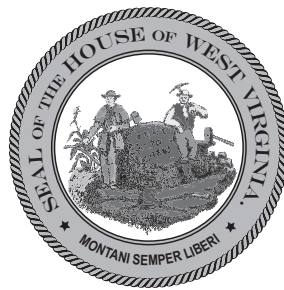


West Virginia Legislature

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February 4, 2019
TWENTY-SEVENTH DAY

Monday, February 4, 2019

TWENTY-SEVENTH DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, February 1, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing a resolution.

Resolutions Introduced

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

H. R. 10 - "Memorializing the life of the Honorable James Michael Casey, proud father, veteran, attorney, public servant and West Virginian."

Whereas, James Michael Casey was born on April 3, 1949, in Parsons, West Virginia, a son of the late Leo A. Casey and Elizabeth Blackman Casey. In addition to his parents, James was preceded in death by his sisters Jo Ellen and Mary Ann, and is survived by his sister Elizabeth Prichard and his two children, Marianne and John; and

Whereas, James attended college until Uncle Sam gave him a call and he proudly served in the U. S. Army from 1969 until 1972, which included a tour of duty in Vietnam as a member of the 101st Airborne of the United States Army. Following being honorably discharged from military service, he returned to school and graduated from the Ohio State University with a Degree in Journalism in 1974, and then received his Doctorate of Juris Prudence from the West Virginia University College of law in 1977; and

Whereas, James began his law practice in Point Pleasant in 1977, pursuing his desire to help people and to provide a meaningful contribution to his community. He dedicated a large portion of

his law practice to pro bono work and in helping people in his community who needed legal assistance but often were unable to pay; and

Whereas, James was also committed to the advancement and professionalism of the practice of law, serving as President of the Mason County Bar Association, Board of Governors for the West Virginia Bar Association and a career long member of the West Virginia Association for Justice; and

Whereas, James was elected to the House of Delegates in 1982 and 1984, and while serving advocated for the needs of Mason County residents and state citizens, social justice and human rights. He particularly enjoyed his service on the House Judiciary Committee, which in his view was the finest and most deliberative body of the West Virginia Legislature; and

Whereas, James' legislative service fanned his passion for government affairs, and for the next 35 years, he served in a variety of roles working with the West Virginia Legislature, most notably continuing his advocacy for civil justice working for the West Virginia Association of Justice, and as a long-time lobbyist for the West Virginia Beer Wholesalers Association. In these positions, he fully enjoyed his continued involvement with the Legislature and over the years befriended many members and legislative staff with his good-natured humor, honesty and thoughtful views regarding the issues of the day; and

Whereas, James and his former wife Sylvia were very proud of their two children, John and Marianne, and although they subsequently divorced, remained close and lived near each other in Point Pleasant for many years, which allowed James to remain an important and regular part of his children's lives; and

Whereas, Sadly West Virginia lost a fine citizen, public servant, a kind, giving and dedicated friend to many, when after a long illness, the Honorable James M. Casey, passed away on October 26, 2018; therefore, be it

Resolved by the House of Delegates of the West Virginia Legislature:

That the House of Delegates hereby memorializes the life of the Honorable James M. Casey, father, veteran, public servant, and social justice advocate; and, be it

Further Resolved, That the House of Delegates hereby extends its sincere sympathy at the passing of the Honorable James M. Casey; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the family of the Honorable James M. Casey.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 10) to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution was then read by the Clerk.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 68**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Hill, Kump, Longstreth, Porterfield, Skaff and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 10) adopted.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 152, Relating generally to criminal offense expungement,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 152) was referred to the Committee on Finance.

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 2609, Relating to presumptions of abandonment and indication of ownership in property,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2609) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2481, Permitting retail liquor licensees to sell alcoholic beverages from 10 a.m. to 10 p.m. on Sundays,

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

Com. Sub. for H. B. 2481 - "A Bill to amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended, relating to permitting retail liquor licensees to sell certain alcoholic beverages after 1 p.m. on Sundays,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 240, Repealing certain legislative rules no longer authorized or are obsolete,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

On motion for leave a resolution was introduced (Originating in the Committee on Senior, Children, and Family Issues and reported with the recommendation that it be adopted, but that it first be referred to the Committee on Rules), which was read by its title, as follows:

By Delegates Rowan, Boggs, Canestraro, Estep-Burton, Fluharty, Graves, Linville, Longstreth, Lovejoy, Malcolm, Mandt, Maynard, Pethtel, Pyles, Rodighiero, Rohrbach, Sypolt, Toney and Williams:

H. C. R. 48 - "Urging the Commissioner of the Bureau for Public Health to designate Alzheimer's disease and other dementias as a public health issue."

