this body unique. All hundred of us. And,

sometimes, like the gentleman said from the 18th, sometimes we'll go home and maybe talk to a spouse, a sibling, family member, neighbor and bounce some things off of them. Prospective is good, I appreciate that. But what we need to prioritize are the constituents, and what they want. And today, I rise with the majority of West Virginians in opposition to this omnibus bill.

I also rise to keep my word. To keep my word to all those folks that we listened to at the forum and before the forum, and during regular session, that overwhelmingly didn't want the core components of this bill. I rise today to stand with what leadership had already stated that we were't going to do what the Senate was going to do, we were going to look at these bills, separately. It's what we're saying. I want to honor that commitment by our leadership, in the House. That'll be fair. I think a lot of folks in this body make a good efforts to make this bill better, I really do. And, to be fair, there are some really good things in this bill. But again, to be frank, we willfully ignored the people of West Virginia, and we've done so time and time again. And it also proves as the gentleman from the 1st, and many other, have talked about, and what some of us already knew, the lot of it was a dog and pony show. We knew that. I remember talking with you for the Cabell Midland Forum, he ask me, "how do you feel about this?" And I gave you that look, like are you for real. You know what's coming, we know, and I'm sad that I was right. I'm sad that I was right.

This legislation is being pushed under the guise of choice and freedom. Choice. Well, I'm here to tell ya, we all know, we already have choice. We have great private schools. We have great public schools. We've got home schools. We have virtual schools. There are innovation zones. We've got magnet schools. Delegate, I don't know what your definition of choice is, but that's a lot of them. Freedom. Freedom. I think it's actually ironic today, that we're discussing freedom, on Freedom Day. As the Delegate from the 51st have already talked about, June 19th is a national holiday, Juneteenth. Juneteenth, a little history lesson, I'll channel Delegate Thompson, I'm gonna teach you a little bit. Juneteenth is about the Emancipation Proclamation. The freeing of enslaved African Americans, great works by yours truly, the father of the Republican Party, Abe

APPENDIX

Lincoln. And the holiday, largely, this is ironic, focuses on education and self-improvement. Imagine that. Now, I'm in no way, trust me, I'm in no way comparing the plight and struggles of people of color in this country to education, however, there are vast similarities that are very symbolic of what we're doing to do here today because we need to be, you know, focusing our efforts on freeing our teachers of the red tape of the classroom and the hiring process, alright. We need to be making sure that we're allowing resources to our teachers to do the best job that they can do. We need to be making sure that we can give our teachers the best voice possible and not disrespecting them.

We need to make sure that we are giving our constituents the right, the freedom if you will, to vote. To vote on if they want charters or not like we've done other referendums. We're also ... we're flo ... we're floating with segregation again. Couple folks in the body already talked about that. Another brief history lesson. It's not a coincidence that segregation came about when immigration came about in the country, excuse me, did I say that right? I meant to ... I meant to say charter schools came about when immigration was here.

Now I understand that we are a homogenous state, for the most part. But, I also tell you that my district that I represent in parts of Lincoln County and Eastern Cabell County, really really really low median income and those are the folks that I love and respect and have to serve, and they're also the ones that are ultimately going to get segregated. It's gonna happen. I'll also talk about what the gentleman this morning that had 60 seconds talked about, instead of focusing on charters let's focus on actually putting some trade schools in, doing those such of things. That will be good. If we want to pivot a little bit. I'll talk about some of my fellow business minded colleagues in this body, it's bad for business. This bill's bad for business because in business you've got three tiers of people; you've got the elite. Those are the ones that own the corporation, they own the company. They've got the resources, they rule. It's their right. They'll send their kids to private school. It's perfectly fine. And then you've got the people in the second tier of business; they're your VP's your directors, they'll sort of be scattered. But they'll be able to cherry pick and send some kids to charters.

Then that third tier; get all the other employees.

Now once a lot of this middle tier start sending them to charters it's going to diminish the public schools so then the third-tier employees won't have anywhere viable to send their students. And who in their right minds going to locate a business if there's not a viable education system? There not gonna do that. It is not a good business practice, so think about that. I implore you. In closing, a lot of us know how we're gonna vote. I get it. But I am going to directly talk to about five, six, seven of ya. Five, six, seven of ya and I know you've been waffling, you've been listening to both sides, I appreciate that. But I also know that five to seven folks have been thinking about which way they want to go. I also know that they gave their word to some folks at some forums before and told them that they were'nt going to go for charters. They said they may like the bill, but the charters was a sticking point. And, I'll travel back. I'll use myself as an example. I know it can be hard. Freshman year, supported by the Trial Association, I think I was the only Democrat that voted for Senate Bill 6. It was part of the big Tort Reform package. Caught a lot of grief from it, a lot. It wasn't the popular thing to do amongst the people that supported me because the people on the other side, which I voted for, they didn't support me. But, I felt it was the right thing to do and I told those folks, you know while I appreciate your support, I'm always going to do what I think is in the best interest of my folks back home. And, for the majority of this body, the folks back home for you have spoken loud and clear so I urge you to have the courage and again those five to seven folks I'm talking to ... fine folks, I consider all of them friends. You're also wildly popular in your districts. Do the right thing, it's going to be ok because we don't need education reform, we need education transformation. That's what we need and this bill is not that, so therefore I cannot support it. Thank you, Mr. Speaker.

DELEGATE MILEY. Thank you, Mr. Speaker. I'm always leery to speak when we've been on the floor this long and especially about education issues. But because you all have kept me here for 12 hours, I'm going to anyway.

APPENDIX

You know of all the areas in the Legisla ... Legislature that we consider, my weakest area that I know less about is education. So, I've learned a lot during this process today, the past few days, during the forums, I still don't purport to know it all and know everything I need to know, perhaps to make even an informed decision tonight. But I am going to be voting against the bill and I think it's only appropriate that I share my reasons why. I'm not ... I wouldn't be dramatic even if I wasn't so tired, but I'm tired enough to be dramatic about it, but I want to be very frank and candid and direct about why I'm going to vote against the bill.

During the regular session we had a bill that passed out of this house somewhat similar to this bill that we're considering tonight. And it was passed with bipartisan support. Every Republican and I think 12 Democrats voted for it. I was one of the 12 Democrats. As a leader of this caucus there were 29 who voted against it. I was one of 12 who voted for it and it had to two pilot charter schools in it and I'll tell you exactly why I did. Because they were designed to be set up in low performing areas and it would have requi ... and they were conversion schools. So, in theory the same money you were spending on that low performing school upon vote of the appropriate groups of people converted to a charter school, and then we could see the effectiveness of a charter school and all of the innovation that everyone say ... says that they bring to bear to the students. If this bill was modeled after the same type of charter school, even ... that only limited ... it limited it to two pilot charter schools and this would be three, and then three, and then three, and then three ad infinitum until unless you fill the entire state I guess, if necessary, I could still vote for it because it would be addressing the needs that everyone is complaining about with our education system and that's low performing students and low performing schools. So why ... I think the gentleman from the 37th was the one who has made the most vocal point about it, and that was why would we not want to put some criteria in condition that if we're going to pass charter schools we wouldn't want them in the low performing areas. Which gets to the reason why I'm opposed to this bill based in part on the charter school provision and that is I don't think ... and maybe I'm not one to look for ghosts and become overly paranoid about things, but in the absence of

that condition that they be put in low performing areas, that tells me they are likely going to ... if they are ever instituted and I'll get to that in a second, they are likely going to pool the cream of the crop from the counties in which they may be established. And there's a good reason for that. If they want to prove that they are that successful wouldn't you also pool the best students from that area to prove ... to take them from being on a scale of one to 10 from an 8 to a 10, and that makes your numbers look good. Now maybe that's unfounded concern but that's a very serious concern I have. Number two, while I know there was an example given about whether it was ... whether this bill would allow conversions or newly established facilities, or both, I think I heard that most of the charter schools around the county were newly established schools. A handful of conversions, but I think most were newly established schools. So in the event ... and I ... and I get that you're ... that we're giving the local county board of education the decision making process to setup a charter school or not, but in the event that someone gets in there and makes them think that the charter schools is the greatest thing since sliced bread and they decide to setup a charter school and there's going to be another entity, will we as a government, they as the government ... local government entity still have to support the public education system. So, we're adding a ... an additional entity that now has to be supported with public funds.

Now I also understand that there may or may not be federal dollars available for that. I don't know if I didn't catch it, I don't know if I just don't know, but I don't know if you set the charter up and then apply for the federal funds, or if you apply for the federal funds, get them to come up and set it up. I'm not sure if I know that. I'm not sure if I've heard that. I'm not sure if anyone knows that but ... but we do know at a minimum if we set up a charter school, that there will be public funds needed to support it. We do know that. So now we're stretching public funds even thinner.

Now that gets to a comment the gentleman from the 18th made, which I was unaware of which causes me some concern just like the gentleman from the 1st and that is if there's \$750 million dollars sitting out there among 55 counties and we're giving \$120 million

APPENDIX

more to the counties in this bill, I think we should put on the brakes and figure out where and how that money's being spent and why it's not being spent and perhaps the money that's already there in their accounts can be put to better use.

And again, these are areas that I know so very little about but those who do know about it would be ... the educators and service personnel may or may not know about that, but the principals would, the superintendents would and those are the people we ought to be talking to. We ought to tread carefully when we're going down this path for that reason. I'm intrigued by this ... the whole conversation about choice. Our ... our ... our Constitution, as you know, is obligated to provide a free, thorough and efficient education. Not a whole buffet of options but a free, thorough and efficient education. Now, if it's not thorough and efficient, I get that crux I think of why we're here but let's address that. Let's make it thorough and efficient. And as a number of things I suppose we could do, but I'm not the expert to even suggest what those are. One of the things this bill ... this bill does a lot of good things and I would concede the gentleman from the 18th, it does a lot of good things, but no doubt about that there's no argument from me on that. I think we have missed some opportunities though. Real opportunities. This bill does not address, as far as I can tell, anything about the disciplinary problems and issues in our school systems. I ... That is one thing I hear anecdotally more than anything else. There are kids who have zero respect for the teachers in our school system and it's hard to blame them cause they're just acting out what they see and experience at home, as kids. As grade school kids they get kicked out of the physical education class. That's the class ... that's the last class you'll want to get kicked out of, but they get kicked out of that class because they're being disrespectful to a physical education teacher. This bill doesn't do anything as far as I can tell to address that problem. And that problem will continue to worsen, I believe because of societal ills and problems our teachers are now having to address.

Which brings me to another point. I think given the wrap around services at a minimum this bill invests in public education, that's a task, if not express recognition of the additional burdens that are being placed on

our public education system. Whether it be teachers, service personnel or counselors and psychologists. More and more and more is being placed on our public education system. And ... and ... that's ... the burden is coming from children from homes who have a ... a ... a variety of problems. We talk about the opioid epidemic, drug addiction, but there's a whole host of problems. Multigenerational cultural issues, drug addiction issues, substance abuse issues, just behavioral issues, there's a whole list of problems. And I think by the content of this bill we're acknowledging that we're putting additional burdens and responsibilities on our educators.

And that's where we should be focusing. That's where we should be focusing. I think we've missed an opportunity this time, but I've had some private conversations, I think we need to very seriously take a look at regionalizing our educational systems. I don't think we need 55 boards of education. Now you talk about a turf war and who's going to vote for that? I'm going to introduce something that addresses that because I think if you want to have a charter system that might be effective, if it ever gets implemented, then you won't hurt necessarily the one particular county school system if you're drawing the top students. Maybe you have seven or eight or 10 counties that form a region and you might have a handful of students from each county that ... that have super talented the arts, music, math or science, maybe then it's appropriate to consider the charter structure, but I don't think it is now as long as we have 55 counties and 55 separate county boards of education. Because, quite frankly, I've had this private conversation, no matter where you stand on the issue of charters, most of the people I've had conversations with are really skeptical about whether a charter school is ever going to be implemented in West Virginia because there's only a couple of counties that it might even be suitable. I don't think it's suitable for anywhere in West Virginia, given our declining student population, I really don't. But I do think if it is all suitable, one or two counties and that's it and, they may never be instituted there, but if you really believe in the value of charter education or magnet schools, or innovation schools, whatever you want to call it, then I really think we need to think long and hard about consolidating and regionalizing our educational system.

APPENDIX

I ... at the risk of offending our ... my ... our friend from the 21st, I ... I sometimes question whether there's enough principal accountability from school to school to school. Cause I think you can compare apples to apples in an individual school because you can measure from beginning of the year to the end of the school year. Not schools in different social economic districts, but school year from beginning to end. Because I'm concerned that while teachers get the brunt of the criticism, I don't know that the principals are doing a whole lot for being accountable for how their school is performing. And they should be held accountable too for wanting to hold everyone else accountable, they should too. And maybe we, as local delegates ought to put public pressure on our local school boards, our local superintendents, our local principals, our local vice-principals to find out and ask why their schools performing. Finally, my greatest concern and I say this with all sincerity and I've said this earlier today, I ... I think we are at great risk if we've not crossed the point of no return, crossed the rubicon of doing lasting damage to our state by demoralizing the educators in our state. Demoralizing the service personnel showing them little respect in a number of different ways. And more importantly, I think we reflect and project such incredible instability as a state. For a number of different reasons, forget who's right or who's wrong, to the rest of the country with what's going on in our education system year after year after year after year, there is no stability. And that will leave a much more damaging effect on our state and on our school system than I think anything else we can do, to be very candid with you. We have a declining student population, we have an aging population, if we don't address some ... I think a lot of these issues might take care of themselves to some degree, if we had an increasing population and did what it took to get people into this state, bring jobs, economic prosperity, there's a whole host of things we can do in that regard. But, I'm telling you, you don't have to like it, you don't have to agree with me, but I'm really concerned about the damage we're doing, the long term damage we're doing to our educational system and the discouragement we are creating for people who are considering going into the teaching field and quite frankly to the rest of the county who might want consider coming and bringing their families to West Virginia to live ... live, work and raise a family. Because one of the first things

they look at is the quality of the educational system, which I'm glad we recognize and we're trying to address. But man, if they see the instability and the unhappiness of the teachers and the vacancies of certified teaching positions, it's just not a way to attract people to our state. So for those reasons, whether you agree or disagree, I felt compelled to not just my colleagues here both sides of the aisle and both sides of the issue, but to my constituents back home who may or may not be listening, those are the reasons why I will be voting against the bill. Thank you, Mr. Speaker.

DELEGATE ESPINOSO. Thank you, Mr. Speaker. I suspect everyone here will be pleased to hear me say, I don't believe there's much more to add to this discussion. I did want to, just very briefly, address a couple of points that were made, which I think were very good questions, the whole question of conversion schools, I just wanted to point out, I think maybe our colleague from the 37th might have ask that question, those students are guaranteed enrollment, you know, just as you have at any school within their attendance area and certainly the parents have to enroll. I mean that's ... that's kinda of a typical responsibility of parents to enroll their students in a school. The charter applicant has to outline what they're outreach is going to be to not only the conversion school parents and those associated with enrolling a student, but also for ... for other proposed charter schools, that all has to be outlined.

As far as the closure protocol, that has to be spelled out. You know certainly, we hear about some charter schools do not succeed across the country. And, from my prospective I think that's really one of the strengths of the charter school paradigm is that you have very strong authorization up front and I'm confident that the legislation that's before us, the provision ... the charter school provision in our legislation is among the strongest in as far as authorization, but ultimately it's that means nothing unless it's paired with accountability. And that's where if a public charter school applicant doesn't deliver on the results in consultation with, they're authorizer local board that has to be the ultimate accountability that that school is closed. And again, they have to follow a detailed school closure protocol that has to be approved in advance by the local school board.

APPENDIX

I think there was a question about, well what happens if you know the charter school fails and what happens to the money, and so forth. Well one of the beauties of this legislation, not just for the public charter schools but for our entire public school system, you may recall that we've included a requirement that the State Board of Education in turn require each county school district to participate in the State Auditors Transparency Program. So not only will we be able to see every dollar that's spent on public charter schools, we'll be able to see that for all of our school districts and I think as our State Auditor has indicated, the more eyes looking at that, the more we can reduce fraud, waste and potential abuse.

In sum, this legislation represents more than \$148 million dollars of additional investment in traditional public education, along with a very modest amount of education choice for our parents, students and communities across the state and, despite assertions to the contrary, I don't believe that's an either/or proposition. I think we can, and we should do both. Among those \$148 million dollars investments, of course the \$67 million dollar, almost \$68 million dollar pay raises for our state, our teachers, our school service personnel ... of course that was set aside in our 20 ... FY 20 Budget and of course we're appropriating that today, \$2.3 million dollars for salary increases for math teachers, \$24.3 million dollars for student support staff, that's 394 new employees, on average. And, of course, we added this evening through an amendment, an additional 85 student support staff, that's 479 school support staff that's ... that will be a result of this legislation.

The 1400 student floor calculation that's going to assist our smaller counties, \$5.3 million dollars. Another 17, almost \$18 million dollars for ... really that our local school districts that can retain and ... and use on the priorities that they identify locally as opposed being dictated here from Charleston. Five point five million dollars for special education teachers, that's a three-step salary increase. We talked about \$5.9 million dollars for teacher and librarian supplies. A little over \$2 million dollars for the employee attendance incentive. So, all together an additional ... in addition to the pay raise, an additional almost \$81 million dollars in additional investment.

I believe I understood my colleague from the 35th to suggest that a ... or indicate that he could agree with about 99.9% of what's in this bill. And I would submit to ... to reject over \$148 million dollars of additional investment for traditional public education for less than 1% of this bill. I mean I find that difficult to comprehend. It goes without saying that this is not a silver bullet and I commend the Governor for really helping begin this conversation during this special session. And I certainly look forward to continuing many of the discussions we've had here and taking up a legislation during the upcoming regular session to continue to support public education in West Virginia.

Mr. Speaker, I don't think this bill represents all that I or any of us perhaps preferred, or would have crafted ourselves, but I certainly believe that it's worthy of our consideration. I urge passage of the bill.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS

of

HON. LARRY KUMP

July 22, 2019

DELEGATE KUMP. Thank you, Mr. Speaker. I beg your indulgence for all of you, for the things that I am going to share with you. I know time is of the essence. I come here, today and tomorrow, I suppose, also, somewhat under duress. I stand before you as a modern day Lazareth, and I thank you for your faith and prayers during my recent illness. During the last regular session. As some of you know, I had a pretty large stroke, came back to work here the same day, shrugged it off, had another stroke on the second day. They took me to the hospital that night. As the surgeon prepared the surgery ... for the surgery, he told my wife that my chances of survival were very very poor, at best, I'd be in a wheelchair for the rest of my life.

The surgeon, Dr. Mousa, who's a vascular surgeon in this area, is a Christian Egyptian member of the Coptic Church. He said he prayed before the surgery, and prayed during the surgery, and afterwards he said, "I'm a really good surgeon, but I'm not that good."

APPENDIX

I stand before you now in as perfect health as a man of my age can be and feeling great. But, the reason for my reluctance to be here today and I thank you for your prayers. I could feel the power of them, but I stand here, reluctantly before you today, I'd rather not be here. My wife ... my beloved wife, Cheryl and I, about two weeks ago, took into our home to be permanent residents, her grandmother, her niece, who's fifteen months old and her nephew, who's 15 years old. They lost their home in Cleveland, and we took them into our home. It's been a challenging experience but has been a grateful experience for me. However, last Saturday night, my wife collapsed as she was running an errand. She was taken to the emergency room, she's had four surgeries since our marriage, last August. She was recuperating from this last surgery, which was just last Wednesday, when she came down with a secondary disease. She's now hospitalized in intensive care, in an isolation ward cause she's very very contagious. I ask you for your faith and prayers on her behalf. I'm down here reluctantly. She insisted I be down here because I can't be in the room with her, I can only sit outside of the hall. Friends and family are helping for ... helping with our new family and their fine, but again I ask you for your faith and prayers. Thank you.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS
of
HON. LARRY KUMP
July 23, 2019

DELEGATE KUMP. Thank you, Mr. Speaker. This is a follow-up to my remarks yesterday. This is not my first legislative rodeo, but this is the worst session I've ever had to participate in, for personal reasons.

As remarked yesterday, my wife was hospitalized, put in isolation. I told her, I said, "I'm coming home, right away." She said, "no." She said, "I'm taken care of in the hospital, you can't even be in the same room with me." Her mother, her 14-month old niece, and her 15-year-old brother are well taken care of. Family and friends, church members, were all over the place making sure their needs were met. And I said, "I still need

to be there." She said, "no, you took an oath of office, you need to be there and vote." Though I suspect part of that was, she didn't want me under foot.

Even so, I called frequently, which I think irritated her more than pleased her, but the good news I have is that faith and prayers of so many of you were so uplifting and so helpful. Some of you approached before I made the announcement that knew of the circumstances, that said they were putting Cheryl and me on their church prayer roll. That meant a whole lot to me, there's much power in prayer.

I'm pleased to report that last night, Cheryl was released from the hospital, she's home, very weak, but recovering. Thank you so much.

