

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



January 25, 2019
SEVENTEENTH DAY

Friday, January 25, 2019

SEVENTEENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Thursday, January 24, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

H. B. 2618, Including undue influence as a factor in the definition of financial exploitation of an elderly person or protected person,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2618) was referred to the Committee on the Judiciary.

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

H. B. 2614, Providing protective orders for victims of financial exploitation,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2614) was referred to the Committee on the Judiciary.

Delegate McGeehan, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2545, Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2545) was referred to the Committee on Finance.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2474, Relating to a reserving methodology for health insurance and annuity contracts,

H. B. 2479, Corporate Governance Annual Disclosure Act,

H. B. 2480, Relating to the regulation of an internationally active insurance group,

And,

H. B. 2536, Relating to the Mine Subsidence Insurance program,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 2474, H. B. 2479, H. B. 2480 and H. B. 2536) were each referred to the Committee on the Judiciary.

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

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

H. B. 2530, Creating a voluntary certification for recovery residences,

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

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

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

H. B. 2531, Permitting trained nurses to provide mental health services in a medication-assisted treatment program,

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

Com. Sub. for H. B. 2531 - "A Bill to amend and reenact §16-5Y-5 of the Code of West Virginia, 1931, as amended, relating to permitting certain trained professionals to provide counseling in a medication-assisted treatment program,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 2525, Tobacco Cessation Therapy Access Act,

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

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

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

H. B. 2492, Relating to mandatory reporting procedures of abuse and neglect of adults and children,

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

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

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

H. B. 2407, Relating to registered professional nurses,

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

Com. Sub. for H. B. 2407 - "A Bill to repeal §30-7-1a, §30-7-6a, §30-7-6b, §30-7-8a, §30-7-11a, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d, and §30-7-15e of the Code of West Virginia, 1931, as amended; to repeal §30-7E-1, §30-7E-2, and §30-7E-3 of said code; to amend and reenact §16-5B-19 of said code; to amend and reenact §30-7-1, §30-7-2, §30-7-3, §30-7-4, §30-7-5, §30-7-6, §30-7-7, §30-7-8, §30-7-9, §30-7-10, §30-7-11, §30-7-12, §30-7-13, §30-7-14, §30-7-15, §30-7-16, §30-7-17, §30-7-18, §30-7-19, and §30-7-20 of said code; to amend said code by adding thereto twelve new sections, designated §30-7-21, §30-7-22, §30-7-23, §30-7-24, §30-7-25, §30-7-26, §30-7-27, §30-7-28, §30-7-29, §30-7-30, and §30-7-31, all relating to the Board of Nursing, prohibiting the practice of nursing without a license; providing other applicable sections; defining terms; renaming the board; providing for board composition and qualifications; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and permit requirements; establishing qualifications for licensure; codifying a scope of practice; creating a temporary permit; providing for reciprocal licensure; establishing renewal requirements; providing for exemptions from licensure; creating a special volunteer license; continuing a Joint Advisory Council; providing the council's composition; providing council members' terms; providing powers of the council; providing duties of the council; setting forth limitations of the article; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal offenses are to be reported to law enforcement; providing criminal penalties; repealing expired authority; and updating references,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2324, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy,

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

Com. Sub. for H. B. 2324 - "A Bill to amend and reenact §30-36-2, §30-36-7, §30-36-9, §30-36-10, §30-36-14, §30-36-17, and §30-36-18 of the Code of West Virginia, 1931, as amended, all relating to authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; defining terms; providing rulemaking and emergency rule-making authority; requiring certificates; establishing qualifications for certificate holders; providing for the surrender of certificates; limiting scope; prohibiting advertising; and providing for the suspension or revocation of certificates,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2510, Relating to special funds of boards of examination or registration,

And,

H. B. 2559, Requiring a special report by the Division of Personnel,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2363, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2363) was referred to the Committee on Education.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 223 - "A Bill to amend and reenact §64-10-1, §64-10-2, and §64-10-3 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Labor to promulgate a legislative rule relating to wage payment and collection; authorizing the Division of Labor to promulgate a legislative rule relating to child labor; authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and

cooling work; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the safety of those employed in and around surface mines in West Virginia; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules for operating diesel equipment in underground mines in West Virginia; authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to rules for Cabwaylingo State Forest trail system two-year pilot project permitting ATVs and ORVs"; which was referred to the Committee on Energy then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

Com. Sub. for S. C. R. 4 - "Requesting the Division of Highways name a portion of State Route 16 from milepost 22.85 to milepost 26.7 in McDowell County, the 'U.S. Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road'."