Whereas, It is the intent of the House of Delegates to increase awareness of Alzheimer's disease and other dementias, address cognitive impairment, promote brain health, and meet the needs of caregivers; and

Whereas, Alzheimer's disease has been traditionally seen as an aging issue, Alzheimer's is also a public health issue because the burden to society is large, the impact is major, and there are ways to intervene throughout the lifespan; and

Whereas, The onset of Alzheimer's disease cannot yet be stopped or reversed; and

Whereas, Early detection and diagnosis give people with dementia and their families a better chance of receiving and benefitting from treatment, care and support services and allow them to better prepare for medical, legal and financial decisions in the future; and

Whereas, Alzheimer's disease is the sixth leading cause of death in adults age eighteen or older in the United States of America; and

Whereas, Currently there are no definitive interventions or successful treatments to prevent or cure Alzheimer's disease; and

Whereas, The Centers for Disease Control and Prevention (CDC) has declared that it is essential to promote early detection, educate the public about risk reduction and continue accurately tracking the diagnosis of Alzheimer's disease and other dementias; and

Whereas, in conjunction with the CDC, the Bureau for Public Health annually conducts the Behavioral Risk Factor Surveillance System (BRFSS) survey to gather statewide public health data; and

Whereas, in the 2015 BRFSS survey, ten percent, or one in ten, of West Virginia residents age 45 and older reported an increase in confusion or worsening memory loss and more than half of them (52.4 percent) had not discussed these cognitive concerns with a health care provider; and

Whereas, dementia caregivers often suffer from stress, depression, increased illnesses and chronic health issues while providing care to their loved ones for long periods of time, saving tax payers billions of dollars in the process; and

Whereas, we recognize the important responsibility the Bureau for Public Health has in promoting and encouraging healthy behaviors among the general public, increasing early detection and diagnosis of disease and disability, reducing risk of future illness and injury, educating the health care workforce, and monitoring the health of the state; now, therefore, be it

Resolved that the House of Delegates urges the Commissioner of the Bureau for Public Health to designate Alzheimer's disease and other dementias as a public health issue;

Further Resolved, That an appropriate copy of this resolution be transmitted to the Commissioner of the Bureau for Public Health with this final clause omitted, and the introduction thereto, from such copy.

The Speaker referred the resolution (H. C. R. 48) to the Committee on Rules.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2204, Prohibiting state licensing boards from hiring lobbyists,

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

Com. Sub. for H. B. 2204 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to prohibiting state licensing boards from hiring lobbyists; and declaring that the director, board counsel and appointed board members of each board may lobby on behalf of the board,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2686, Relating to permitting the Supreme Court of Appeals of West Virginia to create a family drug court pilot program,

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

H. B. 2686 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-15B-1, and §62-15B-2, all relating to permitting the Supreme Court of Appeals of West Virginia to create a family drug treatment court pilot program; permitting the implementation of a family drug treatment court pilot program in at least four circuits; restricting family drug treatment courts to individuals with substance use disorders who are involved in a child abuse and neglect case; permitting the Supreme Court of Appeals of West Virginia to provide oversight, technical assistance and training; establishing a state family drug treatment court advisory committee; establishing a local family drug treatment court advisory committee; requiring each local family drug treatment court advisory committee to establish criteria for the eligibility and participation of adult responders who have been adjudicated an abusing or neglecting parent and who have been granted a post-adjudicatory improvement period and who have a substance use disorder; prohibiting certain respondents from being eligible for participation in a family drug treatment court; and providing that participation by an adult respondent in a family drug treatment court shall be voluntary and made pursuant only to a written agreement by and between the adult respondent and the department with concurrence of the court,"