APPENDIX

SECOND EXTRAORDINARY SESSION, 2018

IMPEACHMENT PROCEEDINGS

REMARKS

of

MEMBERS

August 13, 2018

DELEGATE SHOTT. Thank you, Mr. Speaker Pro Tem. Before I get into the heart of Article I, I'd like to just take a moment and bring the Members up to date on the process that we followed to get to today, and I certainly echo the sentiment of the Gentleman from the 32nd, that this is indeed a sad day. Certainly no cause for anybody to celebrate why we're here, but it is our duty and I think the public demands it. That we follow up on our duty. Our committee met a total of nine times between July 11th and August 7th. On at least three of those occasions, we worked late into the night. But that's not all that went on, the staff worked diligently during interims between those meetings in order to obtain evidence, to review the evidence, to digest the evidence, to organize the evidence, to arrange for witnesses and so forth. So, I'd certainly like to ... and would be remiss if I did not take a moment to thank our staff. We had our council, Marsha Kaufman, Brian Casto and John Hardison, our Clerk, Mark White, and our Executive Assistant Adair Burgess. But fortunately, we were buttressed by the addition of three other council from the House staff and that was Charlie Roskovensky, Robert Akers and Joe Altizer. And, we also had the assistance of the State Legislative Auditor, as well as the State Auditor, and our managers worked behind the scenes to obtain evidence and statements and so forth, and those are Delegates Hanshaw, Hollen, Byrd and Miller. So, all those people have been working consistently and diligently in addition to the time our committee members put into the actual meetings. Often times our momentum was interrupted by a number of issues beyond our control. We had, obviously had to obtain documents when they were not readily available. We had to subpoena many of them. We had to subpoena the documents that supported the charges of the Judicial Investigation Commission. We did not get

any documents from the U.S. Attorney in relation to the indictment, which was expected and we also had to obtain documents from other sources. So, often times we would start and then have to be interrupted. Sometimes witnesses would either refuse to appear voluntarily. They had to be subpoenaed or we would have situations where witnesses obtained counsel and we had to negotiate their appearance with counsel and coordinate schedules. What we attempted to do was be transparent throughout the entire process. No meetings in secret, we met one time on the last night before we introduced the articles in Executive Session to discuss the process and where we were before those articles were unveiled. We honored every one's request. If they asked for a witness, we attempted to get that witness there, any documents that were requested, we attempted to get them. We made every effort to conduct our process in a nonpartisan manner and not to protect anybody regardless of their affiliation, either prior to this nonpartisan election we've had in the past, or during that time. We got to the point where we had staff examine what evidence we had developed in draft, articles based on the standards that are set forth in the Constitution. Let me just say that the theme that we embraced, at least what appeared to me was, what we were looking at ... keep in mind when the Constitution was adopted, there were broad, enormous latitude and responsibility and power placed in the Supreme Court. They were given absolute control of their budget and they were only accountable to the voters every 12 years. That was sort of the theme we adopted, was whether or not the trust and confidence that our founders placed in these Justices had been violated and whether they were worthy of continued trust and confidence. There's a couple of elements though, that complicate this entire process. First of all, as we discussed before, this is ... we are basically plowing new ground. Justices of our Supreme Court have never been impeached before and in recent history we only had one impeachment in this state, and that was in 1989, and that did not result in the full process playing out because the person who was impeached resigned after the House voted Articles of Impeachment. In this particular case, part of our problem is that there is a variance in the degree of responsibility of each of the Justices. You're going to hear that the ... there's not one

APPENDIX

standard that we can apply in each case to each Justice. There's various levels of what I'll call culpability or responsibility. That complicates things. The other thing that complicates our efforts is the lack of any definitions for those terms that are used in the Constitution which are maladministration, corruption, incompetency, neglect of duty and certain high crimes and misdemeanors. The Constitution offers us no guidance as to what those terms mean and we basically wrestled with that in our committee at one time considering adopting definitions but, finally declining to do so because it was clear to us and was communicated more or less informally to us that the Senate would not be bound by our definitions. So, where we end up is there's a great deal of subjectivity to this process and I think the question that each of us has to ask in our own mind is whether each one of these Justices and the court as a whole is worthy of continued trust and confidence that was reflected in our Constitution. That's the key question. Now, let me start with Article I and take you through that, and this basically was the allegation that triggered the whole process. This is Justice Loughry's spending on the renovation and remodeling of the office assigned to him and I'm not going to refer to it as Justice Loughry's office, because it does not belong to Justice Loughry nor do any of these offices belong to the current occupant. They belong to us and all of our constituents, not to the occupant. In this particular case, the documents that the committee has, the cost of renovations to the office assigned to Justice Loughry totals \$368,000 in round numbers. That number is a little different than what's reflected in the articles because we had a late adjustment to that article. There was some ... or to that number because it was revealed that there were some invoices that were not included in the binder from which we came up with those numbers. These renovations and remodeling occurred between April of 2013 and September of 2013 with a couple of additions in 2014, specifically in September. But most of the work was done during that period, April 2013 to September 2013. The evidence is clear and undisputed in spite of Justice Loughry's public statements that he was aware of the cost and personally chose the furnishings and was involved in nearly every detail of this process. So, I know that there's been some reference to the infrastructure type improvements to the offices and there's certainly basis for some

renovations. But, included in some of the purchases that were made at the direction of Justice Loughry, was the infamous sofa, and the number ... it's been mentioned as a \$32,000 sofa. Actually, it was only \$31,924. However, about a year or so later, apparently Justice Loughry thought the couch looked naked without pillows. So, he purchased custom pillows at a cost of \$1,733.65. So actually, the couch costs more than \$32,000 when it was fully equipped. Included in these types of purchases were four ... what are called Copenhagen chairs, for a total of \$8,802. There are a couple of what's called Riverside chairs for \$3,504, a cocktail table for \$2,560, some additional Riverside chairs at a cost of \$4,068, a cabinet and a TV at about \$1,800 and an under the counter refrigerator at \$1,693. Those are some of the frills, or the furnishings that were included in this \$368,000. Now, if you go beyond that and look at the construction costs and glean from that some additional costs, the wood trim alone in this office ... the wood trim alone was \$58,018, \$58,018. That's labor and material for the wood trim. The cabinetry, \$68,194, that's cabinetry in this office, and of course cabinetry cannot be complete without granite counter tops. Add to the cabinetry another \$10,384. And then, of course you've seen, those of you who took the tour saw the medallion, the floor with the medallion was another \$33,750. Now, I know that there's been some discussion as to whether we're setting a threshold, so I want to address that immediately. You can't set a threshold without a context within which to set that threshold. Those of us who've been here for the last six, eight, ten years, know the kind of fiscal nightmare that we've been through. Repeated budget cuts, dipping into the Rainy-Day fund to survive. I noticed and I hope my friends in the Finance Committee can supplement some of my relatively defective memory. But I remember, around mid-2014 we had a \$33 million mid-year cut. Which by the way was just three months ... three months after these renovations were completed, other than the pillows. Also, during this time, we received evidence of a plan, and that's the kindest word I can think of, to spend down a \$29 million reserve that the Supreme Court had accumulated between ... let me get this exactly right ... 2007 and the start of the fiscal year, July 1, 2010. Twenty-nine million dollars they had accumulated over and above what they told us they needed to operate the court system.

APPENDIX

We have the evidence, both in the form of testimony and in the form of a memorandum that the court administrator issued to the members, the Justices, that they were concerned by discussions that had been ... that had taken place with members of the Senate, the Senate Finance Chair, Senator Prezioso and Senator Unger who I believe at that time was the Majority Leader, that if ... that there was concern that the Senate would present a Constitutional amendment to take back budget control from the Supreme Court which of course is what now we're looking at in the November election. So, when you look at what happened to that \$29 million over time, the implication is that there was a free spending spirit that went on during that period of time. For instance, the travel expenses that the court had went from less than a million dollars to over three million dollars from fiscal year 2011 to fiscal year 2016. It tripled. The amount carried over from year to year went from 29 to 22.7 to 15.25 to 1.8, which was the year of the \$33 million midyear cut, and then all the way down to less than \$350,000. Now, I'm not going to suggest that all of that money was used frivolously. We have testimony that came before us that some of it was needed for an upgrade in the computer system. Some of it was needed for some salary increases that we passed on. Some of it was needed to fund drug courts. But I think the implication is clear that there was no restraint in the spending of the court during that period of time and it certainly is evidenced by the amount of money that was spent in connection with the renovations to the office assigned to Justice Loughry. That basically summarizes the facts that we believe we can establish if we take this to the Senate. We are essentially saying that this was clearly a waste of state funds. It was not necessary. It elevated what could have been a functional renovation to simply ... and I think we had testimony that whatever the Justice's personal taste was, was whatever they wanted to do. And so, our position would be, and I think the committee on this vote basically they passed this article overwhelmingly, the vote was 21 to 3. The feeling was that this was an irresponsible spending of taxpayer money and certainly a betrayal of trust and confidence that our founders and our people have in the Judiciary. That's basically the ... basically Article I and, Mr. Speaker Pro Tem, I urge its adoption.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Briefly, just for the members too, for purposes of this. There is a bipartisan censure resolution that has been offered and should be in the system that we are hoping to take up at a later point in time. I, likewise, although I'm probably going to be opposite of my friend from the 27th on the ultimate outcome ... this is, I believe inappropriate because it's a separate parliamentary procedure and it doesn't take any action from the Senate. The House would act on itself on the parliamentary procedure ... just strong disapproval of cert ... whatever you're trying to censure the Justices over. So ... well, frankly the language, I think is ... in the amendment, makes the case that they shouldn't be impeached because it's saying that they're equal co-branch of government and that they are entitled to their own budget, spending practices and procedures, and that's also in there. So, you're basically saying you ... you're at 100% ... you're innocent, but we're going to convict you anyway, under there. So, I think the language, I think to make it clear, we all have our own preferences and I think for many of the members in here, the spending in and of itself is going to be the most difficult thing for the members to take up. But I don't believe this is a fair representation for what this body is either going to do, either on impeachment or censure. So, for those reasons we would ask that it be rejected.

DELEGATE FOLK. Where's the threshold? Where's the threshold that's too much spending? I'm trying to think about when I ever purchased a couch and I can only think of one time where I spent a hundred bucks at an auction for a couch. One of the reasons I haven't bought a couch is because I have five children and I don't want to buy anything really, really nice until they get old enough to take care of it. I think everybody that's listening out there today would construe some of the spending that took place over there is way over the top. We need to move forward with this article as it is written, clean and not muddy the waters with an amendment like this.

DELEGATE LOVEJOY. Thank you, Mr. Speaker Pro Tem. You know, I know that everyone here appreciates the gravity of the decision that we're faced with today. I appreciate my colleague pointing that out because impeachment by its very definition

APPENDIX

is the cancellation of a past election. It's the nullification of the count of ballots in a ballot box. It is a repudiation of the decision of the West Virginia citizens as to whom they choose to serve them. Now it was included by the framers in this Constitution as a very important part of a system of checks and balances between three coequal branches of government. It's enshrined in this Constitution, that very document that every one of us walked down here and took an oath to uphold. Now, perhaps one of the hardest parts about considering this power that has been given to us, is that there is little guidance. You know, there ... true to the rarity in which it's been invoked, there really is very little precedent. Every representative in this room has to consider these charges, has to consider the evidence presented, and then make a series of, what I'll say, difficult, to say the least in their judgement. What should the standard be for cancelling the results of an election? What does the Constitution say with regard to the authority given to those that are elected to serve as Justices? What does the evidence show? Is it Constitutionally proper for the Legislative Branch to literally wipe out the Judicial Branch, so that the Executive Branch may then step in and reform it in the discretion of one man? For me, I've wrestled long and hard with it. I've tried to come up with what I think is the proper standard, in my subjective view as we pointed out. I've settled on a line that I learned a long time ago as a kid. I learned it on the playground. It's in the sixth, eighth and ninth commandments, and that's lying, cheating and stealing. For me, if you act in carrying out your duties as an elected official, in a way that lies, that cheats or steals, then I am willing to cancel those elections and impeach. However, if you act in your discretion, in a way that is permitted to you by the terms of the Constitution that we all swore to uphold, I will say your decisions are unwise. I may say you should not be reelected for your lack of judgement. But, I will not go back and cancel those ballots. Now, the standard begs the question of those articles, like Article I, that fall on the other side of that line. Those that I call bad, awful judgement in exercising discretion in an area that the Constitution explicitly allows you to do so.

These office renovations fall squarely into that bucket. Like the vast majority of you and West Virginians, I find many of these

purchases offensive. I find them to be outrageous, and I find them to be out of touch with our citizens. One couch exceeded the median household income in both of the counties that I represent and that's disgusting. Those decisions illustrate poor judgement. They illustrate a lack of connection with people and they do not reflect the humility of a servant. But, make no mistake, they do not violate the law. They fall squarely within the authority that our founding fathers set forth in Article VI, Section 51, sub 5. That is the part of our Constitution that at was pointed out in the first amendment gives the sole authority, total and undisturbed control of the budget for the Judiciary to the Supreme Court of Appeals. It necessarily includes the physical plan of the court over in that wing, the court room, the offices and the chambers. You may think this Constitutional grant of unfettered authority is unwise. It may be foolish. You may think it permits stupid decisions and you may be right. I'll submit to you that the appropriate remedy to fix that wrong lies in the hands of the voters. In 85 days, the citizens of this state will step into those ballot boxes and cast a vote for Amendment 2 if they want to change the Constitution to put the control of spending by the Judiciary under legislative control. The remedy here is not to cancel their ballots in the past, but to give it to them in 85 days. Now, would I go through, and I look at ... I'm just going to speak once on this because it applies to the next ... I think, several Articles. We're talking mass impeachment and I think that implicates other concerns. If you apply this standard to one, you want to be consistent, you should apply the same to them all. Mass impeachment implicates a whole other set of Constitutional concerns. The impeachment power is broad, but I don't know whether it's limitless. This is especially true, not when we're talking about impeaching a Justices, one of five, two Justices, but all of them. You know, when we go to courtrooms we talk about cumulative error, where the whole is greater than the sum of its parts. So, when we go in and take out four of them, based on spending, make no mistake we are eliminating another branch of government. I submit we have a power granted to us under this Constitution, but we must be very careful, deliberative and responsible in how we exercise our power. It's important that the framers use the word power. You don't have the duty to impeach, you have the power to

APPENDIX

impeach. Now, you can say they accidentally chose that word, but I submit maybe they didn't. Isn't it ironic that we're talking about using restraint in the use of your power by the Judiciary in making the same decision here in using ours. I'm concerned that we're considering an action in removing the entire Supreme Court that so encroaches on the independence of the Judiciary that we may be violating the separation of power's clause of Article V, and we may also, as a consequence, create a court entirely appointed for several years, with no recourse or responsibility or accountability to the people in violation of the elected judges clause in Article VIII, Section 2. Which again the framers made a very deliberative, distinct decision to do it differently than they do other places, that the people choose their judges. Now, this is unprecedented, and I appreciate that concession. It's unprecedented in West Virginia. It's unprecedented in the United States, that one branch of government goes in and lops off the entire other branch. It never happened. It's never happened. I submit that we should be careful. We should show restraint and perhaps we should focus on the moat in our brother's eye, while we're ignoring the beam in our own. What's the answer then? Let's protect the people by exercising that caution and restraint. Do you remember maybe as a kid, you were told just because you can do something, doesn't mean you should. If that's your standard, yes, we could go in there and say that we're going to impeach people for making discretionary decision that the Constitution lets them do. That's a dangerous, dangerous standard, and one day we'll be levied against other branches. Whether it be someone who decides to put \$126,000 in flowers to make the Capitol look pretty, or almost a million dollars in bathrooms down the hall. All within Constitutional authority to do so. So be careful in forming a weapon that it may someday come back to haunt you. We are authorized to act here but as my chairman said, we shouldn't be passing Articles of Impeachment if we're not going to follow the Constitution. The decision you make here today will set the new standard for impeachment of elected officials in this state, and if exercising discretion within your Constitutional authority is the standard that we're going to have, then I submit that decision will reverberate a long time and forewarned is foretold. So, I'm going to leave you with one number. We talked about big

dollar amounts, and that number is this. It's 1,077,772. One, zero, seven, seven, seven, seven, two. That's not a dollar amount. That is the number of votes cast by West Virginia citizens for these four Justices that you seek to cancel if you impeach them for acting within their Constitutional authority. Thank you, Mr. Speaker.

DELEGATE WILSON. Thank you, Mr. Speaker Pro Tem. In response to some of the comments by my friend, the Gentleman from the 12th ... 17th, my apologies. I will not ask you to yield, Sir, but I would like to make a couple of comments. He referred to the repudiation of the results of the election, and I would like to actually to counter that. I would like to say that we're not repudiating if we go through this process. Repudiating the votes that were cast by Mountaineers. What we're repudiating is the failure of the Justices to uphold the trust that was placed in them by the voters of this state. Bad, awful judgement is a phrase that he used. To me, and I love words. I really get into their definitions and how they can be used. To me, bad, awful judgement sounds like a great definition for the term maladministration. Which is, in fact, impeachable. Authority, which he referred to repeatedly. Their authority under the Constitution to spend money. Authority is the flip side to responsibility. Now, I've spent a lot of time in my life teaching leadership classes and actually writing curricula for training leadership, and the one thing that I always make sure that my trainees understand is, being in charge means one thing, and one thing only. It's all your fault. The fact that you have the right to tell other people what to do, the fact that you have the right to expend resources in whatever way, shape or form, is only ... is predicated only on the fact that you are then responsible for how those resources are spent. For the results of those decisions. If you're in charge, if you have authority, it's your fault. You are responsible. And finally, I'd like to say that we were warned that we might be forming a weapon that could be used against us or other branches of the government, and my response to that is Halleluia! Bring it on! Let's form this weapon. Let's use it. Now, I am not advocating for the removal or for the ultimate answer to any of the questions that are being asked in this impeachment process, but let's go through the process. Let's do it properly, and let's use this weapon that is placed in our

APPENDIX

hands. I prefer to call it a tool, and let's use this tool and show the people of this state that we are prepared to use this tool in their name, and that we are prepared to have it used in their name against us if necessary. We are accountable for the responsibility that they placed in our hands. We are accountable. We are responsible for the resources they've placed in our hands, and we welcome it. Thank you, Mr. Speaker Pro Tem.

DELEGATE HOWELL. Thank you, Mr. Speaker. Like most of you, I don't want to be here. This is a very solemn proceeding. It's only happened, I believe the fourth time in state history. People have talked about what we're about to do here, and what you've got to remember is the framers of the Constitution entrusted the start of the impeachment process with the people's House. We're the ones closest to the people. We're all up for reelection every two years. If we get it wrong, we're the first ones to know. We talk about a co-equal branch of government. The Legislature is also not bound by the purchasing rules. However, this body under both parties has followed those rules. Something that our sister branch, the Judicial Branch didn't do. That could be considered maladministration. Back home the people have been telling me they can't believe what the Supreme Court has done. They don't realize, like we do, that we have no control over their budget. Think about that for a minute. If we're a co-equal branch of government, why don't we have control over their budget? The budget process in West Virginia is the Executive Branch presents us with a budget, we can modify the budget, and then the Governor can line out and out the veto ... line item veto, parts of that budget that he doesn't like. To me that is truly the balance. The Supreme Court could actually come in, or any of the courts for that matter, and rule that our budget is unconstitutional and change the budget. But we do not have the equivalent to go back. The only thing that the framers of the Constitution gave us, over the Judicial Branch, is the impeachment process. It has been characterized here that we would wipe out the Judicial Branch of government. That's not accurate. There would be hundreds of circuit judges, magistrates and family court judges that we're not even talking about, and that truly is the bulk of the Judicial Branch. We're only talking about the very top. As far as the voters go, if we do remove the Supreme Court

Justices, there's an election in 18 months. The appointments are only for a short term and the voters get to have their say. This body could also go in and pass a bill to have a special election and shorten that up even shorter, if that's what the voters want. This is a very solemn duty that we do, and the Supreme Court has acted in maladministration. They have ignored what the people want, which is to be good stewards of their money. Someone said ... what was it they had said? Just because you can doesn't mean you should. Just because the Supreme Court had total control over their budget, meant they shouldn't have just spent and spent and spent. I urge passage.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. "That no item relating to the Judiciary shall be decreased except as otherwise provided in this Constitution." That language was passed in 1967 in this body. It was ratified in 1968, on November the 5th, of a vote of 323,560 to 150 some odd votes. Overwhelming in the State of West Virginia. That's in our Constitution. That's been the law of the land that we are now requesting ... everybody in here. I don't know if there was any nay votes back there in the session. I'm not sure, but the court has demonstrated we threw their spending ability, that they should no longer have that authority under the Constitution, and that's the remedy that we sought back here in the spring. We stripped it, and we're asking the voters to change it. But those are the rules of the game, in the grand scheme of things, in the West Virginia Constitution that we have, by the will of the voters, that ultimate document.