Whereas, Dennis Ray Blankenship was born January 8, 1938, in Bartley, McDowell County, West Virginia; and

Whereas, Dennis Ray Blankenship served in the United States Marine Corps during the Vietnam War and reached the rank of Lieutenant Colonel; and

Whereas, Lt. Col. Dennis Ray Blankenship was highly decorated for his conspicuous gallantry and intrepidity in action, and was awarded the Silver Star; and

Whereas, Naming a portion of road in McDowell County is an appropriate recognition of his service and sacrifice for his country, his state, his community, and McDowell County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of State Route 16 from milepost 22.85 to milepost 26.7 in McDowell County, the "U.S. Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road as the "U.S. Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

S. C. R. 9 - "Requesting the Division of Highways name bridge number 49-32-12.86 (49A061), locally known as Alton Deck Girder, carrying County Route 32 over the Buckhannon River in Upshur County, the 'U. S. Army PFC Winten L. Wayts Memorial Bridge'."

Whereas, Winten L. Wayts, son of Mr. and Mrs. Willard H. Wayts, of Alton, Upshur County, West Virginia, was born February 13, 1933, at Alton; and

Whereas, PFC Winten L. Wayts served in the U.S. Army as a member of the 712th Transportation Railway Operating Battalion; and

Whereas, On August 22, 1951, PFC Winten L. Wayts died as a result of injuries he sustained from falling from a train while on duty as a brakeman near Seoul, South Korea; and

Whereas, PFC Winten L. Wayts' remains are buried at Indian Camp Cemetery at French Creek, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC Winten L. Wayts who lost his life in service to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 49-32-12.86 (49A061), locally known as Alton Deck Girder, carrying County Route 32 over the Buckhannon River in Upshur County, the "U. S. Army PFC Winten L. Wayts Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army PFC Winten L. Wayts Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Resolutions Introduced

Delegates Caputo, Hornbuckle, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Canestraro, Diserio, Estep-Burton, Evans, Fleischauer, Fluharty, Hartman, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin and Walker offered the following resolution, which was read by its title and referred to the Committee on Pensions and Retirement then Rules:

H. C. R. 34 - "Requesting the Joint Committee on Government and Finance to study and review restitution issues facing West Virginia's counties."

Whereas, West Virginia's counties face issues and delinquencies regarding unpaid and uncollected moneys due and owed to them, including compensation, damages, indemnifications, quittances, court judgments, recompenses, recoupments, redresses, remunerations, reparations, and other financial satisfactions; and

Whereas, In order to better assist counties to collecting these owed and unpaid debts it is incumbent upon us to first know the scope of the issue; and

Whereas, It is essential that it be known, for example, on what entries have been made on the counties' books, the basis of those entries, how much is considered uncollectible and why, and where the moneys were to have gone; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is requested to study and review restitution issues facing West Virginia's counties; and, be it

Further Resolved, That in conducting the study, the Committee review the following issues related to success on collecting the moneys owed to the counties, including what entries have been made on the counties' books, the basis of those entries, how much is considered uncollectible and why, where the moneys were to have gone, and any other pertinent information; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the Regular Session 2020, on its findings, conclusions and recommendations together with drafts of any legislation necessary effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Hartman, Pethel, Diserio, C. Thompson, Staggers, Sponaugle and N. Brown offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 35 - "Requesting the Division of Highways name bridge number 42-25-21.84 (42SS028), locally known as the Hart Chapel Bridge, carrying County Route 25 over Laurel Fork at the forks of Chenoweth Creek Road and Evans Road near the Hart Chapel Church near Elkins in Randolph County, the 'Robert 'Glen' Schoonover Memorial Bridge'."