And,

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

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

Com. Sub. for H. B. 2479 - "A Bill to amend and reenact §33-33-2, §33-33-12 and §33-33-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-33-12a; and to amend said code by adding thereto a new article, designated §33-52-1, §33-52-2, §33-52-3, §33-52-4, §33-52-5, §33-52-6, §33-52-7, §33-52-8, and §33-52-9, all relating to the corporate governance practices of an insurance company or a group of insurers; defining internal audit function; making an insurer's audit committee responsible for overseeing the insurer's internal audit function; providing that certain insurers must establish an internal audit function with respect to the insurer's governance, risk management, and internal controls; requiring the head of an insurer's internal audit function to report to the insurer's audit committee regularly, but no less than annually, about the periodic audit plan, factors that may adversely impact the internal audit function's independence or effectiveness, material findings from completed audits and the appropriateness of corrective actions implemented by management as a result of audit findings; exempting certain insurers from the internal audit function requirements; stating purpose of Corporate Governance Annual Disclosure Act; defining terms; requiring an insurer to annually submit to the insurance commissioner a corporate governance annual disclosure; describing the contents of the corporate governance annual disclosure; requiring that the corporate governance annual disclosure include a signature of the insurer's chief executive officer or corporate secretary; permitting the insurer to choose the corporate level that the corporate governance annual disclosure is applicable, depending upon how the insurer has structured its corporate governance system; allowing the insurer to comply with the corporate governance annual disclosure requirements by cross referencing other documents or referencing documents already in the possession of the insurance commissioner; requiring that documents and other information related to the corporate governance annual disclosure be confidential and privileged; permitting the insurance commissioner to share documents, materials or other corporate governance annual disclosure-related information with National Association of Insurance Commissioners and other regulatory bodies; providing that the insurance commissioner may retain third-party consultants to assist the commissioner in reviewing the corporate governance annual disclosure and related information; subjecting such third-party consultants and the National Association of Insurance Commissioners to the same confidentiality standards as the insurance commissioner; setting forth the penalty for an insurer that fails to timely provide a corporate governance annual disclosure to the insurance commissioner; and providing for effective dates,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 2608, Repealing the requirement of printing the date a consumer deposit account was opened on paper checks,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (H. B. 2608) to the Committee on the Judiciary was abrogated.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 4 - "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; making legislative findings; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing for continuation of plans and amendments approved during Municipal Home Rule Pilot Program; providing that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; expanding eligibility to participate in home rule to additional municipalities; establishing annual assessment for participants in Municipal Home Rule Program; establishing penalty for failing to timely pay annual assessment; creating special revenue account for Municipal Home Rule Board; authorizing certain expenditures from special revenue fund; providing suspension of annual assessment when certain conditions are met; clarifying the authority of the Municipal Home Rule Board; requiring Municipal Home Rule Board to reject any application or amendment that does not reasonably demonstrate municipality's ability to manage related costs or liabilities; requiring publication of administrative rules of Municipal Home Rule Board on its website and made available to the public in print upon request; clarifying procedures related to submitting amendment to approved plan; requiring certain notice prior to proposing or amending a plan; requiring public hearing and notice of hearing prior to municipality proposing a plan or amendment; amending certain prohibitions on the powers and duties of municipalities under home rule; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws governing professional licensing or certification of employees; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws, rules, or regulations governing enforcement of building codes or fire codes; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to West Virginia Workplace Freedom Act and Labor-Management Relations Act; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to federal laws, regulations, or standards that would affect state's required compliance or jeopardize federal funding; prohibiting municipalities from passing an ordinance, act, resolution, rule, or regulation contrary to laws or rules governing procurement of architectural and engineering services; prohibiting municipalities from passing an ordinance, act, resolution, rule, or regulation contrary to chapter 17C of the Code of West Virginia, 1931, as amended; prohibiting municipalities from passing an ordinance, act, resolution, rule, or regulation contrary to laws, rules, or regulations governing communication technologies or telecommunication carriers; prohibiting municipalities from enacting any ordinance, act, resolution, rule, or regulation that imposes duties on another governmental entity; providing certain exceptions to that prohibition; prohibiting municipalities from passing an ordinance, act, resolution, rule, or regulation that prohibits or limits rental of a property or regulates duration, frequency, or location of such rental; providing certain exceptions to that prohibition and limitation; providing procedures for protesting enactment or amendment of ordinance, act, resolution, rule, or regulation through petition; providing that duly protested enactments shall not become effective unless ratified through majority vote at a regular or special election; specifying voting procedure; providing that certain bonds must be ratified by majority vote before becoming effective; specifying voting procedure for bond ratification; modifying reporting requirements; and eliminating automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 103 - "A Bill to amend and reenact §29-21-6 and §29-21-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-21-9a, all relating generally to Public Defender Services; transferring initial authority to review, approve, modify, or refuse panel attorney vouchers from circuit courts to Public Defender Services; providing for resubmission or reconsideration of vouchers previously modified or refused; establishing procedures for handling of modified or refused vouchers; maintaining final authority over payment of vouchers with circuit courts; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to contract for noncriminal legal services; providing for payment of contracts; authorizing agency to reduce or reject vouchers or requests for payment; requiring panel attorneys to maintain time-keeping records to enable the attorney to determine time expended on a daily basis; authorizing Governor by executive order to borrow funds from the Revenue Shortfall Reserve Fund to pay appointed counsel; establishing repayment requirements; requiring Secretary of Administration's clarification that borrowing is necessary; expiring authorization to borrow on January 1, 2021; setting record-keeping standards; requiring prompt processing and payment of vouchers; increasing the rates of compensation for panel attorneys; authorizing payment for in-court paralegal services with prior approval of the circuit court and subject to agency rule regarding maximum reimbursement; authorizing the executive director to promulgate emergency rules; and setting an effective date"; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 233 - "A Bill to amend and reenact §7-14-8 of the Code of West Virginia, 1931, as amended, relating to the age requirements of persons for the position of deputy sheriff"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 264 - "A Bill to amend and reenact §61-11A-4 of the Code of West Virginia, 1931, as amended, relating to requiring courts to order restitution to victims of crime where it is economically practicable; providing for consideration of economic hardship within the order; and providing for the definition of any person compensating a victim for loss to include the West Virginia Crime Victims Compensation Fund for purposes of receiving restitution for funds paid to a crime victim"; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 270 - "A Bill to amend and reenact §17-2A-17a of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, and §17-2E-6 of said code, all relating to the use of state-owned rights-of-way; modifying requirements related to accommodation leases; providing for the determination of fair market value and compensation for accommodation leases; amending procedures and requirements of the state's dig once policy;