DELEGATE SPONAUGLE. Thank you. Just, real briefly, Mr. Speaker. I'm, again I've talked this ... all these are going right on down the line, but then ... Justice Loughry's the worst. Let's just be honest. He's sitting there with a 23-felony count indictment. He's under, I don't know, 32-33 judicial investigation ethics complaints against him. But on the couch, is what we're down here for. Actually, this is what we're here to begin with. I mean this was reported in the news last fall. All these spending things rolled out last fall, November, December, right on down, and not until he gets indicted does this body take action on any impeachment, and now we're bringing in spending. Now, I believe there are Articles of Impeachment, I

APPENDIX

know they've been severed and we'll get a chance to talk to them, that he should be impeached on, in my opinion. But the spending, if you have rules, these are the rules that the citizens of the State of West Virginia laid out on the table and said, "This is how you're going to operate government. There are separation of powers." I can question the wisdom. Frankly if you didn't have checks and balances, that's probably why we're here now. It's my understanding, I don't think there's been a Legislative audit. This was the first Legislative audit that occurred in the last 10-15 years, somewhere in that range. Because it didn't do any good. Because we didn't have any power or authority over it. So now, they have violated no laws, they have been incredibly stupid on their spending. Which is why we're here, but now we're trying to circumvent the Constitution to a certain degree and say, "Well ..." and put a check on their decision making. When the Constitution gives them that authority. Now, I don't feel comfortable doing that, and I don't feel comfortable going forward with this precedent that we're trying to lay down. I think we can all agree that a \$32,000 couch is ridiculous. What about a \$10,000 couch, or a \$5,000 couch? I know there's other stuff on ... you know, we're going to be in here talking about flooring later. Will the bamboo flooring be better than cherry, or carpet, or tile? It's hard to make those distinctions, and as an elected official, you like to have some notice when you're getting to a point where you're going to commit a wrong, and could potentially be impeached, and we're not putting out any really objective standard. It's just, it's just this totality. My gut says this is wrong, therefore I'm going to impeach. Now I don't feel comfortable as an elected official today, or for future elected officials, to be fair with them, to go out and impeach on spending. So, for those reasons, I'm going to be voting no.

DELEGATE MOORE. Thank you. I think we've just heard pretty clearly about what we're talking about in this Article. We're not talking about anything illegal that has happened or the past precedent in terms of A. James Manchin. There's not anything that happened there illegal either, but this body back then, voted to impeach A. James Manchin and we've heard, obviously, this is subjective, right? You know, as ... Vermont Cherrywood floors compared to carpet. Where do we draw the line? I can personally

tell you carpet would have definitely been better. You know, part of this is just judgement and trying to take into context what is going on here in the State of West Virginia. You have hundreds of thousands of dollars spent on a space that if you include the office of the Justices and their secretary, maybe 600 square feet, 20 by 30, something like that, the median house price in the State of West Virginia right now is \$90,000, \$90,000. We have people spending in excess of five times that on an office. Now, if that doesn't kind of not ring in your mind a little bit as perhaps misuse of money, or maladministration, I don't really know what is. I think that it certainly, taken in the context of the other homes or construction that goes on here in the State of West Virginia. If you took it by median square foot, it'd be nearly \$600 per square foot if we're talking about Loughry's office here. That's more than the price per square foot in Washington D.C. I mean, this is completely out of touch with what is going on here in the state and I'd say, you know, certainly we don't have the ability as the Gentleman pointed out rightly, from the 55th, to take any of the money away that is appropriated to the Supreme Court. But what we do have the ability to do is tell them that you have misspent this, and that is what we are doing here right now, is to tell them that the actions that they have taken with the money that has been entrusted to them, the taxpayers' money, was spent incorrectly and this is going to stop. So, I would support the Article. Thank you.

DELEGATE BUTLER. Thank you, Mr. Speaker. This ... the questions and answers and debate today is very helpful to me, and I've not actually made up my mind how I'm going to vote yet. I'm looking forward to whatever discussion we have here. I would like to point out though, that we are representing our constituents today. We're representing the voters. I contend that by performing our duty to provide oversight as a coequal branch of government, we are empowering the electorate. We, the representatives of the people in our communities, people we see every day, the people we see when we go to the grocery store or church or whatever. We see these people all the time. We're there to represent them and we asked for that. I don't know about you, but I get advice every day when I go to work and I see people wherever I am in the community. Do most people get a chance

APPENDIX

to talk to Supreme Court Justices and give them advice and consent, or advice or ask them questions about their budget? I don't think most of them get to talk to Supreme Court Justices. In fact I don't think I've spoken to one of them in years. But I talk to people in the community every day and they represent ... they voted for us and we have an election coming up. They will vote for us to represent their interests, and I think that's what we're going to do here today. Again, I don't know exactly what to do on these Articles and that's ... this is very useful to me today, but I just wanted to make it clear that we are not ... well I want to make it clear that we're doing the duty of the voters today, and that's all I wanted to say and I hope everybody takes that into consideration. Thank you.

DELEGATE GRAVES. Speaker Pro Tem, I'm not a very eloquent speaker like a lot of my colleagues are, but when I do rise to speak, I speak from the heart, and I try to represent my constituents to the best of my ability. I've talked to a lot of my constituents and when I explain what I've learned, what some of the terms mean, there's a lot of confusion about the term maladministration, and I think that's justified. Quite frankly, I don't know exactly what it means and there are people who are possibly more intelligent than I, who are seated on the Judiciary Committee and they're admitting they're not sure exactly what it means either, and we ... I've heard a lot of talk about, well, we ... we need to keep in mind it's in the Constitution. We've got to, you know, follow the Constitution, and I'd like to remind everyone that our founding fathers, James Madison in particular, was so concerned about this particular term that he required it to not be included at the federal level. So, maladministration, I greatly respect my colleague from the 60th and he has a great respect for our Constitution. I love that about him. So, just the fact that it's in the Constitution, does that mean we have to impeach under this particular term? No, it doesn't. The Constitution has a number of different options that are available to us, including censure. We don't have to send over to the Senate, every single Article today and hope and pray that they make the decision that we want them to make, that we think is right. We have the option of not sending over an Article to the Senate but keeping the power here in the House. Which

I've heard it described as closer to the people. I agree with that. If we feel like something is wrong or unethical, for my friend from the 1st, we have the power to say something about that ourselves. We have the power to censure. We could draft a resolution for any action that the Justices took that we think is wrong and that should not go forward in the future. We have the power to censure ourselves. So, the spending, the spending was horrible. I think we can all agree with that. I didn't get to go over and tour the offices myself, but I don't have to. Just the fact that these Justices felt that it was okay to spend at that level when my friends who are here in the House, on both sides were struggling so hard to fill such a big hole in our budget. It's sickening. Literally, it's sickening, and I do think it was unethical. They should have given more money back to the people, but they didn't, and we have the power to punish them appropriately for that action. For maladministration and for spending falling under that term in this particular Article, maladministration can mean, "Oh, I don't agree with what you did." Well, I don't agree with it, but just because we don't agree with what they did, well it's automatically impeachable. Well this person may think that that ... you know, it's maladministration. We should impeach them, and this person thinks, "Well, I don't agree with them. We should censure it. It's maladministration." Well, why don't we just deal with what is clearly criminal activity, if there is such a thing that we can prove to our satisfaction. Why don't we deal with the things that we know are clearly defined in our Constitution, to the best of our ability and punish where we think their actions, maybe were not impeachable. Because we can't define this term, but were definitely wrong and we don't agree with it. I'd also like to point out that even if we can't agree what maladministration is, or should we impeach or should we censure. I think we can agree that we have a constitutional amendment coming up where we can correct this action in the future, and I'll be honest, I was not at all convinced that the legislative body should take under legislative review the Supreme Court budget. I was not convinced of that. They're separate for a reason. I have to say I'm going to be in favor of that now. I'd rather have a hundred eyes going over a budget, rather than one or two. I'm not even convinced from the evidence that I've seen, that all the Justices knew exactly how much money was being spent on their offices, and

APPENDIX

was that ... maybe that wasn't the best course of action for them to take. Maybe they should have gone in and initialed every single invoice and took track of every single penny that was flowing through there. Well, I can tell you I don't do that for my office over there. If the carpet's replaced, I don't know exactly how much was spent on that. Well, maybe I should be impeached. Here's my argument, if we don't know exactly the course of action to take, let's take the harshest punishment that we think is appropriate for those circumstances, which would be censure by the House. Let's impeach on the Articles that, if we feel that it rises to the level of criminal activity ... I can tell you, I don't want a Justice seated over there ruling on a law that they, themselves thwarted to ... if they thwarted it. Of course not. I believe that that is impeachable if we can prove that that happened. But surely we can all come together and agree that we do not want to set a precedent using a term like maladministration, where one person over here thinks it means one thing and two people over here think it means something totally different. Our founding fathers at the federal level wouldn't even allow it to be part of the Constitution. Please let's not, let's not set the bar so low. Thank you.

DELEGATE PUSHKIN. I'm not going to obligor the Chair with more questions, but the facts and the timeline remains the same. We knew about the spending thanks to excellent investigative reporting on the part of Mr. Bass. We learned about that, I believe it was in October, maybe early November of 2017. That was prior to the Legislative Session that started in January. We learned a little bit more throughout the days after that. We heard certain Justices own it, admit it. I mean actually some embarrassing interviews that I saw said, "Yep. We spent that much." But we heard one Justice not admit it. We saw one Justice do a media tour of lies and excuses and passing the buck. We read an op-ed by that Justice who was in Chief Justice Alan Loughry op-ed where he blamed other people and said he had absolutely no involvement in the renovation, in the purchase of that couch. He didn't know how much it was. We ... he appeared in front of the Finance Committee and said ... I believe his exact quote was, "I would never approve of that kind of spending." So, if we knew about the spending ... yeah, I'm ... I mean I've heard a lot of nice speeches today, and I

understand the outrage. I'm outraged too, but I'm wondering where all the outrage was when we first learned about the spending. There wasn't any. You know, there were a few of us who introduced House Resolution 4, and I won't dwell on it, okay, but there was a resolution. It was referred to the Committee on Judiciary. I don't believe it was ever placed on the agenda, and I've just read that ... re-read the resolution. The resolution wasn't about spending. The resolution was about Justice Loughry's response to the spending, and it was also about conversion of private property ... I'm sorry, conversion of public property for private gain. Which will come up in later Articles and I believe that was what the Gentleman from the 17th referred to as lying, cheating and stealing. What I'm getting at is we're here ... this Article is just about spending. If it was just about spending, what exactly has changed? In regards to spending, what more have we learned since October or November of last year in regards to spending? And I did not hear any outrage about that. In fact, the resolution we introduced, it wasn't just ignored. It was met with ridicule. It was called by the Senate President the single dumbest most ridiculous political stunt he's seen in his time at the Legislature and anybody who introduces an impeachment resolution should be ashamed of themselves. That was the exact quote from the Senate President. Well, I didn't introduce the resolution that we're talking about today and I wouldn't say that the Governor or those that signed on to this resolution should be ashamed of themselves. I believe it's important to investigate this. But, when we're talking just about spending, I think I'll echo some of the comments that I've heard and we need to be very careful, you know. Because when I was first elected to this body, after the 2014 election. An election a lot of folks in here were celebrating a lot, I think. There were some changes made in this building after the 2014 election. We got, not only did we get a new Speaker, but the Senate got a new Senate President who spent around a half million dollars renovating his office. Now the office is currently occupied by the Senate President now. It was renovated to the tune of half a million dollars by the former Senate President. Did we talk about removing him from office? Was there outrage when he spent money on his office? Did we talk about censuring him? No, he was rewarded by becoming his party's

APPENDIX

nominee for the Governor. So I think we need to be very careful when we're just talking about spending, and I agree with what I've heard from a few comments. We need to keep the bar fairly high when we're talking about invalidating a state-wide vote of the people, and we're talking about, in effect, decapitating one branch of government and allowing the Chief Executive to hand pick whoever will occupy the bench for the next 18 months, and a lot can happen in 18 months. You might say it's only 18 months. There are going to be a lot of cases heard in those 18 months, and I want to make sure that the people get a fair shake. I'm not sure that they would be best served when we're allowing that one branch of government to take out another branch and be replaced by yet another branch of government. I'm not sure that's how this thing ... this is supposed to work. So, while ... yea, I know I'm the one that introduced this Article H.R. 4 during the session that called for us to investigate the impeachment of Alan Loughry, I will be voting for some of the Articles impeaching Alan Loughry today. But I cannot vote for this particular one, nor any of the other ones in regards to spending when they were allowed to do so. I stated earlier, the remedy to that is coming up to the ballot box in November, to place their budget under the purview of the Legislature, like it is in every other state. But I think that this is a ... and I'm not exactly sure where this path will end, if we're just talking about wasteful spending. Wasteful spending could be relative. Say that we could look at the flowers outside the Capitol. That was a six-figure project there. We could see a Chief Executive whose failure to reside in the seat of government is also wasteful spending. It results in a lot of tax dollars being spent on an extra house for security down in Lewisburg or keeping a full staff on site at the Governor's mansion when there's nobody occupying it. So, if you want to talk about ... if you want to start impeaching people for wasteful spending, those of us who are here next year, we can talk about a lot of folks for wasteful spending. I choose to not go down that rabbit hole and we be very selective and we impeach for lying, cheating, stealing but not this Article. Thanks.

DELEGATE AMBLER. I take a lot of the exception when I hear, and you know, over the years as a teacher and speaking at the federal level of having some indictments ...

impeachment in 1867 or so, and then I go back to the thing that happened in West Virginia with our Secretary of State, and things. I do believe that we are charged with taking a look at this and moving this forward. I think that's what we were elected to ... to protect and when I hear the term that we're wiping out a whole branch of government, that becomes very concerning to me because what if, and I emphasize what if, it was the Executive Branch? What if? So, when we look because there supposedly, we're looking at four individuals wiping out. Come on, folks. What we're looking at here is the probability of what? Not doing what they were elected to do in their office, and that's all we're charged with to take a look at, and that's what we need to be keeping in mind. Is there enough information being provided to send Article I, or any other Articles on to the Senate? And I believe there is, and so as others have said they won't. I will vote for it. Thank you.

DELEGATE PAYNTER. Thank you, Mr. Speaker Pro Tem. As public servants, we're held by default to higher ethical and moral standards, or at least we should be and we're elected by public trust and expected, as we should be, to guard that trust diligently and fight for our constituents' best interests. We are the people's House. We are their voice and in this case, the public's money and interests are not being served by the members of the Supreme Court. The same Supreme Court that should be beyond reproach as far as ethics go, and good judgement goes. They appear to have taken a big pass on this responsibility and as such must be held fully accountable for their poor judgement. I will be a yes on this.

DELEGATE MCGEEHAN. Yea, I forgot I had my button pushed. I just would like to make a few comments. I've heard several Delegates already raise the issue of maladministration and invoke James Madison and how he was opposed to that being included in the U.S. Constitution. Ironically one of Madison's most prestigious biographers, Ralph Ketchum thought Madison's thoughts on that subject were so minor that he didn't even include it in his 700-page biography on Madison. But my point is we are operating under, with this impeachment proceeding, underneath the West Virginia State Constitution, not the U. S. Constitution, the West Virginia State

APPENDIX

Constitution. Maladministration is listed as a criterion of the six, under Article IV, Section 9 for impeachment. We again, are abiding by the West Virginia State Constitution of which maladministration is a criterion. So, if you want to keep invoking James Madison over and over again, I would at least also expect you to be familiar with the literature behind Madison's thought on the subject. But once again, we are operating on the State Constitution.

DELEGATE FOLK. Thank you. I've got a ... just a few things since some people are having trouble with the definition of maladministration. I would suggest you google the term, and in Meriam Webster's you'll find the very first definition. Corrupt or incompetent administration, and then in parenthesis, as of a public office. And I just gave you an example through the question I asked of the Chairman of the Judiciary, and it's very clear that their official policy that was passed in 2012 to allow a Justice that is now resigned because of some of the behavior. They condoned lying, stealing ... well let's put it this way. I think, and I forgot to ask one question to the Gentleman, but you'll find that he mentioned in the answer to the Gentleman from the 53rd, that the increase of spending from fiscal '14 to fiscal '15, the fiscal year of those years was over \$10 million in the Supreme Court. By the way I was here when we voted on that budget. I voted against it. I voted against it because that budget in '15 took \$130 some odd million from the Rainy Day Fund. So, since that was part of the money that was spent down, I think there's a lot of people out there listening today that in their minds, because that's the public's money, that they were stealing the public's money in this frivolous spending. And if that doesn't meet the definition of maladministration as in corrupt and incompetent administration, I don't know what does. Or neglect of duty. The fact, and the Gentleman, the Chair just said they had no policy on purchasing expenditures. If that doesn't fit the definition of neglect of duty, I don't know what does. And this spending that we're taking up in Article I falls under both of those things. Because they didn't have a policy in effect to prevent this stuff, and they condoned it. Any formal policy with another Justice. As the Gentleman from the 1st said, sitting by and tolerating and condoning spending is just as bad, or lying, stealing and cheating is just as

bad, especially at the highest level of our court system, where we should expect the highest level of integrity. Thank you.

DELEGATE SHOTT. Thank you, Mr. Speaker Pro Tem. I guess the fundamental threshold question on all these issues regarding spending is, is there ... when our founders gave this kind of broad grant of authority over their budget, did along with that come any kind of duty? Now, we don't have any kind of treatise or anything that says there's a duty once we give you this unparalleled control over your budget to spend it wisely. But I would suggest to you that there's implied, implicit in that type of grant, with that is a duty. It's not a duty to spend it frivolously. It's not a duty to spend it to decorate your office to your taste, no matter what the cost. It's a duty, in a sense a fiduciary duty, and that carries a heavier duty to use that money wisely, not for your own benefit, but for the benefit of the citizens and specifically with regard to the operation of the court system, from top to bottom. Now, in this particular case, we also have to ask ourselves why were we given the authority to remove a Supreme Court Justice? Why were we given that power? Were we given that as a ... just as a means of punishing somebody who screwed up? Is that why we were given that authority or that limited power? Or were we basically given that power to make sure that the confidence and trust that was placed in those individuals is maintained and protected? And I would suggest to you, that's really what our role is. The big question, if you're a big picture person, I'm kind of a big picture person, why do we have that power? And that power we should exercise to restore confidence, if it's lost or if it's damaged, and to continue to maintain that confidence in our Judiciary and specifically in our Supreme Court. Now, each of us is elected to represent thousands of people, right? And so I would ask you, as you've gone around, is that confidence still there in the court? Is there trust in our Supreme Court? Because if there is, then we should really do nothing. If it's not been damaged in any way by this indefensible spending, then we probably should do nothing. But, if that's not the case, then we need to take action to try to rebuild that trust, and we're only given one, basically one power in the Constitution, and that is to adopt Articles of Impeachment and take this case over to the Senate and let them decide whether removal is an appropriate sanction. I

APPENDIX

appreciate my friend from the 17th's stealing, cheating, lying type analogy, but I would basically remind him that had he been here in 1989 and applied that test to the impeachment of A. James Manchin, that test probably would not been satisfied because there was no allegation that Treasurer Manchin cheated, lied or stole. He just simply screwed it up, and we're now, all of us are still paying the price for that, and you can think about if you lost \$275 to \$325 million, and at one time I understand the entire consolidated retirement fund was placed in jeopardy because of decisions that were made. We're paying the price for that. You know, we're paying, what, \$400 million plus a year to supplement the retirement system that was underfunded, and I would suggest to you part of that was due to the loss of those resources. My point is that lying, cheating and stealing standard is not what we're required to abide by. We're basically required to look at this overall situation and see if we need to take action based on the circumstances before us, to restore trust in our Judiciary. And I would suggest to you that context, context, context is what we really need to look at. Sort of like in the reality business, location, location, location. We're not talking about an improvement made for the benefit of the public, are we? We're not talking about flowers outside that everybody walks by and enjoys. We are talking about the private facilities of a person entrusted with a space in the Capitol, and the use of taxpayer money to basically benefit the person that occupies that space, right? I mean, how many of you have been to Justice Loughry's office, and how many of you have sat in a \$32,000 couch? That is, for the time that he was there, and if he goes back there, for the time that he stays there, his space, and we have allowed him, if we look the other way, to spend \$368,000 of our taxpayers' money for his, essentially his personal gratification, right? I mean, who else got any benefit out of that? That was his personal taste, his personal gratification, and he, more than anybody else in this State enjoyed that space. So, I would suggest to you that what you're hearing back home, and what I've heard more than any issue than I've ever been up here and approached by my constituents, is they're outraged in an outrage that translates into a lost of confidence and trust. The first step to restoring that confidence and trust is the green button right in front of you, the green button on this Article, and I urge its adoption.