Whereas, Robert "Glen" Schoonover was born on November 30, 1927, and died on November 1, 2017. He was born and raised at the head of Chenoweth Creek Road in Elkins, Randolph County. He and his wife Arbutus Schoonover were married 70 years as of January 5, 2017. They were the parents of six children whom they raised on Chenoweth Creek Road. Glen worked at various jobs over the years, but spent the longest time and retired from the West Virginia Division of Highways bridge crew as a Foreman. His time with the bridge department included the district covering two different territories. He worked in many of the counties surrounding Randolph County in areas such as Burlington, Webster Springs, and Marlinton. He was employed during the Great Flood of 1985 that damaged or destroyed many of the bridges in his district, requiring him to put in long days and six and seven day work weeks to declare bridges safe or to get bridges back to a safe status for use. Over the years he would place a penny in the completed bridge project that showed what year the bridge was done. It became his and his crew's "trademark" of sorts. This bridge to be named is less than a mile from the Schoonover Home where his 89 year old wife still resides and which his children, grandchildren, close relatives and friends pass over frequently; and

Whereas, It is fitting that an enduring memorial be established to commemorate Robert "Glen" Schoonover and his contributions to our state and his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 42-25-21.84 (42SS028), locally known as the Hart Chapel Bridge, carrying County Route 25 over Laurel Fork at the forks of Chenoweth Creek Road and Evans Road near the Hart Chapel Church near Elkins in Randolph County, the "Robert 'Glen' Schoonover Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Robert 'Glen' Schoonover Memorial Bridge"; and, be it

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

Delegates Hartman, C. Thompson, Pethtel, Sponaugle and N. Brown offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 36 - "Requesting the Division of Highways name bridge number 42-42-5.95 (42A-097) crossing the Middle Fork River at Helvetia, Adolph Road, at Adolph, Randolph County, be named the 'SPEC 5 Garry Monzel 'Michael' Shannon Memorial Bridge'."

Whereas, Garry Monzel "Michael" Shannon was born January 13, 1949, in Elkins, West Virginia, and was reared and educated in Randolph County, the son of Felix and Helen Gooden Shannon. Garry's brother is Felix M. Shannon II, of Elkins West Virginia., and his sister is Lenora Music, of Chicago, Illinois; and

Whereas, Garry Monzel "Michael" Shannon graduated from Elkins High School on June 5, 1967, and was sworn into the United States Army; and

Whereas, In 1969 SPEC 5 Shannon arrived in Vietnam where he served as a helicopter door gunner in Company C, 227th Assault Helicopter Battalion, 11th Aviation Group, 1st Cavalry Division; and

Whereas, SPEC 5 Shannon was killed on June 30, 1970 while serving as a crew member aboard a helicopter which was struck by enemy ground fire and crashed while inserting Army troops into a landing zone in Phuoc Long Providence, South Vietnam; and

Whereas, SPEC 5 Shannon was awarded the Distinguished Flying Cross, the Bronze Star with "V" for Valor, the Air Medal with 23 Oak Leaf Clusters, the Purple Heart, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal, the National Defense Medal, and the Army Aircrew Badge; and

Whereas, Specialist 5 Shannon was one of over 17 Randolph County residents and one of several hundred West Virginians who made the ultimate sacrifice for his country and his county during the Vietnam War in the cause of freedom; therefore, be it

Resolved by the Legislature of West Virginia:

That the Commissioner of the Division of Highways is hereby requested to name bridge number 42-42-5.95 (42A-097) crossing the Middle Fork River at Helvetia, Adolph Road, at Adolph, Randolph County, be named the "Spec 5 Garry Monzel 'Michael' Shannon Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Spec 5 Garry Monzel 'Michael' Shannon Memorial Bridge"; and, be it

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

Delegates Hartman, N. Brown, Sponaugle, C. Thompson, Boggs and Doyle offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 37 - "Requesting the Division of Highways name bridge number 42-21-13.39, locally known as the Spillway Bridge, near Elkins in Randolph County, crossing the Tygart Valley River on Georgetown Road, the 'SSGT Thomas Gavin Hess Memorial Bridge'."

