

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



May 20, 2019
THIRD DAY

West Virginia Legislature
Journal of the House of Delegates
Eighty-Fourth Legislature
First Extraordinary Session

Charleston, Monday, May 20, 2019

[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)

<u>Source of Revenue</u>	FY 2019 Official <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
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	2621
	(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
	Plus: 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>\$26,604,667</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, Sponaule, 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, Sponaugle, 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, Stagers, 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 Staggers:

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.

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Evening Session

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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, Sponaugle, 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 burau 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.

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

SPECIAL CALENDAR

Monday, June 17, 2019

7th Day

8:30 A. M.

SECOND READING

- 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
- S. B. 1038 - Supplemental appropriation to DHHR, Division of Health's Central Office
- H. B. 113 - Establishing tax incentive for new business activity in qualified opportunity zones

FIRST READING

- H. B. 120 - Supplementary appropriation to the Department of Transportation

HOUSE CALENDAR

Monday, June 17, 2019

7th Day

8:30 A. M.

NO BILLS

WEST VIRGINIA HOUSE OF DELEGATES

MONDAY, JUNE 17, 2019

HOUSE CONVENES AT 8:30 A.M.

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