DELEGATE SHOTT. Thank you, Mr. Speaker Pro Tem. Article II also deals with the excessive and spending with regard to the decoration and renovation and furnishing of a Justice's office. In this case it is Justice Davis and the office that was assigned to her. From the documents that we've been provided, it appears that the cost of renovations, remodeling and furnishings total slightly over \$500,000. That's over half a million dollars and that amount is after a credit was given for about \$10,000 that Justice Davis reimbursed the State about four years after the State money was used to improve some of her personal items. These renovations and remodeling occurred almost at the same time as Justice Loughry's, starting just a little bit later in October whereas of 2013, whereas Justice Loughry started in April. Now, give you an example of some of the items purchased as furnishings. There was \$20,529.80 for a 9x12 rug. Basically an oval rug that covered the wood floor that had been installed. There was \$7,665 for a 5x7, what I'll call a throw rug or area rug, \$8,098.52 for an office chair, that chair that the Justice would sit on, \$8098. Three other chairs were purchased for the office, I guess you'd call them client chairs or guest chairs, that totaled just under \$2000, along with an industrial sawhorse desk. I'm not sure what that is but it was about \$1800, and a Isamu Noguchi table for \$1600. Now, the information we had, basically showed \$433,000 which was identified as construction costs. Once again though, if you drill down into that construction cost, this is not plumbing, heating, electrical, there's a lot of other, what I call frills in there. For instance, there was \$24,500 for marble work, marble work. \$28,900 for stainless steel cabinets, and \$11,000 for stainless steel shelves. There was \$46,6 ... I'm sorry, \$45,600 for cabinets, and \$18,500 to install those cabinets, for a total of \$64,100 for labor and materials for those cabinets. There was \$56,500 for glass countertops. The glass was probably about three inches thick, glass counter tops. There was \$9,750 for a glass door and a glass floor. There was \$22,160 for wood flooring and tile which is what's underneath the two \$28,000 total rugs, throw rugs and there was \$23,000 for design services. In other words to come up with the layout cost the taxpayers over \$23,000. I should mention also that just a few years earlier, when Justice ... Justice Workman's office was overhauled, the ... also Justice

APPENDIX

Davis's restroom was overhauled, or basically improved to the extent of about \$4700. So, she had new cabinets and counters and faucet light fixtures and so forth at that time, which was in 2009. So, that had already been done and then on top of that we had about half a million dollars of other spending in the office that was assigned to her. As I mentioned earlier, and hopefully those of you who were here during this period of time, '13 and '14, you'll remember the kind of financial stress the State was under. There was that, on January 8th of '14 there was a midyear budget cut of \$33 million which kind of followed, kind of straddled the ... these improvements that were being made to Justice Davis's office. It was mentioned during the previous ... consideration of the previous Article, that Justice Davis did own up to hers and in fact she did ... was interviewed and basically said in the interview ... give me a second, I'll find that. "I wanted the people of West Virginia to hear about my office from me. You know, anything that is done in this office is on me." So, Justice Davis certainly knew what was going on. She participated in it and she has taken responsibility, whether you ... how you interpret that or not is exactly what she said. We had testimony in the ... during our hearings that Justice Davis had said that she wanted ... that she was referred to as the Ice Princess, and she wanted her office to be icy, hence all the glass and ... it's really a shame that the members of the body here can't visit that office like those of us in the committee were able to do. It's hard to come up with a word to describe it. It was shocking. It was, in some sense a defacing of this beautiful building because it was so out of place with the other offices. It reminded me, it would have been more appropriate to be a set on the Star Trek movie than it would be an office here in this building. It's ... it was clearly custom designed to her taste which probably guarantees that whoever occupies that office next will either be constantly in a state of choking or will have to have that office refurbished. Clearly, clearly not appropriate for a building of this beauty and significance. Five hundred thousand dollars of tax payer money at a time when this State is struggling mightily, when people are struggling. When we're cutting higher education, when we're cutting Medicaid, when we're dipping into the Rainy-Day Fund. The context ... this spending at any time would be shocking, but at a time when the State is struggling

mightily, like we were during this period of time, is totally indefensible. It certainly falls within any number of the categories that we have to look at, the conditions we have to look at, and should justify a ... and adoption overwhelmingly of this Article, and I should say to you all that in our committee, the vote was 19 to 4. Overwhelming adoption of this Article, and I urge you to do the same.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. When I'm viewing this and we're trying to impeach the entire court, taking out one member at a time, we have one individual, Justice Loughry, who has a 23-felony count, criminal indictment against him in federal court. He has 32 ethical violations that were found upon him by the Judicial Investigation Commission and potentially other crimes that occurred throughout the course of the investigation such as lying under oath to the House Finance Committee, and others. Our other three Justices: Justice Davis, Justice Walker and Justice Workman, were investigated by the Judicial Investigation Commission, on all spending. They were found ... they committed no unethical activity by an independent, nonpartisan group. They are under no criminal indictments currently pending against them, and again we're going back to the spending issue. Now, I think you can draw a distinction between Justice Loughry and the other three. Or we could take the position, kill them all and let God sort it out. We have someone with a speeding ticket, someone with some marijuana, someone got in a bar fight, and someone that committed mass murder. Hang them all! Now, I read here just a little bit ago or heard my friend from the 27th establishing that private space, if you put flooring in private space in this Capitol and no one else uses it, an excessive spending, then that should be grounds for impeachment and that's going to be the precedent this body throws down. We've got some people that need to look at. Currently, our Secretary of State, he took office, ordered a bunch of engineered hard wood floors. Didn't run it by the Capitol planning or Capitol Building Commission and started putting those floors down in his back office spaces. When they found out about it, they stopped the work. Thousands and thousands and thousands of dollars were blowing downstairs by our Secretary of State. Those same elements, if we follow that first Article, Judiciary Commission to be fair and

APPENDIX

Justice should be blind, we should start a resolution to look at our Secretary of State because there's no other way to distinguish that. We're going down a bad road, folks. Now, arguably you can pierce out, you can pull Alan Loughry out from the rest of the groups given his current conduct. But if you nail innocent ... innocent Justices to the effect that they committed no crimes. They have been found innocent under judicial investigation. But again, if we're going back to the spending and the elements that we're going to lay down, we're going to have to start impeaching Board of Public Work members. We are, to be consistent. We've got other mechanisms in here to take care of these Justices. Again, there's a bipartisan censure that is a public statement by the House of Delegates that we disapprove of this spending. We have voted to strip them of their Constitutional authority to control their own purse strings and are requesting that the voters change that. The punishment should meet the crime and this spending makes you want to barf. But we've got to censure to take care of that. There's other remedies available to us rather than going down this rabbit hole. Now, we can put the brakes on in here. If not, I'm going to ask that we start ... offer several impeachment resolutions based on the House precedent. The Executive Branch of government better look out, because it's coming. You're throwing the gauntlet down. I'd say in January if we don't put the brakes on, we're going to be doing impeachment all year long. Let's stop it. Let's put some common sense here, folks. Let's just stop it. Reject this.

DELEGATE KELLY. Thank you, Mr. Speaker Pro Tem. You know, I sit here and I read these Articles and in Article I, I was a no vote. I voted against that, not because I felt that the spending wasn't bad, because it was bad. It was a real sore spot for me and a difficult spot. But I believe that, that spending was protected by our State Constitution. I think in Article II we're looking at something very similar to that. I think the spending is atrocious for an office. To make a statement before a legislative body that I want to be known as the Ice Princess. I've got a six-year old granddaughter who would come to me and say, "Grandad, I'm the Ice Princess." Because that's her fantasy. But for a grown woman, a college educated woman, a law school educated woman, a lady who has held the

position of Chief Justice of State Supreme Court to say, "I want to be Ice Princess"? That's a fantasy. It's not realistic and it's idiotic. It's idiotic, but it's not against the law, and as we stand here, and as we vote on these Articles of Impeachment, I have to sit and look at each one of them and say, "Did this individual break the law?" and in this case, again, I, I think ... I think this idiotic ridiculous spending is protected by our State Constitution. There's no precedent. There's no code. There's no statute that comes back and says, "This is illegal." It's not there. We can fabricate it. We can think about it, but it's not there, and you know, do I think people with unrealistic ideas should be in the Supreme Court? Absolutely not, but I don't think this is the Article. I believe as we move forward there's other Articles that are going to be looked at a little bit different, that have the Judicial backing and they are violations of the Constitution, or they're violations of our West Virginia State Code, that truly will take care of this. As far as the constitutionality of spending, the people in West Virginia are going to be able to decide that in about 80 days, and I believe that we need to let that happen. But, I have to vote on this matter the same as I did on Article I, because I don't believe that they violated the Constitution and the Constitution of the State of West Virginia is important to me. It's important to the future of the State of West Virginia and we need to let the people decide what changes need to be made to the Constitution, and I don't think we need to ... need to take oversight and say, "We're going to change that. We're going to rule against some specific issue because we don't like it." Follow the Constitution. Follow our State Codes, follow the statutes that are in place and do what we need to do and let's move on. Thank you, Mr. Speaker.

DELEGATE WILSON. It seems very clear to me. First of all we need to understand that in impeachment, we are not actually finding anyone guilty. What we are doing is referring them to the Senate for trial, if I understand correctly. The other thing is, this is not a criminal trial. We're not saying that anyone necessarily broke a law. What we're saying is that the tax payers, through us, entrusted a certain amount of money to them that they misused it. I haven't yet heard a speaker here today say that they did not misuse the funds that were entrusted to them, egregiously. That's maladministration. The only caveat,

APPENDIX

that is, if they didn't know what they were doing, and so therefore are not responsible for the administration because they're incompetent. Which is also an impeachable offence. I recommend that we pass this. Thank you, Mr. Speaker.

DELEGATE PUSHKIN. Okay. I'm not going to begin to get up here and try to defend somebody's tastes and the spending that has gone on in the East Wing. I find it just as atrocious as anybody else, but I'll say this, and I will ... I'll try to say it slowly and clearly. It's not about whether or not somebody broke the law. We realize that impea ... one doesn't have to break a law to be impeached, but it is a matter of where you want to set that bar. Because, we've talked before about the amount of spending and office renovations that have gone on in this building, some that are currently going on in this building and I'll say again, we've known about the spending for a very, very long time. That's not what brought us here today. What brought us here today was one Justice's, Justice Loughry's response to the spending. Which wound up getting him a criminal indictment, lying to the FBI, witness tampering. It was a response to the questions about spending. While it was stated earlier, the response to this spending, on this Article, Justice Davis's office, she said anything in there is on me. It's wrong, but she owned it. I believe we're here today, not because of the spending. If that was the case we could have done this a long time ago, saved the tax payers money by taking up these Articles during the regular session, when we knew everything we know now about the spending. We didn't do it then because it's not about the spending. It's about the vacancy that was created when one Justice was suspended after the JIC report. So, we all want to restore the confidence and the trust in the court, we could have done that a long time ago. This is more about restoring a balance of power to the court, and that's what a lot of us have a problem with. This is purely a political process. You can't vote to impeach somebody because you don't like their politics. We reserve that for a high, high bar. When you're talking about overturning the will of the people. So, I'm going to vote no on this one like I did on the first one.

DELEGATE LOVEJOY. Thank you, Mr. Speaker. I'm not going to reiterate the constitutional argument that's been stated,

but it equally applies to this Article. But I do think it's important that while we all have rights to our opinions and the right to be wrong with our opinions, or right. We ought to be right with the facts, and there are some facts in ... specifically with regard to this Article that, at least are worthwhile to mention. It's important and if ... and you have before you exhibit 41, which is a breakdown of the expenditures. It takes you through the \$500,000 number that is used exactly in Article II. It shows you how much was listed as construction, painting and furnishings, and we have some discussion, and perhaps debate between an administrative director and an attorney as to where certain things would fall in, and that's legitimate debate. But, I'll say whether it was HVAC. Whether it was plumbing. Whether it was electrical, cabinets or shelves, it's still there. And it will still be there, and that's a big difference from some of these other Articles where people take things that are paid for by the people, out of the building and use them in their home. Alright? These ... These furnishings, the marble, the cabinets, the shelves, are still there today, the property of the people of the State of West Virginia, and I think that's important. I think earlier we talked about context being so important, and in this case, you heard a minute ago, at least it was the 80s, maybe earlier. I can't remember the exact date, but ... but many decades ago was the last time this office was renovated, and that's important because it places into context cost. Cost of marble, of flooring, of HVAC, of electrical. I want you to think very carefully if you would, about that subjective standard of taste, okay? Again, my good friend earlier said, "What we're here about is hardwood vs. carpet." Let that sink in. We're going to implicate the highest power we have in the Constitution in a debate over whether we think it should be hardwood, or should it be carpet. Like in this case, should it be wood or should it be glass? I submit to you that it's dangerous constitutionally, to step into a alliances we believe that other branch of government should have wood countertops, not glass. Would I choose glass? I don't have any glass countertops, but I'll submit that it's within that constitutional authority, and we can't impeach or exercise our power over a difference in taste. I'll say that if you have a question as to whether there is a wrong, you should consider other remedies. We've talked about Article II and restoring the budget control, and I'm not going to go into

APPENDIX

that again. Perhaps we could consider a law that places private offices of elected officials under the Capitol Building Commission. That would probably be a good law to discuss the consistency of architecture and design within this hallowed building. Probably a good idea. I'll note that it's not right now, but it might be a good idea to put it there. Also, maybe a law that says when an elected official comes in, they can't redo the office to their taste. That's a fair policy. It's not the policy right now. It's not the law, but maybe it should be. And so, those are some remedies to the wrongs, if you believe that there is wrong here. Now, another thing that I think is important is when you read the text of Article II, and it's at the top of page 4. It says, "Justice Davis to the sum of approximately \$500,000 which sum included, but is not limited to some examples." It's important for all of you that were not on Judiciary, to know that in exhibit 64, and you have access to that if you want to pull it up, page 2 and page 3 of that exhibit, is a memorandum from Sue Racer Troy to Justice Davis that said, "We discovered that some expenditures were made with state funds without your knowledge or consent." Let me rephrase that. Without your knowledge or consent. Page three of that exhibit says this is regarding the items in her office, Justice Davis, that were purchased with state funds without her consent, without her consent. And you may notice that that started a ... what I'll call a repayment program upon the discovery, and in exhibit 41, you'll see some asterisks that show Justice Davis reimbursed the court for a number of items. Including that stainless-steel coffee table base, a sofa, some chairs, lounge chairs, and they're in there. Now, that number, even though it's been reimbursed and was bought without her consent, hasn't been taken off the number in your Article of Impeachment. So, you're being asked to impeach someone on something the evidence, at least says, that part was uncontroverted, was done without knowledge and consent, was paid back quickly upon learning it was done. But, that's what you're being asked to impeach on. So, be careful. Carpet vs. hardwood is not the fight we should be in. So, I'm going to vote against this one just like I did with Justice Loughry.

DELEGATE FAST. Thank you. First of all, I just wanted to make some corrections on some things that were said earlier. Even though we're talking about Article II, Justice

Davis, there were some statements made just a little while ago on this Article II about Justice Loughry saying that there was a 23-count indictment and a Judicial Investigation Commission, and the word was used, findings. Well, first of all, as to an indictment, please understand an indictment is nothing but a set of charges, unproven allegations. Unproven allegations. So, the fact that there's an indictment hasn't been proven. It may be proven. We don't know, but right now, as we sit here today, it's ... these are unproven allegations. Judicial Investigation Commission, they have not made findings. A finding is a finding of fact. That is a proven fact. That's not what the JIC has done. I'm looking at it right here. It says formal statement of charges. So, therefore those, again are statements of charges. They're not findings. So, I hope as we proceed through this impeachment process, that we get our terminology correct, and we don't call something a finding, when in fact it's nothing but a statement of charges. Lastly, as to this count two, these are all difficult, but in the scheme of things, this is one of the more easy ones for me to vote yes on. Even though my amendment so dutifully passed ... or failed, I walked through that office. I saw the track lighting in the floor and I heard testimony that it wasn't just something laid on the floor, it's something where they had to remount tracks down through the subfloor, so that they could run wiring, so they could put nice little lights covered with ... looked like cheap plastic to me, over top of the lights, and we saw this corner, and we thought maybe it was a bathroom. But we opened the door and it was a half-dome glass door, real thick glass. We opened it up and it was just a closet where the robes were hung. So, I mean, it was ... to me, over the top, and so, as far as the allegations that we are considering, I think that this is one of the more easy ones, and so therefore I, with the greatest respect for the court and reluctance, I would urge passage of this Article.

DELEGATE ROBINSON. Thank you, Mr. Speaker Pro Tem. Over the last two months, I guess, I've struggled with a way to describe the process we've gone through. I've called the committee process a circus, various other, probably derogatory terms that refer back to, what I felt and was frustrated with. As we went through this, there was a little more partisan than what I would have like to have seen, but last night I tried to sit down and try

APPENDIX

to find a term of what we've gone through and what we're going to go through as we vote today, and what I feel happened is we had a gentleman and news articles, things come up and bring to the light of day a problem with our judicial system and with the Supreme Court of overspending and things and then we had one of our Justices step up, the Chief Justice at the time, and speak about who made those decisions, and lay blame at who made those decisions, and lie and be deceitful towards the people of West Virginia as to how those decisions came up and how they were made, and how these expenses were made and I think that's how it grew into what it's become now. And then, as of June, whatever the date was, we went into interims to talk about a justice who had been indicted, and I understand the Gentleman from the 32nd, these are just charges, but a Supreme Court Justice who'd been indicted by the U.S. Prosecutor, and was going to face felony charges. So, that grew into this and caused the Judiciary Committee to meet every couple of weeks for a couple of hours, and it grew into that and what I found was, I think the opportunity was taken to not only impeach that Justice that we spoke about, but to grab the others just because we were there, and impeach all four or five before Justice Ketchum resigned. And I didn't understand how to explain that when I was coming in today. So, I looked up some terms and I know most of you have probably used the term Kangaroo Court, but I don't know if I ever understood what Kangaroo Court stood for, and I think Kangaroo Court, from what I found last night is described from the Western Frontiers. So, there were judges that went from place to place and the accusation was made of the Kangaroo Court that they were more interested in getting as many trials completed at the end of the day, rather than actually serving justice. So, I think Kangaroo Court actually serves us very well today, and I hope we'll all use that term if we go forward with what we're planning. And we hear that impeachment is a political process, but from my reading, that quote comes from Gerald Ford in the 70's and he calls it a political process, however the authors of our Constitution had worries about this becoming a partisan, and divided and controlled by the majority party of whatever happened and it was my belief, when we went into the process, and hope that there was going to be nonpartisan and we'd move forward in a way that we weren't able to just

throw people out of office just because of their party selection ...

DELEGATE ROBINSON. As I was ... was stating that while in the 70's, or early 70's, it was described as a political process, the authors of our Constitution had worries that it would derive into a partisan process and into the political process that it was claimed to be at that time, and I found one of the most relatable quotes by Alexander Hamilton in 1788, and I'll read that to you and hopefully that will weigh on your mind as you make your decision now, and Hamilton goes on as, "The republican principle demands that the deliberate sense of the community should govern the conduct of those to whom they entrust the management of their affairs." I believe that means the best interest of West Virginia should govern what we, the people who have been entrusted do today, and he goes on, "But it does not require an unqualified complacency to every sudden breeze of passion or to the every transient impulse which the people may receive from the arts of men who flatter their prejudices to betray their interests." Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I want to go into an area that we didn't discuss too much, but as I was ... during the committee proceedings, but I think it gets to the heart of what we are talking about, and that is what is written in the Article. It said that the said Justice, Robin Davis, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high office and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharged the duties of her office such as justice. And then it goes on to say that in violation of her oath, she did waste state funds and that these funds were not necessary for the administration of justice and the execution, the duties of the court which represents a waste of state funds. Okay, let's look at the oath. The oath that the Justices take, I think, is the general oath which is contained in Article IV, Section 5. Every person elected or appointed to any office before proceeding to the exercise of authority or discharge the duties thereof shall make oath or affirmation that he will ... and they should say she ... will support the Constitution of the United States and the Constitution of this state and that he will

APPENDIX

faithfully discharge the duties of said office to the best of his skill and judgement and no other oath or test or declaration shall be required. Okay, let's go over that. I do not recall any evidence that Justice Robin Davis violated her oath of office. Did she do anything that was not in support of the Constitution? I don't think so. In fact, I think we've had ... we've had a lot of discussion about the fact that this body, the Legislature is not allowed to decrease the spending of the court. So, I don't think that was ... did she violate her oath to affirm our Constitution? Did she do anything that was in violation to the Constitution? We've had a lot of discussion about that. I don't think she did. Now what are ... what are the duties of the job? Well, the main duties are to interpret the law and at the very least, to obey the law. Did she lie? Did she cheat? Did she steal? All of which is against the law. No. Did she interpret the law? She did that, I think, to the best of her abilities. Just like the other two female justices that it's ... we're proposing to get rid of, and I guess, let's look at ... let's look at the rest of that. Were state funds wasted, not necessary for the administration of justice and the execution duties of the court? Well, I've been here longer than some of you. I have been here when this rug was replaced. I have been here when these curtains and panels were changed two times. I have been here when we added gold leaf that never was on there before. Was that necessary for us to do our job? That we had gold leaf on those ... those things that look like flowers but actually are leaves that are native to the State of West Virginia? Was that necessary for us to vote yes and no on bills? I don't think so. I do not think so. I do not ... I think that what we are doing, this mass impeachment over issues that the Judicial Investigation ... or the Disciplinary Council, they did not even file any charges about the expenses. They filed charges about the lunches and the three remaining justices, they were all cleared. But they ... there were never even any charges filed about the expenses. So, presumably they didn't commit any violations there. But, to ... you know, I am very concerned, and I ... democrats have been saying this from the get go. That we had enough to charge and recommend the impeachment of Justice Loughry. We've been saying that, and the remaining Justices, going after them was a power grab, and it was taking over ... it is a takeover of the court, and using the impeachment process to take

over another branch of government, as the Gentleman from Cabell said, "We're taking away the vote of the people." And the delay beyond August 14th, that allows the Governor to appoint replacements instead of electing them, which is our process, with no confirmation, no standards and no requirement that the person that ... the replacement Justice is from the party of the person whose election we are wiping out. All of that is what we are doing by approving this type of Article. I am not willing to go that far. I think we should have stuck with lying, cheating and stealing, and I do not think that Justice Robin Davis violated her oath, which is what this Article said. I do not think we heard evidence of that. I do not think that was approved and I urge a no vote on Article II.

DELEGATE LINVILLE. This Article is essentially identical in its construction to Article I, and you know, the folks in my district, most of them don't have vehicles that are ... that cost as expensive as these rugs. They don't have homes as expensive as these ... as the \$500,000 that was spent on this single office and I don't think anyone in this room has argued that this was not an egregious abuse of the taxpayer, and you know, many people have mentioned that this didn't violate the law. But it violated the taxpayer. We had over 60 years on the prior article and it would be disingenuous, in my opinion for anyone who voted yea on the prior article not to vote yea on this one, where it was significantly more money. Thank you, Mr. Speaker.