Whereas, Thomas Gavin Hess was born on September 1, 1943, in Elkins, West Virginia and reared and educated in Randolph County, the son of Charlie May Hess and Goldie Pauline Hess; and

Whereas, In 1970 SSGT Hess arrived in Vietnam where he served as an infantry Platoon Sergeant in B Company, 1st Battalion, 501st Infantry, 101st Airborne Division; and

Whereas, SSGT Hess was killed on May 3, 1970, as a result of multiple fragmentation wounds after his platoon was attacked by a large North Vietnamese Army force while on combat patrol in Quang Nam Providence, South Vietnam; and

Whereas, SSGT Hess was awarded the Bronze Star with "V" for Valor, the Purple Heart, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal with one bronze star, the National Defense Medal the Combat Infantry Badge, the Parachutist Badge, the Distinguished Unit Citation, the Vietnam Gallantry Cross Unit Citation, and the Good Conduct Medal; and

Whereas, SSGT Hess's name is listed on the Vietnam Memorial Wall in Washington, D.C., Panel 11W, Row 91; and

Whereas, SSGT Hess was one of several hundred West Virginia residents and one of over seventeen Randolph County residents to make the ultimate sacrifice for their country during the Vietnam War. He is buried in the American Legion Little Arlington Cemetery, Randolph County, West Virginia; and

Whereas, SSGT Hess, on the date of his death, left behind his father Charlie Hess, mother Goldie Hess, brothers Clarence and Roger Hess, and sister Katheryn Hess; and

Whereas, It is fitting that we honor the ultimate sacrifice of this brave and courageous son of Randolph County, West Virginia, by ensuring that future generations are aware of his sacrifice in the cause of freedom; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 42-21-13.39, locally known as the Spillway Bridge, near Elkins in Randolph County, crossing the Tygart Valley River on Georgetown Road, the "SSGT Thomas Gavin Hess Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "SSGT Thomas Gavin Hess Memorial Bridge"; and, be it

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

Bills Introduced

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

By Delegates Cooper, Westfall, Summers, Cadle and Anderson:

H. B. 2663 - "A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code which may be adopted by any county or municipality"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Butler, Malcolm, Hanna, Sypolt, Jennings, McGeehan, Phillips, Bibby, Wilson, J. Jeffries and Waxman:

H. B. 2664 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, §15-15-6, §15-15-7, and §15-15-8, all relating to enacting the Refugee Absorptive Capacity Act; providing a short title; defining terms; setting forth the duties of the state office within the Department of Health and Human Resources that deals with refugees; permitting moratorium applications and cessations; requiring a fiscal impact assessment; requiring reports; requiring the Department of Health and Human Resources to administer the West Virginia Refugee Resettlement Program Plan; and providing a severability provision"; to the Committee on Veterans' Affairs and Homeland Security then Health and Human Resources.

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

H. B. 2665 - "A Bill supplementing and amending by adding a new appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Revenue, State Budget Office, Fund 0595, fiscal year 2019, organization 0703, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019"; to the Committee on Finance.

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

H. B. 2666 - "A Bill supplementing and amending by increasing existing items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 0456, fiscal year 2019, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019"; to the Committee on Finance.

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

H. B. 2667 - "A Bill supplementing and amending by increasing an existing item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Corrections, Correctional Units, Fund 0450, fiscal year 2019, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019"; to the Committee on Finance.

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

H. B. 2668 - "A Bill supplementing and amending by increasing an existing item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, Fund 0226, fiscal year 2019, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019"; to the Committee on Finance.

By Delegate Cowles:

H. B. 2669 - "A Bill to amend the Code of West Virginia, 1931, as amended, be adding thereto a new article, designated §49-10-1, §49-10-2, §49-10-3, §49-10-4, §49-10-5, §49-10-6, §49-10-7, and §49-10-8, all relating to creating the position of child advocate to protect children; legislative findings; definitions; powers and duties of a child advocate; discrimination and retaliation for reporting; and Child Advocacy Committee"; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

By Delegates Higginbotham, Waxman, Kessinger and Westfall:

H. B. 2670 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses and providing that an increased risk of disease is not a compensable basis for damages in any civil action"; to the Committee on the Judiciary.

By Delegates Kessinger, Waxman, Higginbotham and Westfall:

H. B. 2671 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §47-28-1, §47-28-2, §47-28-3, and §47-28-4, all relating to prohibiting certain misleading lawsuit advertising practices; providing for certain disclosures and warnings in lawsuit advertising for the protection of patients; and imposing criminal penalties"; to the Committee on the Judiciary.