DELEGATE FLUHARTY. Thank you, Mr. Speaker Pro Tempore. You know, I ... this is obviously spiraling out of control. Which I think everyone probably would have predicted given what we're doing here today. But I thought something important happened at the very beginning of the discussion when the Gentleman from the 60th was questioning the Chairman, and a question was imposed about the impeachment process, and the standard involved, and the Chairman said something profound. He said the word politics has a lot to do with it. Nothing says politics like nine months. We've known for nine months about these issues. We've held nine meetings on the Judiciary, nine. On June 26, we rolled out here, and that's when we rolled out the coup resolution, where we said, "We're going to look at, maybe all of them." And then we did nothing. We had 44 days

APPENDIX

from June 26 to the time that we actually acted on the Articles of Impeachment. We held eight meetings between there. We'd go an entire week without meeting, and we're going to act like this isn't about politics, now? Are you kidding me? We're going to have the great coup? We're going to give Jim Justice ... the Governor's office has been literally peering over our shoulder today, watching. Waiting for us to follow the commands. We're going to allow the Governor to appoint an entire Supreme Court? He can't even appoint himself to Charleston, and we're going to let him do that? You know, I received an email today which was quite surprising, from the Chamber of Commerce, and go look at the score card. They're not big fans of mine, alright? But they're right on this. They're right on this. This is spiraling out of control. At this point, criminal charges have been filed only against Justice Loughry and former Justice Ketchum. The wholesale impeachment of the entire Supreme Court at this time has surprised many of our chamber members as unexpected. They ... that's your people, and their saying stop this madness. This is getting out of control. We have ways to handle it. But spiraling out of control and allowing a complete takeover, which that's what this is. It's a takeover. It's been a takeover from day one. This has been planned. We have certain people probing for these seats. They've made that known. We've had certain announcements in the press. We've had the Governor supporting potential candidates that hold partisan office currently. This entire thing has been political, and we're watching it unravel. Get it together, the nation is watching. We have ways to do this. This is not the right way. Thank you, Mr. Speaker.

DELEGATE WILSON. Thank you, Mr. Speaker Pro Tempore. My friend, the Gentleman from the 16th, earlier used the term political. I actually defined the term political and referred back to the earliest use of the word. The word does not mean partisan political. It means that it's a political process. In other words, a process that is handled through political means. It does not necessarily mean it is a partisan process. I just wanted to make that really clear to everyone, because there seems to be some confusion about that. As far as who my people are, I want to be very clear about this. My people are the people who stand up for

the Constitution, the principles of liberty and the people of this state. That's who my people are, and if anyone has any questions about whether or not I am actually going through this process to destroy the lives of four innocent people so that I can ask Governor Justice to appoint people that I like ... well, I think it's a matter of public record the relationship that I have with Governor Justice. So, this is not about a party issue for me. This is about the Constitution. It's about the people of this state, and it's about responsible governance, and the rest of this silly masquerade, calling this a Kangaroo Court and all these other things needs to end. We need to get back to the process and take care of business. If you don't believe in what we're doing here, vote against it. If you think we're doing the right thing, vote for it. Thank you, Mr. Speaker.

DELEGATE FRICH. Thank you, Mr. Speaker. I recall voting against putting gold leaf on the Capitol dome. There was a vote on that, and I must say spending half a million dollars on your office for your personal use basically, is pretty outrageous considering the cutting and cutting and cutting that we've had to do on the House Finance Committee. We've cut Higher Ed, we've cut WVU, we've cut Medicaid, we've cut everything. We've looked under every rock. We've taken little pots of money from agencies. It's been a very difficult time for this state. It's been a very difficult time for the people that live in this state. It is absolutely outrageous that someone elected by the people would believe that that's an appropriate expenditure of money. She may be ... they may have been given the right by the Constitution to spend that money, but they have responsibilities on how they spend that money, and I will definitely be voting for this Article of Impeachment. Thank you.

DELEGATE SHOTT. Thank you, Mr. Speaker Pro Tempore. A couple of corrections first of all. I think the representation was made to the body that the Judicial Investigation Commission cleared the three Justices of all pending issues. Not true. The Judicial Investigation Commission basically operates in response to complaints and the focus of their inquiry is on the complaint, and in this particular case, if you read the closing letters, the complaint that they were focusing on was the so-called working lunches. Nothing ... it had nothing

APPENDIX

to do with this Article, nothing whatsoever to do with this Article. They basically concluded, and not necessarily consistent with what we found, that each and every one of those lunches had a court purpose. The statement has been made here today that, and I'll quote this, "Idiotic spending is protected by the Constitution." That statement was made today, and I have looked again at the Constitution. Because I missed that the first time through, and I couldn't find the word idiotic anywhere in the word search. The question though, is if idiotic spending were protected in the Constitution, how would they accomplish that? Well, I suppose the most logical way would you would give the court system complete control of their budget and not enact any type of protection of the public in case that spending was abused, right? Then there wouldn't be any mechanism in the Constitution to check idiotic spending, and then of course, you could argue that idiotic spending, or any other type of irresponsible spending is protected in the ... by the Constitution. However, we know better than that, right? There is a check to idiotic spending, and that's us. That's us. We are the check. We are the ones that bring back in balance the ... and restore the trust that was placed in the Judiciary, and specifically the Supreme Court, by the founders, the authors of that document. We are the ... we are the checks so that idiotic spending doesn't ... is not protected. There was a representation that there's nowhere in this charge and nowhere in the evidence that a Justice has violated her oath, his or her oath. I would suggest to you that even on the website of the Supreme Court, it says, "In addition to its judicial functions, the Supreme Court of Appeals has administrative and regulatory responsibilities," in other words, duties. Now, the question is, as we talked about before, the duty that is imposed implicitly upon the court by the trust that's placed in them, in bestowing upon them their budget control, was that duty breeched? And that's what this article is all about. Irresponsible, idiotic spending occurred, and the question is whether we are going to hold them accountable. Are we the check and balance to that? Are we the ones that will attempt, and it will be an attempt, there's no guarantee to restore confidence in our Judiciary. I suggest to you that today we ought to be listening, not to Steve Roberts, but to the people who elected us, to the voters. That's who we're

trying to help create and restore the trust of our judiciary. The way to do that, as I said earlier, is vote green.

DELEGATE CANESTRARO. Thank you, Mr. Speaker Pro Tem. Ladies and gentlemen, I rise today in opposition of this Article, Article IV, of the Articles of Impeachment, and I do so for this reason, and I'm going to tell you first that I voted for this in committee. I voted yes for this. On first read, it was my first read of it that day we voted last Tuesday, and on first read I voted to impeach Justice Davis and Justice Workman for this act. But today I rise in opposition. Because as a prosecutor, when I read this article, it cites 61-3-24 of the West Virginia Code as a potential violation that was committed by Justice Davis and Justice Workman, which is a criminal code for obtaining money, property or services by false pretenses. If you look at 61-3-24 of our Code, it contains certain elements that have to be proven for somebody to be guilty of committing false pretenses. Under the first element, or the first section of the code, the person would have to obtain from another person by any false pretense, token or representation. So, that means that, me as a person, would have to obtain money, property or services by making a false representation, and in doing so, defrauding another person. Well, in this case, the only people that obtained money was the senior status judges themselves. There's been no evidence presented in committee to us that Justice Workman or Justice Davis received any monetary benefit from this scheme. The only people that got paid from it were the senior status judges. So, the only people that could be guilty of that would be if the senior status judge made the false representation token to get the money from the court. Therefore, I find that this article was flawed on that ... right under ... on that section of this code. If you look at the other sections of the false pretense code, Subsection 2 deals with obtaining credit from another person. That was never done in this case. Subsection 3 is the Penalty Section, which basically says if you got more than \$1000 from it, you're guilty of a felony, and then you go to Subsection B, and it reads, "a person obtains, by any false pretense, token or representation with the intent to defraud the signature of another to a writing. The false making of which would be a forgery, the person is guilty of a felony." Well, neither justice got any

APPENDIX

senior status judge or anyone to forge any writing to pay these justices ... the judges. And the code goes further on, and it basically says the other things that they can be done and be guilty of is if they removed property out of any county with the intent to not be taxed on that personal property. If you secrete a sign or convey a property with the intent to defraud a creditor and things of that nature. Clearly, the only people that got paid in this scheme were senior status judges. I find that due to this flaw, as a prosecutor, number one, if you would treat this as we have said many times, as an indictment, this wouldn't pass a motion to dismiss in a criminal court. The judge would have to dismiss it or he'd have to amend the indictment. Because 61-3-24 does not apply in this case. Therefore, I would suggest that we vote this Article down.

DELEGATE FAST. Thank you, Mr. Speaker Pro Tempore. I rise in support of this Article. First of all, as ... to address what was just said. It does address 61-3-22, which is falsification of accounts, and that code section talks about where one person does something to enable another person to obtain money that the other person is not entitled to. So, just for starters, that code section is implicated, 61-3-22. Also, it cites the code sections wherein this Legislature has set forth the law that senior status judges shall not make more than a sitting judge. That is the law, and as the Chairman pointed out, West Virginia Constitution, Article VIII, Section 7 says that justices, judges and magistrates shall receive the salaries fixed by law. Which shall be paid directly out of the State Treasury ... fixed by law, and that was the law, and yet we have signed documents where these two justices violated the law and in doing so they violated this article of the Constitution. That language is also in another part of the Constitution. It's called the Judicial Amendment, and therein, in the first paragraph it says, "The judges of the Supreme Court of Appeals and the circuit courts shall receive such salaries as shall be fixed by law." So, there are two places in our Constitution that say senior status judges, or judges shall receive what is fixed by law. The law was, you don't make more than what a sitting judge makes. That was violated. This was clearly just a runaround of the law and hence the Constitution on multiple occasions, and as we get into further Articles, I think there was an attempt by one of the justices to fix this problem, and we'll argue about that

later. But I think, ladies and gentlemen, this is a clear violation of not only the law that this Legislature set, but also the West Virginia Constitution in two different places. So, I would urge passage of this.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. Well this is going to be one of those times that lawyers disagree with other lawyers. I don't ... I think there are two provisions in the Constitution that are relevant, and I'm going to read them because they're only one sentence long. The one ... the first one that was cited here in Article VIII, Section 7 says, "Justices, judges and magistrates shall receive the salaries fixed by law." Okay? Not very many words, but we're talking about those officials that are elected; justices, judges and magistrates are entitled to salaries and those salaries are to be paid out of the treasury it goes on to say. But then, if you go on to Article VIII and, I mean, to Section 8, and go down to the third paragraph, it says, "A retired justice or judge," which is not one of those other three things. Those people are elected and those people get salaries based on their election. "A retired justice or judge may, with his permission," and you know, they can say no. So, not everybody on the list will do that ... will want to do that. They want to retire, "and with the approval of the Supreme Court of Appeals, be recalled by the Chief Justice of the Supreme Court of Appeals for temporary assignment." Okay, now it's interesting that this statute 51-9-10, does not say anything at all about temporary assignment. So, it's my position that what it says in here about ... in Article VII, the only thing the Constitution says we're allowed to set salaries for, is the elected judges and justices. The temporary assignment that's talked about in Section 8, is different, and you don't get a salary when you're on temporary assignment, and that, because it's not spelled out in the Constitution, is something, as the Gentleman from Cabell will explain, is something that the court gets to do. The court runs the ... administers the Magistrate Court, the Circuit Court and the Supreme Court of Appeals. I do not think that this is clearly illegal. I don't think the Legislature had the power to do this because the power that we have is given to us in the Constitution. So, I disagree that this is a valid Article of Impeachment. I think it's confusing. I don't think we should be impeaching people about something that's confusing and I would like you to listen to the

APPENDIX

Gentleman from Cabell who explained a little bit more about the separation of powers and how important that is in our system of government.

DELEGATE LOVEJOY. Thank you, Mr. Speaker Pro Tem. We use to word the law as a catch-all. The law comes in many different print forms and from many different sources. We have the Constitution is the law, statutes are the law, orders are the law, decisions by the Supreme Court are the law and as is apt to happen, when you have multiple sources of the law, there are times when they come into conflict. Now, we have rules about what to do when the laws come into conflict including who is to determine the resolution of the conflict and how. Now, in this instance there are indeed several Constitutional provisions implicated, and my colleague has cited several of them. There are some others however, which I think are important here. Article III, Section 17 is often called the Open Courts Clause, and it reads that, "The courts of this state shall be open, and every person for an injury done to him and his person, property or reputation shall have remedied by due course of law and justice shall be administered without sale, denial or delay," and in that clause ... of course, very important to each of us as we go back to our districts that there be a courthouse. That whether it's an abused child or an accused criminal or a victim or someone injured, has a place to go to seek remedy. There has to be a court in a courthouse with a person in a black robe to administer justice. Our courts have said of the Open Courts Clause, that it's beyond argument that the courts of this state are open to all, and that parties in litigation should have access to their legal proceedings, and such access to court proceedings is also required as a part of due process. That's how important it is. Now, there's another section. Article VIII, Section 8, which has been referred to that gives power to the Supreme Court as the Judicial Branch to use retired judges and justices to sit by special assignment. See, when you need a judge, whether your judge may be sick or whether your judge is out, say for criminal or for ethical or for medical or for whatever reasons, not anyone can be appointed to go sit in that seat. Alright so, the Constitution gives that power to the Supreme Court, and finally ... and I think this is going to get to an important point. The Constitution gives the administrative power under Article VIII,

Section 3 that the court has the power to promulgate rules for the cases and proceedings which shall have the force and effect of law. It goes on to say the court has general supervisory control of the courts. Now, that's important because the open courts clause is not necessarily just a power, it's a duty. "You shall keep the courts of law of this state open at all times." You have the power to use retired judges by temporary assignment, and you have the sole authority and power to promulgate the administrative rules by which the courts are run, and they have the force and effect of law. Now, that particular Constitutional provision has been interpreted by our courts and I'm going to read you a syllabus point, which is one of the ways that the court pronounces the law. "Under Article VIII, Section 3 of our Constitution, the Supreme Court of Appeals shall have the power to promulgate rules for all of the courts of this state related to process, practice and procedure, which shall have the full" ... excuse me ... "which shall have the force and effect of law." As we have previously noted under Article VIII, Section 8 and Section 3 of the Constitution of West Virginia, commonly known as the judicial reorganizational amendment, "Administrative rules promulgated by the Supreme Court of Appeals of West Virginia have the force and effect of statutory law and operate to supersede any law that is conflict with them." That's Bennett vs. Warner which is a 1988 case. Now, what does that mean? It's simply a recognition of the rules of what do we do when we have the law, and the law that are in conflict? What we have said though our Constitution and in our law, is that the Supreme Court, because it has that sole authority to administer the courts, and a duty to keep the courts open, may by administrative rule, or order, administratively overrule a statute. I didn't write that. That's the law. So, did they do that? Well, we get the documents that we were given in response to a subpoena and if you have exhibit 71 on your iPad, or pull it up, and if you go in there to ... there's a series of orders. Now one of the orders that was entered by one of the justices here, it's called an administrative order. It's a two-page document. It has a big stamp of HJC 16 and 17, and it's entitled Payment of Senior Judicial Officers who perform essential services. In that administrative rule, which we have recognized may supersede another law that it is in conflict with, the court lays out what

APPENDIX

appears to have been its practice that pursuant to the Constitution, the court has general supervisory control. We've talked about that. This administrative authority includes the ability to assign judges for temporary service. We just talked about that. It is constitutionally required that the courts of this state shall be open. We just talked about that. Accordingly, in its administrative policy, the court determined that it's paramount that the Chief Justice has an ongoing ability to assign judges for temporary service so that there's no interruption in essential services to the litigants of this state. The court goes on in the administrative order to lay out that there are, what it calls, exigent situations, involving protracted illnesses, lengthy suspension due to ethical violations or other extraordinary circumstances in which it is impossible to assure state-wide continuity of judicial services without exceeding the payment limitation imposed by the statutory proviso. That is to say, we cannot carry out our duties with our constitutional power without conflicting with the statute. We have determined as a court, within our authority under the Constitution, that the court houses must stay open. Now, again I appreciate, and you can debate the wisdom of saying, "Well, should you do that in exigent circumstances?" But to the victims, to the children who show up at the door and the door cannot be closed, I submit, at best, maybe at worst, it's a judgement call. I don't think it's an impeachable offense. Now, the issue when you get to that tax document, I think that is important. We were given that ... I think that was Friday night we got an email and essentially there was a closing agreement because the IRS said, you know, we take issue with the treatment of some of these folks as independent contractors, and the court said, "Well, we ... here's our position," and so as taxpayers and the IRS often do, they entered into a settlement agreement, and as the Chairman pointed out, part of the settlement agreement was the payment of money. Part of the settlement agreement was from a day certain, which was April 1st, 2018, the court would treat these folks, not just judges but some others, as employees for purposes of ... for tax purposes. But there's also another very important term of the deal that was made between the IRS and the court and that's in paragraph two, and it says, "The IRS will not disturb the taxpayers classification of such"

... I'm going to skip ahead ... "judges, for federal employment tax purposes for any period from January 1, 2014, through March 31, 2018." Again, it evidences in my mind a good faith dispute in the carrying out of constitutional duties, the IRS said, "We're going to leave undisturbed, how you treated them for tax purposes for this period, but let's agree that going forward, here's how we're going to do it." So, I submit to you that this should fall more in the bucket of acting within your constitutional authority, perhaps in a way that some of us would disagree or do differently, but it is not lying, cheating and stealing, and if those judges ... I mean, there's 10 senior status judges. Let's make that clear. You know, if those ... if some of those 10 didn't show up to court on those days, the court house doors are shut and there is no justice. There is no one to keep them open and I don't think that's a constitutional consequence that I'm willing to impeach for them to do it. So, I'm going to be against this Article as well.

DELEGATE MOORE. Thank you, Mr. Speaker Pro Tem. As the Chairman just laid out here in very clear and explicit terms, for 20 years, from 1991 – 2011, this wasn't even an issue. This was not something that took place in the State of West Virginia. It's not an issue that we had overpaid senior status judges. This is a cultural deficiency that we have going on over in the highest court in the State of West Virginia. Why in 2011 has this started? And as the Chairman just pointed out, there was no shortage of any senior status judges, plenty of people to hear cases. There was no issue here in terms of the potential of cases not being able to heard ... being heard and people having their day in court. They settled with the IRS for \$277,000 and continued to do this, breaking federal tax law in my view, and breaking state law here in West Virginia, and I think we need to make a pretty clear statement here. There's no entity elected in this state that is above the law. And so, I would urge a green vote on this. Thank you.

DELEGATE SPONAUGLE. This ... if we're going to impeach, we at least need to come up with something that's actually a violation of the Constitution, not in support of the Constitution. In 1988, a ruling was made that administrative order, goes ahead and waves it on the answer, when there's conflicts between statutes or the Constitution. 1988,

APPENDIX

thirty years ago, that's been the policy and the procedures going forward to today, and you have an issue that kicked up, again, the Legislature overreaching, overreaching our bounds on what we're trying to do down here on the Constitution in regards to senior circuit judges. We had Judge Thornsbury, who was indicted, refused to resign and held down on that bench for a good six months or longer, and the people in Mingo county needed a judge, and that costs money, folks. So, the court had to take care of that. Judge James Wilfong over in Randolph County, she got suspended for ethical violations. She ultimately resigned. Again, a senior circuit judge had to be appointed, had to go to those cases. Judge Parsons, who's a dear friend of mine, he had open heart ... he actually had a heart transplant. He was at Walter Reed. He was out of commission for nine months to a year, basically. He was able to eventually get back on the bench, had to have a senior circuit judge take over that. Nicholas County, we have a judge, Callaghan, who got elected and can't even serve and has never set foot on the bench, and actually several of us in here filed a motion ... or a resolution to impeach him in 2017 because of this. Because the tax payers are having to pay for a senior circuit judge to go sit there. We didn't act. Nothing, and now we're impeaching the current court. We're having to clean up certain messes on this. They have a fundamental obligation to make sure that our courts are open, that we have judges there and that's what they did. And they didn't totally strike down the statute. But there are certain circumstances. They said, "Well, we're going to have to go a little above and beyond, rather than just totally knocking it out." They followed the spirit of it. I think ... frankly, I think they're in ... full in line with the Constitution in their ability to do that, and they're the decision makers on constitutional questions, not the Legislature. We appropriate money, we pass laws but when there are actually questions, they ... that's in their wheelhouse of who makes decisions, and they've done that, back in 1988, not the current court, they're following on what was done previously. And then some of the language, my good friend from the 4th, a prosecutor, ... for false pretenses, they've not committed ... that's the language in here that you're trying to impeach them on, and it doesn't even apply to them. They didn't steal anything. Maybe, let's go after ... why don't we start impeaching your circuit judges too, since

we're all on an impeachment high in here. I mean, this just ... this does not rise to that level, period, under any type of level, and so, this body should flat out reject this one, should reject the next one and every one of them coming on down through. Let's be serious about what we're here to do. Not knock out innocent justices, in the sense that they're ... they got crazy on the spending. But this here, is just a turf battle that we don't even have the ability to say this, period. It's already been ruled upon and we're angry about it, and now we're going to try to impeach them over it. This should be rejected.

DELEGATE FOSTER. Thank you, Mr. Speaker. There's been a couple of things put forward here. We've talked about the Constitution, and we've talked about, really two different issues. One being that the courts must stay open. So, they were able to do this because the courts must stay open. Well our Constitution isn't ... doesn't cover every single minute detail. So, what we've done is ... yes, the courts must stay open, but in 1991 the Legislature said, yes, they must stay open, but you can't pay a retired judge through their retirement pay and per diem pay more than you would pay a sitting judge. And that's a very simple fix to that solution once they reach that cap of \$126,000, I believe is what the most recent one was, you just can't pay them anymore above and beyond that. So, they get \$126,000 to do the job whether they're retired or not retired. That was the intent of the Legislature, and as much discussion as has been here with the Judiciary Chairman, there were plenty of others to take the assignment if not ... if they didn't want to continue after that payment was halted ... or after they reached that cap, but we heard no indication to say that anybody said they would not continue. So, the courts would have stayed open whether they did this or not, and that's been very blatantly put forward. But they would have stayed open either way. Secondly, the rule set by the court, the issue, would take the full force and effect of law is what I heard, according to the Constitution. Well, I would assume that they meant these administrative orders that were issued and yes, administrative order issued by Justice Loughry, which these administrative orders were adjusted multiple times as we went through, by different chief justices to adjust the pay upward. Well, on this ... this one was issued in 2017. So, the exigent circumstances

APPENDIX

were in 2017. So, they would have been under the law in 2017 ... or under their own rules as set forth by the court in 2017, but the WV48s that were filed for the Justices in this article, Justice Davis and Workman, were signed in 2013 and 14, I believe. So, that was before they even made their own rule. So, they violated their own rule just in going above and beyond this with the 1099. So, even ... in either one of those circumstances, for one, the courts to stay open, they had plenty of avenues to go by, and number two, the rule set by the court. Well, they didn't even set these rules to allow for exigent circumstances until 2017, and the issues in question are 2013 and 14. So, I just wanted to urge passage of this legislation. Obviously, not only if they didn't violate the law, they certainly violated their own rules.

DELEGATE HICKS. I think it's been clearly shown that there may be even a double digit number of judicial vacancies within the State and the number that's been proffered as available senior status judges, is something that does not, I think, without any forestudy or investigation, indicate that their readily and available to go across the state and sit for a length of time, and there's closer judges ... senior status judges. I think in the Thornsby case, where most judges would not want to go, travel those roads two to three hours and go to a location. So there are situations where you, I think you have to keep a judge in place longer than what you want and pay them in violation of the statute because there's probably no other judges that want to ... will want to go there, and I think ... I think what's been done is something that, it could be handled and remedied on the inner workings of the Supreme Court and not amount to an Article of Impeachment, and that would ... my position would be to reject these. Thank you.

DELEGATE FAST. Thank you. I agree with my friend from the 17th that the West Virginia Supreme Court per the Constitution, has the authority to promulgate rules, administrate ... and they speak through orders, administrative orders. I know in my county, the chief judge of ... we have a two-judge circuit, sometimes they issue administrative orders to govern the practice and procedure of that circuit. That is not uncommon. The West Virginia Supreme Court, as our Chairman just told us, has from time to time, issued administrative orders.

The court speaks through its orders, and I agree with the case and I think that the case does bring in the fact of administrative orders, and so, you have the Constitution that says that the judges shall be paid as fixed by law, and there's no question that's talking about the law that's passed by the Legislature. So, the Legislature did that in 1991. Then you have administrative orders talking about paying senior status judges and they ... these orders confirmed and reaffirmed the law, no more than a sitting judge. Well, that was disregarded as the Chairman ... his word, and I adopt that word. That was disregarded on multiple occasions as we have the documentation. It was simply disregarded. Again, you're disregarding the Constitution and the law, the statute. Now, I believe this was fixed by Justice Loughry in May of 2017. He issued an administrative order. He addressed the statute that was promulgated in 1991. He addressed that statute by the code, chapter and section number, and the Constitution, Article VIII, Section 8 says that when rules herein authorize our prescribed, adopted and promulgated, they shall supersede all laws and parts of laws in conflict therewith, and such laws shall become of no further force or affect to the extent of such conflict. So, ladies and gentlemen, I firmly believe from 1991 until that order in 2017, there is lawbreaking, there is constitutionality breaking, but when that order was entered in 2017, that changed things because of the Constitution. So, I would urge passage of this Article.

DELEGATE LINVILLE. So, in looking into these Articles, I've actually reached out to a number of senior status judges, and I have it on good authority, though I've been asked not to name the name, that there are senior status judges who were never asked, during the period of time in question, to hear any cases, and so while those judges may have been able to say no, they did not because they were never asked, and as a result, that fact could bear out a trial, and as a result of ... the foregoing information that we have here, that prior to 2017, when the order from Justice Loughry was put in place, this was illegal actions, and therefore I'm in support of this amendment and I urge all of my colleagues to vote yay. Thank you, Mr. Speaker.

DELEGATE ROWE. Thank you ... Thank you very much, Mr. Speaker. I just want to make the point that there is no intent to conceal. There is no intent to defraud. The

APPENDIX

two statutes that are criminal statutes listed in the Article have nothing to do with the basic fact allegations that we're presented with, and what we want to do is ... I think that this really comes out to be a skirmish on the sandlot between two fellows who aren't happy with what the other has done. Now, this is more like a traffic violation. This is not a murder of the judicial system. This is an administrative matter. They did what they thought was necessary, two judges, in 2012. Now, you don't see it in your Article. You don't have any information on paper to be able to decide this. All of the information you've gotten verbally here today; two judges in 2012 were overpaid according to our statute; 2013, two judges overpaid; 2014, three judges overpaid; '15, two judges overpaid and '16, one. Are we going to impeach somebody over that? This is a traffic violation. That's about what this is. There's no allegation of intent to defraud or conceal. This is just a regulatory matter. They violated the ... we're just saying they violated a statute we passed. Does it even matter which statute it is? This is picky. This is picky stuff. This is not what you indict, what you impeach justices of the Supreme Court over. Now, this is overreach, folks. This is a ... this is a sand lot skirmish between the Legislature and the House of Delegates and the Supreme Court. This is not ... does not rise to the level of an impeachable offence. I really encourage the members to reject this Article.

DELEGATE FOLK. Thank you, Mr. Chairman. Now we're hearing this grandstanding and I have a hard time that, myself as a layman, set ... my legal experience consists of two years of sitting in Judiciary and six years in this chamber, and yet we would have a member of the bar ... I've got a legal code book here. It's from 1905. It's called ... it's by a guy named Kinkaid, Jurisprudence, Law and Ethics. This is in regards ... this is Chapter 24. The Bench and Bar and Their Relations. This is specifically talking about attorneys. It said he should ... and I'm just going to quote one section of it. "He should make no mis" ... and he's talking about an attorney here. "He should make no misstatement of fact or law, nor practice any deception upon, nor ever fail to keep his word with the court." I can't believe we have members of the bar in here, trying to deceive people. We just ... by the questioning I said to the Chairman, you do not have to have every element of that statute

to be guilty of violating that statute, and we're not convicting them here. We're just saying it's a potential, and the question I have to ask anybody in this State is, do we have a prosecuting attorney in this State wanting to go after senior status judges or Supreme Court Chief Justices? I think I know the answer. I think every attorney in here knows the answer. It's no. There's only one body and one across the Chamber, or across the building that has the ability under our Constitution to hold these people accountable, and that's us. If you want to keep doing these, what I call linguistic gymnastics, like I said to a ... because I had to file suit in my own county to hold my county commissioners accountable and they violated the law, and they even admitted so, last week. I'm telling them ... people that take an oath to the bar, and take an oath to the Constitution, not doing their job for politics. This is the most clear Article of Impeachment that we're going to take up probably in the next two or three days. You go ahead, vote against the law and the Constitution and keep obfuscating this situation.

DELEGATE FLEISCHAUER. Yea, I ... I really have to agree with the Gentleman from Kanawha that this is more like a backyard skirmish, and that's for a couple of reasons. The Gentleman from Berkeley seems very, very sure of himself that there are no real conflicting provisions in the Constitution. Well, I was the Chair of the Committee on Constitution Revision for 20 years, and I'm married to a Constitutional law professor. These things are important, and there are big conflicts, and there are several sections. There's ... this ... it's unclear whether this statute has any validity whatsoever. So, I think saying that it's been violated and that it's a criminal offense. Which we really question whether it could even be prosecuted. Is ... it makes it the backyard skirmish. There is no finding of any IRS violation. There was no penalty, and this isn't occurring any longer. Why are we spending so much time on this? Unless we're just out to get somebody. This is ... this is not a gigantic issue. This is not a capital offense. This is not something that we should be impeaching our entire court over. I really think that there are serious issues that ... there are serious things that have been violated. But, this is not one of them. I urge a no vote.

APPENDIX

DELEGATE ZATEZALO. Thank you, Mr. Speaker Pro Tem. I've heard this now in the last 15 minutes, this matter called a traffic violation, something not to be worried about, and a couple of other things, and I am going to be yes on this because I have very seldom seen a traffic violation that costs the tax payers of West Virginia a quarter of a million dollars. Thank you.

DELEGATE SHOTT. Thank you, Mr. Speaker Pro Tem. In spite of the effort to confuse, misdirect and obfuscate, is that what you called it? Obfuscate, whatever the word is, this is really pretty simple. Unlike many situations with the court, we actually have a written policy and part of our criticism of the court is the dearth of written policies to address things. The policy consistently has been, up until 2017, totally consistent with our statute, the statute that we adopted, pursuant to the authority given to us in the Constitution, in which the best evidence is not what we say here today, or what we argue about, or whether we claim expertise in the Constitution. It's what the court did. Right? The court interpreted this situation beginning in 1991, did not have any challenge at all to the statute and in fact, incorporated in its own administrative ruling ... administrative order in 1991, almost essentially the same language from the statute. Again, in '94 when it took up this issue again, it used the same language and that language has never been changed even though repeatedly the court has looked at this administrative order over and over and over again, never challenged it. Once it became an issue, because in 2012 they started overpaying folks, rather than come to the Legislature and ask for relief, they simply devised this scheme to circumvent the statute. The scheme occurred over again, over again, and it implicated both Justices who are the subject of this impeachment resolution, and who both knew about it because they had signed earlier orders, and essentially have prevented and encouraged and facilitated a violation of the statute and the payment of excess compensation to a number of judges. Now, the public policy here, that ought to be ... not to be, just a little bit of violation is okay, it's just a little bit of violation by the highest court in the land is okay, as long as you've got a good reason. Because, I mean, think that through. Think where that goes. If that's the example that we're ... that the highest court in this state is setting, imagine this argument to the jury.

Ladies and gentlemen of the jury, my poor client is unemployed. He's been waiting a year for his disability from Social Security. He's got two small children at home that are not being fed. So, this liquor store seemed like a prime solution to that situation, and if it hadn't been for the resistance of the clerk, we wouldn't have had to use force. But we have a good reason for that holdup. Or how about this, how about this, ladies and gentlemen of the jury, my client was addicted to opioids because his physician over prescribed and in order to ... and in order to satisfy that habit, the closest place he could sell drugs to get enough money was the schoolyard next door. So, he's been selling drugs to these school children. But, good Lord, he has a good reason. Because he was addicted through no fault of his own. Or how about this one, ladies and gentlemen of the jury, my client, even though it's a violation of law for him to dump these pesticides in the Kanawha River, was attempting to save the jobs of 50 people who have families they need to feed and therefore that's a good reason for that to go forth. All of these type of arguments are relevant ...

DELEGATE FLUHARTY. While they're very colorful scenarios, they have nothing to do with the articles in front of us, and I would hope that the Chairman of Judiciary would stick to the Articles as he knows he should, instead of using such colorful scenarios, and if we're getting to dumping chemicals in the Kanawha, I believe that was the Cancer Creek Bill that we had last session. Thank you, Mr. Chairman.

DELEGATE SHOTT. I appreciate the lecture, but I was addressing the argument that's been made on the other side that a little bit of violation with a good reason is excusable, and these are illustrations of why we should not embrace that type of argument. We shouldn't hold the highest court in the land to a higher standard than occasional small violations of the law, if it's a good reason. For these reasons, ladies and gentlemen, I just don't think we can tolerate this type of behavior and I urge adoption of the resolution.

DELEGATE FAST. Thank you, Mr. Speaker Pro Tempore. I rise in opposition to this particular Article and I will explain why. You heard the argument, or the debate, not argument, the debate we had on the prior,

APPENDIX

most recent Articles of Impeachment, and we talked about administrative orders and the absence of administrative orders that would in effect nullify the 1991 statute. The statute was promulgated in 1991, it put into law that senior status judges were not to make more than a sitting judge, and then there were at least two administrative orders signed by Billy Justice Miller, and the Justice Neely, both of them adopted the language in the statute and in essence affirmed the statute. But then there was this long standing practice that they just completely ignored it, and we already talked about, you know, this ... these salaries are to be set by law and that's in our Constitution and the 1988 case that my friend from the 17th cited, talked about it didn't use the word administrative order, but it used the rules to be adopted by the court, and the courts speak through their orders, and we have here a May 19, 2017 administrative order, signed by Justice Loughry that in essence fixed or cured this long standing violation of the law. Now, is he authorized to do that? That is a question that we have to answer, but I will tell you Article VIII, Section 3 of the Constitution, which has already been read. I'll read it again, second paragraph ... third paragraph: "The court shall have power to promulgate rules for all cases and proceedings, civil and criminal, for all of the courts of the State relating to writs, warrants, process, practice and procedure ... practice and procedure, which shall have the force and effect of law." Skip forward to Article VIII, Section 8: "Under its inherent rule making power, which is hereby declared the Supreme Court of Appeals shall, from time to time prescribe, adopt, promulgate and amend rules prescribing a judicial code of ethics and a code of regulations and standards of conduct and performances for Justices, Judges and Magistrates along with sanctions and penalties for any violation thereof." Then down ... the next paragraph, "When rules herein authorized are prescribed, adopted and promulgated, they shall supersede all laws and parts of laws and conflict therewith and such laws shall become of no further force or effect to the extent of such conflict." That, ladies and gentlemen, is exactly what happened with this administrative order. You had the 1991 law, they violated it all these years. There were no administrative orders that did otherwise. They should have and could have, but they didn't. They just signed contracts in violation thereof. But now, here, you have it taken care of. Justice Loughry, May 19, 2017 fixed that problem with an

administrative order that is, on its face, completely valid, not out of the un ... not out of the ordinary, and so, I don't think that he should be impeached under this Article, and I've already voted. I'm not being particular to him. I've already voted to impeach him on other articles, but trying to do the right thing, I don't think this order deserves impeachment. This order was a cure to a problem, and so ladies and gentlemen, I would strongly urge rejection of this Article.

DELEGATE FAST. Thank you, Mr. Speaker Pro Tem. Just a couple of observations. I know that Ms. Ellis submitted an affidavit but she never did come before our committee and testify. She was not available for in essence, cross examination to question that. The diagram, which is Exhibit 39, and I'll hold it up here. Right here is the diagram. There's some peculiar things on here that I think we need to know. It says maybe legal sized drawer. Maybe this is a legal size drawer over on another place. This could be a single chair. Whatever works with the space. I just want it to look professional. Maybe cabinet space in that area. I am ... here's another one, I am open to suggestions on this wall. Maybe a comfortable chair there. Another place, similar ... wall of cabinet similar to Workman and Ketchum. Another place, maybe open wall in that area. And it's ... this diagram, it sounds like it's the smoking gun. But it really, if you read it, it really says that, "Hey, I'm open to suggestions." Maybe this, maybe that. It doesn't really say that he was just had it all nailed down to the last cabinet, the last everything, and another thing that I think is important, on August the 6th, not very long ago, Sue Racer Troy testified before this committee and she said this. I just thought this was peculiar. She said she got the impression that the Justices did not know that their office ... what their office renovations cost. Okay? So, I'm just taking all that together and based upon that, you know, I'm going to have to vote no on this Article. I know Justice Loughry rendered a lot of opinions and statements, but I don't know that he had ... that he lied under oath or had the intent to deceive. I'm just taking this other information that I have here. So, for that I would just ask the body to consider it. Thank you.

DELEGATE GEARHART. Thank you, Mr. Speaker. Most of the folks in this chamber may find this a tad out of character for me.

APPENDIX

So, I almost wish that the next article ... and this one had been moved in order. Because I'll make the same comments probably a little bit more brief because it will be identical on the next article that we deal with. For those of you that don't, or haven't been in the chamber quite as long, let me put this in context for you a little bit. I can't count the number of times that I have brought amendments before the committee or before this body with regard to spending cuts that have been rejected, or the number of times that I have opposed tax cuts, or items with regard to money. Most people would say that I'm probably one of the tighter people in this chamber, and when it comes to office furnishings, I offer a quick anecdote and that is when I went into the office that I currently occupy, the first day I was there, I reached and pulled the desk drawer and it came off into my hand. To this day, there is no front to that desk drawer. I simply put it below my desk and worked on and it's been no big deal for the last four years. So, on issues of excessive spending, I tend to pay attention and it bothers me, and all of this bothers me, and this particular Article bothers me. I do think that we have excessive spending and we've heard several people here talk about where do we draw the line? And it's ... and it's ... I think it's a difficult place. I think there has been poor judgement exhibited by the Justices in this Article and in the next Article. But I question whether that poor judgement has risen to the level of recommending someone be removed from office. I ... it bothers me at this level. It is ... when we look at the Article we have already approved, or the Articles we have already approved, this spending is less than half of Justice Loughry's spending and it's about 25% of that Justice Davis spent, and I think the spending is somewhat become common practice within that office and my colleague here from Wood County might be embarrassed that I used his quote, but we were talking earlier and he asked ... he said somebody wanted to know what the definition of pornography was, and he said he didn't really know but he knew it when he saw it. Well, it's the same thing here. I believe what we have already approved with Justice Davis and Justice Loughry with regard to their spending on the office, I can recognize that as being to the level where we may want to recommend them being removed from office. But I believe that it's questionable, both in this Article with Justice

Walker and then the next Article with Justice Workman. I believe that they were wrong. I believe that they exerted poor judgement and I believe many of us in here have exerted poor judgement with regard to millions of dollars on occasion, in my opinion. I just don't know whether this particular issue rises to the level that we remove someone that was elected on a statewide basis. We're talking about a large sum of money, \$100,000 is nothing to sneeze at, state money or personal money. However, I think in this instance that it is an issue of poor judgement that may not rise to the point that we should recommend them being removed in office. Therefore, I shall vote no on this issue. Thank you.

DELEGATE COWLES. Thank you very much, Mr. Speaker. Ladies and gentlemen, I rise to oppose this Article of Impeachment. There are ... there are certainly ... impeachment of a public official should, I think have a high bar to reach. A high standard, and it is evidenced, I think by the rare use of our power of impeachment, and I kind of agree with my colleague from the 27th, Delegate Gearhart. The spending in this Article is comparatively somewhat reasonable. In fact, I think some of the furniture that was purchased in the evidence, you could buy multiple pieces before you would add up to the one couch in the earlier Article. But it is a fraction of the spending in the Davis Impeachment Article. That was like \$500,000. This is some 20 couple percent of that, and it is a fraction, perhaps a third of the spending in the Loughry Article of Impeachment. I do have a little issue with this Article of Impeachment. If you try to add the Benjamin spending, the remodel over a seven year period. We can't hold Justice Walker responsible for the remodeling that was done over seven years. We can't hold Justice Walker responsible for the remodeling costs of former Justice Benjamin. That just would not be fair. In fact, earlier in our conversation, or discussions today, it was mentioned that the remodeling of the Justice Davis office, when the next Justice were to take over, it would need remodeled and fixed. It was so customized to that particular Justice. So, I'm not sure how we hold Justice Walker responsible for the spending of former Justice Benjamin. I'm not sure the spending in this article for Justice Walker's office was nearly as egregious as some of the others. And I would note that I don't condone the spending of Justice Walker. I don't think

APPENDIX

we condone the spending of many of the Justices that has occurred here. And I suggest to you that while we could consider impeachment, there are also other things you can consider to express the will of the House. You will, we will have before us later, a bipartisan resolution to consider censure. I think we have already sanitized with daylight some egregious behavior of the Supreme Court. We have made part of the public record the things they have done. They will indeed answer to the voters for that conduct. We have put forward a constitutional amendment for consideration by the people of the State of West Virginia to reign in the spending on their own of the Supreme Court and properly place their budget consideration under our branch of government. We have taken action. We can take more action. I think our action should fall short of consideration of impeachment for this Article and this Justice and I would urge you no vote on this Article. Thank you.