By Delegates Azinger, Hollen, McGeehan, Cooper, Bibby, J. Kelly, Butler, Rodighiero, Steele, Cadle and Anderson:

H. B. 2672 - "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; license to carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs required to get a license to carry deadly weapons"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegates Householder and Criss:

H. B. 2673 - "A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6-29a, all relating to creating the Oil and Gas Abandoned Well Plugging Fund for use by the West Virginia Department of Environmental Protection to plug abandoned oil and gas wells in West Virginia; requiring fees to be deposited in the fund; providing specific purposes for use of the fund; providing fees imposed for the fund may not be collected in certain instances; providing for the termination of the fund and fees therefor; modifying imposition of the tax on the privilege of severing natural gas or oil by marginal oil and gas wells; providing exemptions from the tax; providing exclusions from filing oil and gas severance tax returns; deleting a subsection of the code which expired by its own terms, and providing a short title"; to the Committee on Energy then Finance.

By Delegates Atkinson, Westfall, Hollen, D. Jeffries, Azinger, Harshbarger, Canestraro, J. Kelly, Queen, Criss and Kessinger:

H. B. 2674 - "A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to student loan repayment"; to the Committee on Health and Human Resources then Finance.

By Delegates Foster, Steele, Higginbotham, Wilson, Jennings, Azinger, D. Kelly, Mandt, Linville, Waxman and P. Martin:

H. B. 2675 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, relating to the recovery of damages for exceeding the scope of

authorized access to an employer's property"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Summers, J. Jeffries, Paynter and Cadle:

H. B. 2676 - "A Bill to amend and reenact §24A-2-3 of the Code of West Virginia, 1931, as amended, relating to permitting common carriers to operate in any county of this state"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Westfall:

H. B. 2677 - "A Bill to repeal §33-25G-1, §33-25G-2, §33-25G-3, §33-25G-4, and §33-25G-5 of the Code of West Virginia, 1931, as amended, all relating to Provider Sponsored Networks"; to the Committee on the Judiciary.

By Delegates Bibby, Hardy, Cadle, Foster, McGeehan, Howell, J. Jeffries, Wilson, Worrell, Harshbarger and Hanna:

H. B. 2678 - "A Bill to amend and reenact §17A-3-3a of the Code of West Virginia, 1931, as amended, relating to eliminating the personal property tax on new vehicles purchased by and registered to a resident of this state"; to the Committee on Finance.

By Delegates Phillips, Foster, McGeehan, Hansen and Shott:

H. B. 2679 - "A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to state issued identification cards; and permitting the issuance of a state issued identification card without a photo on the card, based upon certification that taking a photograph would violate religion tenet or religious belief"; to the Committee on Government Organization.

By Delegates Westfall, Waxman, Kessinger and Higginbotham:

H. B. 2680 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-60-1, §46A-60-2, §46A-60-3, §46A-60-4, §46A-60-5, §46A-60-6, §46A-60-7, §46A-60-8, and §46A-60-9, all relating to third-party litigation financing; providing that a litigation financier shall register as a litigation financier in this state; providing registration requirements for business entities, partnerships, and individuals; providing that litigation financiers shall secure a bond or an irrevocable letter of credit; providing to whom the bond is payable; requiring that the litigation financiers amend their registration if their information changes or becomes inaccurate; providing that the Secretary of State may promulgate rules; providing that the terms of the litigation financing transaction shall be set forth in a completed, written contract; providing that the litigation financing contract shall contain a right of rescission; providing that a litigation financing contract shall contain certain written acknowledgements and disclosures; providing that a litigation financier shall not pay or offer to pay commissions, referral fees, or other consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees for referring a consumer to the litigation financier; providing that a litigation financier shall not accept commissions, referral fees, or other consideration; providing that a litigation financier shall not advertise false or misleading information; providing that a litigation financier shall not refer a consumer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist; providing an exception; providing that a litigation financier shall supply copies of the contract to the consumer or consumer's attorney; providing that a litigation financier shall not attempt to waive any of consumer's remedies; providing that a litigation financier shall not attempt to effect arbitration or otherwise effect waiver of a consumer's right to a jury trial; providing that a litigation financier shall not offer legal advice; providing that a litigation financier shall not assign the litigation financing contract; providing that a litigation financing contract shall contain certain disclosures and terms; providing form disclosures; providing that a violation shall render the contract unenforceable; providing that a court may award costs and attorneys' fees against defendant; clarifying authority of the Attorney General; providing that a contingent right to receive an amount under a legal claim may be assigned by a consumer; providing