DELEGATE FOLK. Could we use the term proportionality? You know, there's a ... we've been discussing a history of extravagant spending, potential violations of law over a six or seven year period, and now we're here with a Justice that was elected in 2016 that in a lot of these proceedings that was discussed earlier, she had what I would refer to as clean hands. In other words, she didn't vote, she wasn't on the court at the time to present ... or vote, prove a policy for instance that allowed Justice Ketchum to commute from Huntington to Charleston. She wasn't on the court to approve a policy that clearly vio ... a travel policy that clearly violated the intent of the State Code. But yet, the first thing she does when she comes in office is spend a hundred and thirty some thousand dollars on her office. And knowing what I know now, that this body has voted in the past to get rid of, for instance a commission that saved us \$100,000 in a year, and yet we think that spending twenty-some odd thousand dollars, I think it was the number I heard, on new flooring, when it just spent ... the previous Justice had spent twenty-some thousand dollars on new flooring. I'm almost appalled. My God, I built my own house ... I have cherry flooring by the way, and it didn't come from Vermont, it come mostly from Swan Pond, but I'm appalled that we even think this is reasonable. The average person out there, the average house out there, in the State of West Virginia

is about 25% of what she spent on her office in one year. The only thing that I can see that's different from earlier, is she hasn't been there long enough to spend as much as the rest of them, and guess what ... they said let the voters decide, I think somebody over here said. Well, guess what, it's a 12-year term, she's got 10 more. Are we going to wait to see how much ... see if she'd spend a million dollars over ten years on wasteful spending? Because I know that constitutional amendment doesn't have anything about changing the terms, which after this whole escapade over the last eight months, I seriously consider whoever is here next year, needs to work on an amendment to drop those terms to maybe six years. Because God forbid, God forbid the Justices of the Supreme Court might be held accountable more often in an election. Again, the only thing I can find different, in my mind, as if this person has an R beside their name ... with all due respect to the Gentleman from the 27th, we agree on a lot of issues. By the way, you said something about decreasing in taxes, but I think you meant increase in taxes. You know, we have worked hard from 2014 when we passed a budget that took \$130 million from the Rainy-Day Fund, to where we are today where we had a surplus, without midyear budget cuts. But I can't sit here and ... because I'm over on this side of the aisle and say spending a hundred and some thousand dollars wastefully, does not rise to the level of maladministration or incompetence. Because I know in my mind she walked into that court and she was basically infected by the same disease that the rest of that court, in my mind, has. They think they're better than everybody in this state that works a blue collar job. You vote your conscious, but just think about this. The average citizen in the State of West Virginia is appalled that everybody on this court spent money frivolously. And I don't care if she's been here for 18 or 19 months. The fact that she partook in it so fast and so quick, and so egregiously, she ought to be run out on a rail.

DELEGATE WILSON. Thank you, Sir. Okay, so impeachment is a process. It is not a determination. It is not a punishment. The punishment results, if it results at all, at the end of the process. That's my understanding and I think we've determined that's true. Also, I'd like to address the idea that this particular Justice is less culpable than other Justices. That may or may not be true. What

APPENDIX

I'm getting at here is that that's not our determination to make. Our determination to make is, is there any culpability at all or any indication of culpability, to the point that we should allow the Senate to consider this further? That's the real question here. The question is not, do we want to take someone out and hang them? The question is not, do we want to remove them from office? That's not our consideration. We don't have any say so in that. The question is not, whether we want her to be censured or whether we want her to be found completely free of culpability. What we are deciding right now is, is there any indication that this might need to go farther, that the Senate might need to take a look at this and determine the level of culpability and take action on that. That's where we are with this. I recommend passage. Thank you, Sir.

DELEGATE ROWE. I just want to say simply, there's no standard. There is no standard if we approve this Article, and the problem is, is with spending there can't be. Every time you turn around there's a comparison that doesn't make sense, or you can make some exception for. We have a duty to make decisions in this body, doing this ... these resolutions, to have some sort of sense of standard about what we're doing. So that we can allow people who follow us to understand what is allowed and what is not allowed. We are way beyond that on spending, and you can't do it. You can't do it on any basis, because in every instance you're going to have some exception. Well, maybe the term of office is too long to do that, or it's too short. We've got flowers that other people see, and so on. In every instance when you deal just with the spending of money that people are allowed to do. That's the problem. The real problem we've got before us is that this body and the government generally, has not undertaken to either inspect and know what the Supreme Court is doing, or to introduce a constitutional amendment to take over the budget so that they don't continue to make expenditures that are absolutely inappropriate. They are inappropriate. But it's up to us to make standard decision making so that people can predict their behavior in the future. So, I would urge the members to vote no on this Article.

DELEGATE ANDERSON. Thank you, Mr. Speaker. First of all, I want to compliment the Chair of Judiciary and I want to compliment

the Judiciary Committee for all of the hard work they've done on behalf of the House of Delegates. But I must find that I must be consistent and rise in opposition to the adoption of Article XII. The premise upon which this Article is based in my judgement is, we're moving to impeach for maladministration. And we don't have ... it's in your mind's eye. It's in your judgement what constitutes maladministration. The big thing for me is, presently the Supreme Court acting under its authority to control its own budget made some terrible errors in judgement for which I think they will feel the wrath of the voters when they come up for reelection, if they choose to run. But they acted under their authority to control their budget. And I do not believe that this impeachment process on this Article is the appropriate remedy to punish them for exercising bad judgement. I enthusiastically supported the Amendment which is on the ballot this fall. That will place the Supreme Court's budget under the authority of this Legislature. Then if they ignore the budgetary provisions that we put, providing that amendment is adopted by the voters of this state, and they ignore it then I would enthusiastically support impeachment. But at the present time, I believe the Justices, even though I think they're judgement was not very sound, had the constitutional authority to spend the money the way they chose to spend it. In ... again, I go the definition, there's not a clear cut definition in my mind, in the Constitution or the laws of this state, which will allow me to support this Article and I voted against the previous two articles on this subject, and I will vote against the next Article on this subject for the same reason. But you will have the benefit of not hearing from me again on the next Article, but it's gonna a ditto. Because the hour is getting late, we've been in this process now for 12 hours. Thank you, Mr. Speaker.

DELEGATE SHOTT. Thank you, Mr. Speaker Pro Tempore. Just briefly, the committee thought it was important to bring this issue to the full House. In view of the circumstances of the more recent renovation, which was absent in all of the other cases we've dealt with, not as indicated to blame anybody for that, that renovation, but simply to provide that information to determine whether this renovation was necessary and excessive. Under the circumstances it appears to me that the appropriate vote would be to vote in favor of the adoption of the ... this Article. Thank you.

APPENDIX

DELEGATE MCGEEHAN. So, we're going to offer a motion to remove this Article? An Article, yet again, demonstrating complete lack of judgement by the members of this Supreme Court. That's what they're supposed to do. Judge. They're supposed to be good judges. It's absolutely absurd to be removing these Articles just because, you know, we don't want to go through debate and talk about them. Just because the last one got defeated. I want to see who lights up on that board. If I can't hold the Supreme Court members, some of them accountable, then let's hold the members of this body accountable. Because I've heard it said over and over again, "Well, you know, impeachment, maybe that's disproportionate. There are other remedies of punishment. Censorship." I've got to ask why the gentleman from Raleigh County here, "Well, how would you feel if you were publicly censured by the Speaker of the House and it was in your hometown newspapers?" Well, there are two gentlemen in this body that essentially had that happen. Two years ago, we received a couple of letters, didn't we? Guess what, it didn't bother me. I'm not sure if it changed my behavior, pretty sure it didn't. Did it change yours? So, that's what you guys want to go with, a public censorship. Let's proceed with the Article and have the debate.

DELEGATE ROHRBACH. Thank you, Mr. Speaker Pro Tem. I'm going to be brief because the hour is long. We just talked about judgement. A hundred people minus however many aren't here right now, at this late hour, are going to make a judgement here in a minute. We have to consider a lot of things. Last Tuesday, well maybe Wednesday, a nice big article in the Wall Street Journal with a picture of our Supreme Court, headline: State Moving to Impeach Court. Folks people are looking outside this State at what we're doing in this room right now. Now, the Chair of the Judiciary just made a motion to remove this Article. I tell you what, folks outside this room are looking. Sunday, which seems like a long time ago now, but it was yesterday, four of us in this room went, had a prayer with some union workers who were out on strike or they were locked out of their factory. Do you know what they wanted? They want their jobs back. What they also wanted, they wanted more jobs in this state. They are paying jobs. Now, don't kid yourself, the

folks that are reading these type of articles in the national press, guess what. That has a decision in whether they're going to bring the capital to this state to invest so we can create better paying jobs in this state. So, I think we've got a very nice motion made by the Chair of Judiciary to withdraw his motion, and I think we should go with it. Thank you, Mr. Speaker.

DELEGATE ROWE. Thank you, Mr. Speaker. Very ... very briefly, I ... you know what I have worried about is, is there any possibility if we literally impeach the court of having any possibility of an independent judiciary after we finish these proceedings. We're going to have control of their budget pretty soon. Next year we'll have them under our control in terms of budgeting. But will we have, when we finish, will we have a predictable standard for members of the court to know what is appropriate and what is not appropriate? Are we going to have an independent judiciary that won't be afraid to stand up to this body, to enter administrative orders that contradict some statute that we passed that makes their work difficult? That's really the question. I see a little glimmer of hope in that and so, I'll be voting yes on this motion and I appreciate the Chairman's making it.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. I'm in opposition to this amendment because this is a statement that the court failed as a body to have spending practices in effect, as a body. Now, we're not pulling individual judges out. They're either all guilty of it or they're not. Now, I understand that, the statement that Justice Walker was new, but we're talking about lunches and various things that goes down there for seven ... Delegate Hanshaw did an adequate job of laying it out there, but it's a total statement that the court failed to have spending policies, period. And that should reflect all of the Justices, and we can have a total vote whether we believe that impeachable for all the Justices or not. But we should not be parsing them out. So, for those reasons I'm going to be voting no.

DELEGATE ELLINGTON. Thank you, Mr. Speaker. I support the Gentleman's amendment. I think that the same arguments that my colleague from the 27th mentioned, that Justice Walker was really in for a brief time. Most of the accusations here are from

APPENDIX

previous years and she probably had no oversight onto each of those. So, I do support that. I'm going to make it brief and agree with the Delegate's amendment. So, I urge adoption.

DELEGATE ROBINSON. Thank you, Mr. Speaker. In committee we discussed this, and it wasn't as eloquent ... elegantly described by myself as it was by the vice-chair, there. But, I kind of called this the, basically the Crooked Issues Loughry Committed Article. Because most of these things are something that Justice Loughry committed and what we're doing here is blanketing the rest of the Justices and we're going to impeach them due to the fact they didn't make up rules to correct Justice Loughry's ethical deficiencies, I guess would be the best rules. So, Justice Walker had a year to correct those issues as well. So, why would we let her off the hook for not correcting Justice Loughry's inaccuracies in the ethical world if we're not letting the other's off the hook for not correcting Justice Loughry? That's a question to me that I would oppose the amendment.

DELEGATE PUSHKIN. While I ... you know, I voted against this Article in committee and I plan on staying consistent. I think it's important for us to remain consistent. I can't support this amendment because she did play a part in the policy making. We learned that in the committee, and I think, you know, either they're all guilty of this or none of them are. So, I plan on voting against the Article but I can't support an amendment just removing one Justice.

DELEGATE WILSON. The argument that this is the new kid on the block, that they're unaware of what's expected of them, that there's no policy in place, these are all arguments that you make for a child, or for a very young, uneducated person, not for a Supreme Court Justice. A Supreme Court Justice spends their days determining how to apply the Constitution and the laws of this State to the People of this State and their actions. How can you expect someone who has that sort of responsibility to not know what's acceptable practice? Whether it's stated or not, you're talking about someone who's not only a judge but a Justice. Someone who goes beyond applying the specific points of law and into the philosophy

behind it to determine how that law should be applied. Why in the world would you let a person that you expect to make that sort of decision, for 1.8 million other people, why would you allow them off the hook for making the same sort of decision for themselves? If this is not maladministration, it is at a bare minimum incompetency, and the simple fact of the matter is, that you're the new kid on the block, that there's no policy in place, does not absolve you of the responsibility for making valid decisions, especially if you're an adult, if you're a responsible adult, if you're a responsible adult who's responsible for other adults for making decisions like this, for making this sort of analysis of law and of the Constitution. You have no business claiming that you're the new kid on the block or that nobody told you what was right. This is a basic ... a basic criterion for this type of job, for this type of position. I urge rejection of the amendment. Thank you, Mr. Speaker.

DELEGATE COWLES. Thank you, Mr. Speaker. Ladies and gentlemen, I rise to support the amendment to strike Justice Walker from the Article. Certainly, Justice Walker is one fifth of the court and she's only been there for a short time, but I think it's important to note that the actions of the Supreme Court have improved, and the improvement is evident. Since Beth Walker joined the court, how much of those improvements, I guess, are attributable to Justice Walker's participation in the Supreme Court is unclear. But it's certainly improving up at the Supreme Court since she got there. The things I would cite for you or to build or clarify, the senior status judges and their salary came before this body and the Senate after Beth Walker joined the court. The IRS settlement for the 1099s happened after Beth Walker joined the court. The lunches during conferences has ended. But probably more importantly, the spending that was attributable to Beth Walker in the earlier article was refused by this body, and that behavior does not rise to the level of impeachment as decided by this body. I think it's important to note some of the things that have happened, the couch purchase, the travel to the book signings at the Greenbrier, the \$500,000 office remodel for the one Justice, many of those things happened before Beth Walker joined the court, and for whatever reason, I think the atmosphere since she got there, has improved somewhat. For

APPENDIX

those reasons, and the fact that she is one-fifth of the court, and her time has been short, I think it would be prudent to remove her from this Article XIII and I support the Gentleman's amendment. Thank you.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker Pro Tempore. You know, just ... let's just glance at the six criterion in the State Constitution for impeachment, maladministration, corruption, incompetency, gross immorality, neglect of duty, high crimes and misdemeanors. What is the element that connects most of those, the subject field that connects most of those, the common denominator? It's ethics. Ethics connects most of those guiding criteria in the State Constitution when it comes to impeachment. A number of folks have brought up lying, stealing and cheating. We've already covered one article accusing one Justice of intentional deception. A number of these other articles cover ethical violations that could be categorized under one of those three basic violations of ethical duty; lying, stealing and cheating. But let me remind you about another ethical violation that hits home with me and it should hit home with you, and that is tolerating and condoning ethical violations. If you do nothing, if you don't lift a finger in your own house to say, this might be wrong. I don't care if it's, you know, maybe voting on some minutes during a meeting of the court, and I don't care if it's, you know ... you don't have to go to the public, you don't have to be a martyr, okay? Just, give me something, something of courage, something of virtue, something that says, "I've got good judgement. I'm willing to go against the crowd. This is wrong." Okay? Condoning and tolerating lying, stealing and cheating can be sometimes just as ethically wrong as lying, stealing and cheating, and it hits home with me. So, I apologize, but not really, to my friend from Mercer, but I urge rejection of his amendment.

DELEGATE FLUHARTY. Guys! Just when you think you've seen it all in the State of West Virginia, we have a blatant attempt to carve out a conservative Justice. I mean, come on guys. You're not even hiding it anymore. It's amazing. We've been doing this for what, 12 hours now? And, you know, you thought you've seen it all. Only in West Virginia, only in West Virginia can we nine months ago discover improprieties and

possible corruption found in the Supreme Court, and then orchestrate a scheme by this body to replace corruption with more corruption. Are you kidding me right now? We're going to do this? We're going to blatantly carve out a conservative Justice? This is pure partisan politics. It's unbelievable. You know, when I talked about the coo earlier, this is clear evidence that it's in play and that it exists. It has been from day one. The rules, themselves that govern the judiciary process for this committee, we took out ... we brought out Rule Number 8. What did that do? It took away our ability to call a question. So, that way the August 14 deadline was assured that it would be missed and then we met eight times. The global picture is clear. This is the intent from the very beginning of this body. We've heard that the Judiciary, the public doesn't trust them anymore. Why would the public trust this body? What have we done to earn their trust? The last two summers we've been down here, '16 and '17, because we couldn't get a budget passed, which we're required to do. Sounds like maladministration to me, to the tune of, I believe, \$1.4 million out of those two summers.

DELEGATE FLUHARTY. Well, I feel I'm focusing on maladministration. I'm showing examples as to why it's a rather broad term, vague and this grey area, discern some clarity and if we're going to lump a bunch of people together, I don't know why we're not including ourselves. I'll be brief though. I'm about done here. So, we're talking about rules and the lack of the Supreme Court to establish some, and that they were complicit, and therefore if they're complicit they must be impeached. And we have rules. We know that we need to make the 84-day deadline. We didn't do it. It's found in Chapter 3 of the West Virginia Code. We didn't care about that rule.

DELEGATE FLUHARTY. See, that's how it works. Start bringing up things that aren't very popular with in the body, you get shut down. Vote no. Thank you, Mr. Speaker Pro Tempore.

DELEGATE FOLK. I think the Gentleman from the 58th has a problem between the concept of correlation and causation. In research that's a big deal. The difference is very profound. But all you have to do is look at the recent events of the Administrator of

APPENDIX

the Court, where they basically said, "We don't have to follow the Ethics Law. We're not subject to the Ethics Law. We get to make our own ethics up," and I didn't see a dissenting letter and it's been several weeks now, from Walker, Justice Walker. I did not see one. Also, she questioned ... well, not she. Actually, I think the Administrator is a she now. She sent a letter to the auditor about his issues that he brought up, and that was definitely ... if anybody read that, that maybe actually followed the news, was not an improvement to the court. Those are two actual things that took place in the last month, and on that issue also, we didn't see any dissenting letter from Walker. For some reason ... for him to imply that for some reason these improvements that he claims had anything to do with Walker, is salacious at best. I think she needs to stay on this article.

DELEGATE GRAVES. I'd like to first thank my colleague because I was really having trouble making up my mind until he got up to speak. I have now made up my mind. I don't care one bit which side of the line a judge came from in this context, when we're deciding what their behavior means for the State of West Virginia, my constituents. I certainly don't appreciate being accused of deliberating based on partisanship. That's not what I'm here for. I think a lot of you would agree with me on that. I certainly didn't appreciate that. I will say this. When I first got here, I was very new, I'm trying to learn how to deal with all of you and your disparate personalities and styles. Some of you took a little longer than others. I'm trying to learn how to deal with my constituents and represent their interests the best way that I can. I'm trying to learn the rules of the House. Which the Clerk will tell you when I first got up to speak to the Speaker, I didn't get up to speak to the Speaker. So, I had some trouble with that. There's a lot of rules to learn. There's a time involved in learning a complicated and ... a job that's full of responsibility, like being a Delegate or a Senator or a Supreme Court Justice. But to suggest that I should also, while I'm learning all of this and dealing with the work stoppage, that was trial by fire for a new person, and overwhelming. But not only am I to deal with all of that, and read all the bills, there are so many of them. We are very opinionated in this House. But to suggest that I should know every single administrative

policy that this body has, where our lack of administrative policy is, to work to address it. Even though I'm not the Speaker of the House, and I'm not a chair, and I'm not even a vice-chair, to suggest that I should be able to do all of that and be the administrative guardian as well as perform my duties, which are totally separate, and to say that I might be impeached because I couldn't or didn't do all of that when I am a brand new Delegate. I think you see where I'm going here. I think that's unreasonable. Now, to say that she should not ... if she becomes ... if she continues on the court and she becomes a Chief Justice or maybe even if she doesn't, but has more time and experience under her belt, and certainly after listening to all of our comments in here, I would believe that anyone over there worth their salt, is going to address this in the future. But to suggest that she should have, with as little experience as she or I had, I think all of you in here know ... at least I would hope that you would think that that's unreasonable. So, thank you for helping me make up my mind. It doesn't mean that I'm going to necessarily agree with maladministration, but as for this amendment, I do think she should be excused.

DELEGATE HOUSEHOLDER. Thank you, Mr. Speaker. Ladies and gentlemen, whenever the Chief Justice came before the House Finance Committee, I had the opportunity actually to ask the first questions, and as I was framing my argument of wasteful spending and obviously the extravagant purchases, I also talked about safe guards that have failed. I think the Gentleman from the 3rd mentioned some evidence. Now, and I'm going to mention some evidence here that I think ... and you're going to have to make this determination yourself, but when I was framing my argument, the Chief Justice, he tried to answer, you know, the best that he could. But I made a comment, so I said, "So, do you think you have the fox guarding the henhouse?" And the Chief Justice at the time, here's his answer, and here's the evidence that I think the Gentleman from the 3rd was looking for, and this is what the Chief Justice said, "So," and we're also sitting down, "We haven't had written procedures and protocols, and I want to have written procedures and protocols for everything. We need that. We just ... the People of West Virginia deserve that." Then he goes on to

APPENDIX

say, "So, we want to put things in place so that, not only this will never happen again." So, ladies and gentlemen, I'm going to have to urge rejection of the Gentleman's amendment. The Gentleman from the 3rd asked for evidence, and I believe there's the evidence right there, that the Supreme Court admitted to wrong doing and I believe they're all culpable. Thank you, Mr. Speaker.