a priority of liens; providing exceptions for certain liens and claims; providing a maximum annual fee; providing maximum frequency annual fee charges; providing that fees may compound semiannually but not based on any lesser time period; providing means for calculating annual percentage fee or rate of return; providing maximum terms for fees; and restricting incorporation of prior obligations”; to the Committee on Government Organization then the Judiciary.

By Delegates Cowles, Steele, Canestraro, Miller, Lovejoy and Kessinger:

H. B. 2681 - “A Bill to amend and reenact §49-4-501 of the Code of West Virginia, 1931, as amended, relating to duties of prosecuting attorneys in matters of abuse or neglect of children and to resolution of conflicts between a prosecuting attorney and the Department of Health and Human Resources”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Cowles, Pack, Rowan, Storch and Kessinger:

H. B. 2682 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-106a, relating to establishing a bill of rights for foster parents”; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

By Delegates Cowles, Pack, Rowan, Storch and Kessinger:

H. B. 2683 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-127, relating to establishing a bill of rights of children in foster care”; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

By Delegates McGeehan and Phillips:

H. B. 2684 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-5-16; to amend said code by adding thereto a new section, designated §11-15-9q; to amend said code by adding thereto a new section, designated §11-21-97; and to amend said code by adding thereto a new section, designated §11-24-44, all relating to exempting ‘specie’ from personal property assessments, consumer sales tax, personal income tax and corporate net income tax; and defining the term ‘specie’”; to the Committee on Finance.

By Delegates Butler, Malcolm, Kessinger, Hanna, Sypolt, Jennings, McGeehan, Phillips, Bibby, Wilson and J. Jeffries:

H. B. 2685 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, and §15-15-5, all relating to enacting the Refugee Information Act; including short title and definitions; requiring the state office within the Department of Health and Human Resources which deals with refugees to prepare and distribute fiscal impact assessment reports; and including administrative and severability provisions”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

Special Calendar

Third Reading

Com. Sub. for H. B. 2005, Broadband Expansion Act of 2019; on third reading, coming up in regular order, with amendments pending, was, in the absence of objection, placed at the foot of bills on third reading.

H. B. 2009, Creating a new category of Innovation in Education grant program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 23**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Ellington, Hardy, Hollen and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2009) passed.

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

Com. Sub. for H. B. 2435, Authorizing Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 24**), and there were—yeas 45, nays 50, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Atkinson, Azinger, Bibby, Butler, Cadle, Capito, Criss, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Harshbarger, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Linville, Malcolm, Mandt, Maynard, Nelson, Pack, Phillips, Porterfield, Queen, Rowan, Shott, Steele, Summers, Sypolt, Toney, Waxman, Westfall, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper, Ellington, Hardy, Hollen and Rohrbach.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2435) rejected.

Com. Sub. for H. B. 2446, Blue Alert Plan; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 25**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Ellington, Hardy, Hollen and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2446) passed.

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

H. B. 2509, Clarifying that theft of a controlled substance is a felony; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 26**), and there were—yeas 57, nays 38, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, N. Brown, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Kump, Lavender-Bowe, Linville, Longstreth, Lovejoy, McGeehan, Miley, Pethtel,

Pushkin, Pyles, Robinson, Rowe, Sponaugle, Staggers, C. Thompson, R. Thompson, Walker and Williams.

Absent and Not Voting: Cooper, Ellington, Hardy, Hollen and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2509) passed.

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

H. B. 2527, Relating to forgery and other crimes concerning lottery tickets; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 27**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Fluharty, McGeehan and Rowe.

Absent and Not Voting: Cooper, Ellington, Hardy, Hollen and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2527) passed.

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

Com. Sub. for H. B. 2005, Broadband Expansion Act of 2019; on third reading, having been placed at the foot of bills on third reading in earlier proceedings, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

Second Reading

H. B. 2036, Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2209, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Veterans' Affairs and Homeland Security, was reported by the Clerk and adopted, amending the bill on page one, section eight, line one, after the words "served on", by inserting the words "reserve or".

The bill was then ordered to engrossment and third reading.

H. B. 2547, Relating to the election prohibition zone; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2600, Relating to publication of sample ballots; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 17, Relating to probation eligibility,

S. B. 119, Specifying documents not subject to discovery in certain proceedings,

S. B. 272, Updating code relating to Commission on Special Investigations,

Com. Sub. for H. B. 2083, Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license,

Com. Sub. for H. B. 2191, Relating generally to limited video lottery,

H. B. 2514, Permitting pawn brokers to disclose whether any specific property has been sold or pledged,

And,

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cooper, Ellington, Hardy, Hollen and Rohrbach.

Miscellaneous Business

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

- Delegate Shott regarding H. B. 2507
- Delegate Fluharty regarding Com. Sub. for H. B. 2435
- Delegate Steele during Remarks by Members
- Delegate Fleischauer during Remarks by Members

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

- Delegates Kessinger and C. Martin for H. B. 2500
- Delegate Rowe for H. B. 2589
- Delegates Canestraro, Fluharty, Graves, Longstreth, Lovejoy and Sypolt for H. B. 2614

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

- Delegate Summers for H. B. 2407

- Delegate Steele for H. B. 2571

At 12:30 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 28, 2019.

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

SPECIAL CALENDAR

Monday, January 28, 2019

20th Day

11:00 A.M.

THIRD READING

- Com. Sub. for H. B. 2005 - Broadband Expansion Act of 2019 [AMENDMENTS PENDING] (SHOTT) (REGULAR)
- H. B. 2036 - Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park (MCGEEHAN) (REGULAR)
- H. B. 2209 - Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician (MCGEEHAN) (REGULAR)
- H. B. 2547 - Relating to the election prohibition zone (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2600 - Relating to publication of sample ballots (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 17 - Relating to probation eligibility (SHOTT) (EFFECTIVE FROM PASSAGE)
- S. B. 119 - Specifying documents not subject to discovery in certain proceedings (SHOTT) (REGULAR)
- S. B. 272 - Updating code relating to Commission on Special Investigations (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2083 - Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2191 - Relating generally to limited video lottery (WESTFALL) (EFFECTIVE FROM PASSAGE)
- H. B. 2514 - Permitting pawn brokers to disclose whether any specific property has been sold or pledged (HOWELL) (REGULAR)
- H. B. 2602 - Including possession of known stolen property in the offense of receiving or transferring stolen property (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2324 - Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2407 - Relating to registered professional nurses (ELLINGTON) (REGULAR)
- H. B. 2492 - Relating to mandatory reporting procedures of abuse and neglect of adults and children (ELLINGTON) (REGULAR)
- H. B. 2510 - Relating to special funds of boards of examination or registration (HOWELL) (REGULAR)
- H. B. 2525 - Tobacco Cessation Therapy Access Act (ELLINGTON) (REGULAR)
- H. B. 2530 - Creating a voluntary certification for recovery residences (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2531 - Permitting trained nurses to provide mental health services in a medication-assisted treatment program (ELLINGTON) (REGULAR)
- H. B. 2559 - Requiring a special report by the Division of Personnel (HOWELL) (REGULAR)

HOUSE CALENDAR

Monday, January 28, 2019

20th Day

11:00 A. M.

SECOND READING

Com. Sub. for H. B. 2008 - Relating to nonpartisan election of justices of the Supreme Court of Appeals (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, JANUARY 28, 2019

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON THE JUDICIARY
9:00 A.M. – ROOM 418M**

**TECHNOLOGY & INFRASTRUCTURE
1:00 P.M. – ROOM 215E**

**COMMITTEE ON FINANCE
2:00 P.M. – ROOM 464M**

**COMMITTEE ON EDUCATION
2:00 P.M. – ROOM 432M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
2:00 P.M. – ROOM 215E**

**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES
4:00 P.M. – ROOM 215E**

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