DELEGATE LOVEJOY. Thank you, Mr. Speaker Pro Tem, and given the hour I will be brief. I oppose this Article, again on constitutional grounds, and a couple of different ones. We have in our Constitution, in Article V, a section that people refer to as The Separation of Powers Clause. It, simply put, it says that the Legislative, Executive and Judicial departments shall be separate and distinct, so that neither shall exercise the powers properly belonging to either of the others. You have to then ask, "Well, what are the powers that are given to the Judicial Branch?" The Constitution is very clear in Article VIII that the judicial power of the State shall be vested solely in a Supreme Court of Appeals. That power under Section 3 of Article VIII extends to the administrative power of the Supreme Court of Appeals over all cases, proceedings, civil and criminal, for all courts of the State, and general supervisory control over the subordinate courts. Now, the question is then, this article where this branch is walking over to the house of that branch and saying, "We don't like the way you're keeping your house in order. We don't like your lack of policies, procedures, manuals, whatever you want to call them, for how you administer your branch of government. I believe that that act violates the Separation of Powers Clause. Now, in our case law has discussed it and says where there is a direct and fundamental encroachment by one branch of government into the traditional powers of another branch of government, this violates the Separation of Powers Doctrine contained in Section 1 of Article V, and so on that ground, I do not believe it is our place to go over and keep the house of the other branch in order when it comes to the administration of its function solely vested in it under the Constitution. For that ground I will oppose this Article.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker Pro Tem. This does not violate the Separation of Powers Doctrine. As a matter of fact, the power of impeachment is

separated and expressly given constitutionally to the Legislative Branch. It is a separated power expressly granted, not just to the Legislative Branch, expressly to this House. Impeachment is a separated power given to this branch to stand in judgment of the other branches to hold them accountable with descriptive guidance in said document, in said constitutional document. This does not violate the separation of powers. This is a separated and expressly given power, an important one that shouldn't be used frequently, but should be used when deemed proper. This is not a trial, this is not a grand jury, the Senate is not a jury. Impeachment is judgement given to us, the Legislative Branch to hold the other branches accountable. So, if you want to go around talking about the Separation of Powers Doctrine and how we're just throwing that out the window. Please, again, I at least would expect you to have some sort of familiarity with the literature, alright? Brush up on Montesquieu, the Spirit of the Laws. This is not a violation of Separation of Powers, this is upholding the Separation of Powers. This is holding one branch of government that has horrible judgement, which is ironic, because they're supposed to be great judges, technically. We are holding them accountable. I urge adoption of this Article.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I rise in opposition to this amendment and I agree with the Gentleman from Cabell about his constitutional analysis. But I also think it's worth noting that ... or it's worth looking on our legislative website at our ... at the many post audit reports that we have there. There were 15 in 2018. There were 31 in 2017, and one of the post audit reports was about the Rise West Virginia Flood Recovery Program, and they also have ... well, they had three reports on the Supreme Court and they have more than one report about volunteer fire departments, overview of their account balances. There are various audits on the division of highways, including ... and on the fleet management program, and I think one of the big ... I think we should note that every ... as a result of the audit, our audits, the three audits we did on the Supreme Court, these are all being addressed. There is a travel policy now. There are ... there have been things done about taxable fringe benefits. There is ... there are changes about State purchasing

APPENDIX

cards and also on the home office policies that the light that was brought today by the audits have produced changes, and if you look, there are hundreds of post audit reports that go back for many, many years. But never once, never once in the little bittiest public service district that made a mistake by maybe not having a sexual harassment policy, or not having their accounting, has the Legislature ever voted or recommended impeaching any other state official for not having a policy. What happens when we do an audit is we tell them to ... that you need a policy and then they do it, and if they don't do it we tell them again, do it. This is not the ... not having policies is not grounds for impeachment. We would be treating the Supreme Court, another branch of government totally inconsistently than we do any other state agency. It is ... saying that you don't have a policy is not the kind of thing that we want to wipe out several people who were elected by hundreds of thousands of people in this state. We don't do it with volunteer fire departments when they mess up and we shouldn't do it here. So, I urge rejection of this Article.

DELEGATE MOORE. Thank you, Mr. Speaker Pro Tem. I don't know if this happened to anybody else when they were walking in here today but there was a Gentleman out here on the steps, a pastor, he was out on the front steps of the Capitol and I'm walking up the steps and he says, "Hi there, what's your name?"

I said, "Well, it's Riley."

He says, "Well, I'm a pastor here in Charleston," and he said, "You're a Delegate?"

I said, "Yes."

He was like, "Well, pleased to meet you Delegate Riley."

I said, "Well, it's actually Moore."

He was like, "Capito?"

I'm like, "No, I get that all the time. No, Riley Moore."

But anyway, I thought that was kind of a funny story. But, in any event he said, "Listen. I want to put my hands on you and I

want to pray with you real quick. Because I've been hearing from my congregation, and he didn't say, you know, here's what's right or here's what you should do. But he said I want to pray that you all make the right decisions and the right choices when you're in this building there today and we're praying that you all will receive that guidance. I mean, folks might not be filling these galleries right now, but I'm telling you people are watching this and what we are doing down here right now. And in my view and certainly not the view of the pastor because he wasn't trying to impart his views, just impart some, as he said, hopefully he'll grant us some wisdom, as we prayed, and you just listen to all this as we've gone through this. I mean there is just a culture that is going on over in this court, in the West Virginia Supreme Court of Appeals, the people's court, the State of West Virginia that is just absolutely corrosive on the trust in the people in the State of West Virginia has on this Court. It is corroding that trust right now as we speak. These people down here in this building are supposed to be the ultimate arbiters of justice in this state, what is right and what is just, and I think that it's incumbent upon us as we sit here and push these buttons here for this last article, to decide are we going to be able to restore the confidence of the people of the State of West Virginia back into that courtroom by the votes that we take here this evening. Because that's what they deserve, and that's what they've asked for, and that's what it's incumbent on us to do I believe, and I hope you all will support this and vote green. Thank you for being patient with me.

DELEGATE FOLK. Thank you, Mr. Speaker. You know, it's been mentioned that there's a travel policy. I think the Gentledady from Mon County mentioned it and she's no longer in the Chamber, but it's important to note that the travel policy has been in effect since 2016, and there was an amendment to that travel policy. The original travel policy that I think was recommended by the Court's council. It's 10.4. It's important that you know what that travel policy is in this amendment. It says: An expense account submitted by a Justice of the West Virginia Supreme Court of Appeals shall be honored irrespective of any language in these travel regulations. So, in layman's terms, they just exempted themselves from a travel policy that complied with state law, and then

APPENDIX

recently they, for some reason decided to quit having tax-payer funded working lunches. Here's my ... what's left of my lunch from today. I paid for it. You know, the letter that came out from the Supreme Court recently, I think to the Chairman of Judiciary and the Judiciary Committee that basically said that they don't have to follow ... they can do the working lunches. They're not subject to Ethics Act. They're not subject to the P Card regulations that everybody else that's a State Employee is. In other words, and there's been some arguments by some people in this body today, that basically they can make their own laws or their rules in total ... just forget what the state law says. We get to make our own rules. You know, if the people, the citizens decided, "Hey, we're going to make our own rules today. We're going to decide which ones we're going to live by and which ones we're not." I think they call that anarchy. I think the Gentleman from the 67th said it best, and this is the gist of this whole Article. The State of West Virginia has lost confidence in the court, the whole court, the whole court, everybody over there. Heck, there's been some people ... and this is just, you know hear say, but let's get it out there. Let's have somebody investigate it. The guy that was just appointed to the Court by the Chief Justice, there's some connections there I'd like to have somebody investigate, and their relationship with a former member of the court. What's going on over there ... an irony is they're in the same building. Have you ever seen them down in the cafeteria, buying their own lunch? Maybe you have, I haven't. Because I can tell you on these long days when we only have a half an hour or an hour break sometimes during session, that's usually where I run and usually get a cup of soup. Pass this Article.

DELEGATE WILSON. Thank you, Sir. I'd like to agree with my good friend from the 17th, that we have no business setting policy for other branches of the government. That's very clear. I agree with him, he made a good argument. However, I would like to state that stating the lack of policies and procedures as admin. indicators, or as indicators of administrative malfeasance is not the same as establishing policies for those other departments. When we actually look in to how those departments are run, and we may can determine whether or not we should impeach the members of that department, or the leaders of that department, based on their

failure to establish necessary policies and procedures, that does not indicate that we are actually establishing those policies or procedures for them, and therefore, does not constitute a breach of the Separation of Powers. The fact that previous legislators, as my good friend from the 51st stated, previous legislators have failed in their duty to hold government organizations accountable is hardly a valid excuse, or hardly a valid argument against the determination of this current Legislature, that we will fulfill our duties to our employers under the Constitution. The fact that in the past it has not been done does not mean it should not be done now. That is actually one of the weakest arguments against establishing new policies or taking a new course of action is that, well it's never been done before. It's a good idea to go ahead and do the right thing no matter what's been done in the past. In fact, the continued failure to do so, to take up this responsibility would indicate the impeachability of each member of this body if we were to fail to do so. I wholeheartedly urge passage of the measure. Thank you, Sir.

DELEGATE ZATEZALO. Thank you, Mr. Speaker Pro Tem. It's a late hour and I certainly will be brief. Policy, yes policy. This whole situation started by a demand to impeach Justice Loughry. So far, from what I've seen of the Articles, most of which have been voted on and passed. If there were policies in place, they probably wouldn't have done any of it. There was no policy for car use. There was no policy for whether you bid out your construction work. There was no policy for what you could do as far as ... as far as renovation, and there certainly wasn't any policy for several of the other things. What I'm trying to say is that whole ... the start of this whole thing is because of lack of policy. It's that simple, and in some ways he's been failed and of course, in some ways he certainly brought that on himself. We could have ... we could have, or they could have done something to not allow that to happen. There is certainly no policy. The one that I forgot was the policy for home office. There is no policy for home office. What does it mean? It does mean that people took computers from this building and put them in their house. There was an extension by Justice Loughry to take a piece of furniture. Which we found out, by the way, years later, that it was appraised for \$42,000. The appraisal was done in 2018. I feel bad for

APPENDIX

him, but I voted in favor of the Articles that concern him. Because at some point in time you have to know better but look at this. That is a systematic problem that puts jeopardy to the members of the Court in my opinion. So, I think that this Article is important. I think this Article is well stated and I think there is some flexibility in it. But we need to send this message and as the people have said earlier, restore the trust of the People, and that's ... Mr. Speaker Pro Tem, I intend to vote in favor of this Article and hope everyone else in this body will do the same.

DELEGATE FAST. Thank you, Mr. Speaker Pro Tempore. I rise in opposition to this Article. There are seven enumerated charges here for failure to have policies, effective travel policy, failure to report taxable fringe benefit policy, State Purchasing Card policy, use of automobile policy, inventory of State property owned by the Court policy, purchasing procedure policy. So, there's your seven policies. That's just seven. Where do you draw the line on that? What about a policy on office design? This is a Capitol building. If they renovate an office, are we going to impeach someone two years from now for not having a policy on office design? What about aesthetics? Again, this magnificent structure, if they renovate an office, are we going to impeach someone because they did not have a policy on aesthetics? Where do you draw the line on that? The first ... Letter A, effective travel policy. They failed to prepare and adopt a sufficient ... an effective travel policy. Ladies and gentlemen, during the hearings, there was ... I forget which witness it was, but one of the witnesses said that there used to be a travel policy. But it just sort of disappeared. Okay, and some of the more recent employees of the Supreme Court just flat out said there was no policy, and I got to thinking about that. So, I did a little bit of research. West Virginia Code §51-1-17, back in 1991, here's what that code section said. It talked about the Director of Administration of the Supreme Court, and it said that they shall have supervision and direction of the Supreme Court of Appeals of examining the state of the dockets of the various courts and so on and so forth, and then it said, "... including as an integral part of the compensation of Justices and judges, the development of a system of reporting by Justices and judges as to the actual amount of time including travel time spent by each

Justice or judge in the conduct of his or her official duties," travel time. So, in the Code back in 1991, there was at least some policy regarding travel. Well, guess what happened in 1999. There was a bill introduced by then Senator Wooten, to delete that language regarding that travel policy. Delete it out of the Code. That bill passed and became law. So, in '91 we had some part of a travel policy in the West Virginia Code for the Supreme Court. In 1999 that language was deleted. Why? I don't know, but it was deleted. Hence, we had testimony of some of the more seasoned employees of the Supreme Court that, yea, there used to be a travel policy, but it kind of disappeared. And then we had your more recent employees of the Supreme Court who said, there's no travel policy. So, are we going to impeach now, the entire Supreme Court for failure to have a policy, when this body, at least took one of these options out? And again, why just seven? Are we going to have a policy that, if they're going to paint walls or should ... are we going to hold them responsible if they don't have a policy on painting their walls a certain color, maybe blue and gold, with real gold in the paint or not? Why just seven? There's ... I forget the body of law. I think it's called a prose ... prose ... prosecutor discretion that ... for instance, a police officer, and my ... my fellow colleagues who are officers might be able to help me out here. But, a police officer cannot be held liable for not performing a discretionary act, and that is what this is. This is a discretionary act. Yes, I think they're stupid and ignorant for not having certain policies, but these are discretionary acts. So, what tells this body that we can tell that body that they need to perform discretionary acts? Where do you stop? How come just seven? Why not ten? Why not four? Why is the one in there about the travel? Why was it deleted from the West Virginia Code? So, ladies and gentlemen, for those reasons I would urge rejection of this particular Article. Thank you, Mr. Speaker Pro Tempore.

DELEGATE HANSHAW. Mr. Speaker, this is typically the time at which either the Chairman or I would rise and hammer home the reasons why we should or should not take a course of action. But as I said when I began, maladministration is a term that doesn't come with guidance. We don't get that guidance from the Constitution, we have to find it for ourselves. So, if you have listened to the testimony that's been offered by the

APPENDIX

members of the committee who have spoken today, or looked at the exhibits that are before you in the system today, and you have found maladministration to your satisfaction, if you found neglect of duty to your satisfaction, if you have found any of the standards for which impeachment is called for or authorized under our Constitution to your satisfaction, we offer you this Article here as the vehicle by which to effectuate that finding. Mr. Speaker, I encourage folks to do what they find appropriate for themselves on this Article.

DELEGATE MCGEEHAN. I support this Article sort of being resurrected. Neglect of duty, if you're elected to the State Supreme Court, your basic job, your basic duty is to resolve disputes, enact judgement, enact opinions, read, write and then voice your decision. Not to mention the staff you already have internally to help you with that, how much public money do you really have to expend to get that job done, on top of the, what, six-figure salary that these State Supreme Court Justices already earn. So, I haven't actually gotten to read the opinion that was outsourced for, I believe it was \$10,000 and was there a second one tacked on for another six? I don't know the details, but I'd be interested to see, you know, was this a 10-page opinion, 15-page opinion? Was this, you know, an 8th grader's book report? I don't know. But, I think that is neglect of duty. I think it's worth a discussion, it's worth a debate and I'm glad my colleague here brought it up. So, I support this, and I hope you do as well.

DELEGATE MCGEEHAN. I value consistency, being consistent. Consistency is an element of honesty. Honesty obviously is an element of a value of truth. You vote for something in committee and then you turn around and vote against it out here on the House floor? That's not consistent.

DELEGATE FAST. Thank you. Ladies and gentlemen, I think it's clear that an opinion was outsourced by our West Virginia Supreme Court Justice. However, as we talked about in committee, there was no evidence as to why. Now, also we don't really know, is this a practice of the Supreme Court or not. We know that the Justices have four clerks and there probably is a sound reason as to why this was done on this particular case. We don't have any evidence

that it was done on any case by Justice Walker, and as we just heard a moment ago from the sponsor of this amendment, there is ... yes, it happened, but we don't know why, and there's no evidence. I didn't hear any evidence as to why this was an impeachable offense, other than the fact that it just happened, okay? So, before I'm going to vote to impeach a Supreme Court Justice of the State of West Virginia, I want to have some evidence, and as we said in committee, multiple times and has been here today, an impeachment is an allegation. But the allegation needs to be based upon evidence. Just the fact that this happened without explanation, without us receiving any testimony, without us receiving documentation, that's not enough. That's not enough. I would urge rejection of the proposed Article.

DELEGATE FOLK. I just mentioned it. This was probably the only time, at least from the research that we gathered, the only time in West Virginia that a Supreme Court Justice outsourced their duty, to an outside vendor. If that's not neglect of duty, what is? We elected them to, number one, higher proper clerks that are competent to help them write their opinions, and they outsourced it. So, a vote against this Article is saying to the court, from now on go ahead. Just hire somebody outside to write your opinions or help you write your opinions. I didn't think that's what we elect judges for. We elect judges to write their opinions in consultation ... you know, they put their heads together, a lot of legal minds. They do it often times in this chamber too, with other attorneys to write an opinion. So, you do it because you're elected. You get paid \$136,000 to do it. Your clerks, you pick, and that goes to what I believe to be maladministration, by not hiring competent clerks to help you write your opinions. I ask for the yeas and nays, and pass the Article.

DELEGATE BREWER. Thank you, Mr. Speaker, and since we've been here going on 16 hours, I would make this fairly brief. But I would like for all the Members, and I've heard several times today that this is a historic day. I'd like you to take note of what is laid on your desk during the break. This is a day when the West Virginia Chamber of Commerce and the West Virginia AFL-CIO stood in unison in opposition to what we did here tonight. I'd like you to take note of that. Having said that, I do want to speak about a

APPENDIX

couple of things that I wish we would have spent a lot more time here today. We spent going on 16 hours here today talking about how to reprimand one branch of government for doing what they had the constitutional right to do, and for the actions that were covered by the Constitution and we beat them up pretty bad, and I heard today a lot of talk about excessive spending. I heard the Chair of Judiciary talk about how \$130,000 was a huge sum of money. I heard about how \$368,000 by Justice Loughry was unconscionable and \$500,000 by Justice Davis was unconscionable. I want you to think of a figure for just a second. Think of \$7 million. Now think of \$7 million a day, every day, \$7 million. That's what's in jeopardy by the Federal Energy Regulatory Commission on a pipe line that has shut down. As we speak it is shut down. Now that, for me, is very personal. It's thousands of construction jobs for West Virginians that's being held up by the Federal Energy Regulatory Commission. That's on the Mountain Valley Pipeline. Seven million dollars a day in wages, \$7 million. Think about that. I can't imagine it. Now you lump the Atlantic Coast Pipeline into that, it's also being held up by the Federal Energy Regulatory Commission and that is \$9 billion worth of construction. Nine billion with a B, that's being held up by the Federal Government, the Federal Energy Regulatory Commission. Now we want to talk about being appalled, I'm appalled at that. I am appalled that the Federal Energy Regulatory Commission is holding up \$9 billion worth of work. Seven million dollars a day in wages for West Virginians and we're here talking about \$110,000 in expenses that the Supreme Court had the authority to spend. That's what we spent nearly 16 hours today on. Let's move off of that. Let's talk about the northern part of the State for just a second. Moundsville Power, that's a \$615 million-dollar project. Here's some power, \$615 million-dollar project. Brooke Power, \$884 million-dollar project, \$2.1 billion dollars' worth of construction, two-thirds of the Roads to Prosperity package, that is being held up by a group that is filing ... that is filing appeals to these, to the permits for this. Now, this is a group who is forbid to file an appeal to a permit in Ohio. They are not allowed to file an appeal to a permit in Pennsylvania, but they are allowed to file one in West Virginia, and they are holding these projects up. \$2.1 billion dollars' worth of

projects, \$215 million dollars in wages and benefits to West Virginians, these jobs have been promised to West Virginians. Local workers will get these jobs and they're being held up by a group that is appealing the permits in West Virginia. They're not allowed to appeal in Ohio or Pennsylvania, and as time goes by and these projects can't meet the deadline because their permits are held up, guess what happens. These jobs go to Pennsylvania and Ohio. So, I would suggest that we probably could have spent a lot ... we would have had a lot better use of our time here today if we had been looking out for the citizens of West Virginia and their ability to make a living as opposed to arguing back and forth over our Supreme Court and their obligation and their duty to do what they're constitutionally allowed to do. Thank you.

DELEGATE ARMSTEAD. Thank you, Mr. Speaker, and I know it's very late. So, I'll be very quick. First of all, I just wanted to thank each of you for the kind thoughts and prayers that I heard from many, many of you. You may not ... some of you may not be aware that our daughter had a very complicated pregnancy, was actually in the hospital for over a month, actually ended up on a ventilator for a couple of days during this process, and I appreciate all of the thoughts and prayers that I received from so many of you. I'm very happy to say that she is doing very well and our grandson, Benedum Armstead Ferrari, "Ben Ferrari" is doing well. He's actually, while we've been here, turned a month old. Not all of the month while we're here, but you know, he turned a month old. But thank you for your prayers and your thoughts, and I'm very happy to be able to give you this report because things were very scary, very serious for a period of time and you don't ever want to see your child on a ventilator, and that was very serious. So, thank you for that, and secondly, I want to thank the Speaker Pro Tem for fulfilling this role. I tried to be very transparent and let you know I had discussions with the staff for the Judicial Investigations Commission for ... from our Ethics Commission to try to do what I needed to do because I had made the ... made it, you know, clear to this House when I announced that I was not running for the House again, that one of the offices I was thinking about was the Supreme Court. I didn't say that I'm going to run, and I still don't know if I'm

APPENDIX

going to run. But I felt like because I had made that statement back in January, that it was important that I take this step and I appreciate John ... or Speaker Pro Tem taking this role and being up there all day yesterday and today. I appreciate it and I also want to express my appreciation to the Judiciary Chair and the Members of the Judiciary Committee and their staff for all of the work that they put in to this. Whether you agree with the end result of this, whatever that may end up being, I think we all have a debt of gratitude to those members who spent their time here over the last several weeks getting ... collecting this evidence and to John, Chairman Shott, Vice-Chairman Hanshaw, other members of the committee that spent so much time on both sides of the aisle digging into this. So, I just want to express my appreciation to each of you and again, regardless of what you think of the result of what was sent over or what the Senate may do, I think we owe a great deal ... a great debt of gratitude to these men and women who worked so hard on this issue. So, thank you.

DELEGATE PYLES. Thank you, Mr. Speaker Pro Tem. The gentleman from the ... from Kanawha County has already moved that the remarks be appended ... be reprinted in the Appendix to the Journal, a publication not many people will see, and so considering the historic importance of the events that have taken place during these two days, as your former State Historian and Archivist, I would like to suggest that perhaps our Clerk may find a way to create a special publication with these remarks and roll calls, and anything else that he may find appropriate to include in such a publication. I can't ... I don't think that we can put this in a motion or ask for unanimous consent or anything, but maybe just as a suggestion that it ... considering the importance of this, the events of this day, that a way might be found to create a publication. Thank you.