modifying definitions; providing for the determination of fair market value and compensation to Division of Highways relating to dig once policy; modifying notice requirements for permit applicants; amending procedures for the adjudication of disputes between telecommunications carriers; providing certain exemptions from dig once requirements; and authorizing the Division of Highways to, upon approval of the Governor, transfer or assign the ownership, control, or any rights related to any in-kind compensation received by the division to any other state agency”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 331 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i; and to amend and reenact §20-2-16 of said code, all relating to hunting; using leashed dogs to track mortally wounded deer or bear; and clarifying the handling of dogs caught chasing deer”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

S. B. 332 - “A Bill to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended, relating to Class Q special hunting permit for disabled persons; and clarifying and expanding class of persons who may obtain such permits”; which was referred to the Committee on which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

In the absence of objection, the Speaker subsequently noted to the House a revision to the previously announced second reference of the bill (S. B. 332) to a committee and such reference is reflected above.

A message from the Senate, by

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

Com. Sub. for S. B. 390 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-4-4, relating to determining the feasibility of electric utilities constructing and operating middle-mile broadband Internet projects to serve certain unserved and underserved areas; defining certain terms; delineating the factors that must be contained in certain feasibility studies; requiring the Broadband Enhancement Council and the Public Service Commission to assist electric utilities in determining the feasibility of certain proposed middle-mile broadband development projects; permitting the Broadband Enhancement Council render a judgment as to the feasibility of middle-mile broadband Internet projects within a certain period of time; and requiring certain reports be submitted to certain officials and committees”; which was referred to the Committee on Technology and Infrastructure then the Judiciary.

Resolutions Introduced

Delegates J. Kelly, Anderson, Wilson, Atkinson, D. Kelly, Azinger, Criss, Hollen, Cadle, Bibby, Waxman, Hanshaw (Mr. Speaker), Angelucci, Butler, Byrd, Campbell, Canestraro, Capito, Cooper, Cowles, Dean, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Graves, Hamrick, Hanna, Hansen, Hardy, Harshbarger, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Kessinger, Lavender-Bowe, Linville, Longstreth,

Lovejoy, Mandt, Maynard, McGeehan, Miller, Pack, Paynter, Phillips, Porterfield, Pushkin, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Steele, Storch, Swartzmiller, Sypolt, R. Thompson, Tomblin, Toney, Walker, Westfall and Worrell offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 49 - "Requesting the Division of Highways to name bridge number 54-14-24.76 (54A039), locally known as Big Run Bridge, carrying WV 14 over Big Run in Wood County, the 'U. S. Marine Corps PFC Danny Marshall Memorial Bridge'."

Whereas, Danny Marshall was born March 9, 1957, in Parkersburg, West Virginia. He grew up in Waverly and attended Waverly Elementary School and Williamstown High School. Danny was one of eight children of Mrs. Faye Marie Marshall Kemp (deceased January 2009). His brothers and sisters are: Barbara Phillis (Williamstown, WV), Robert (New York), Joey (Parkersburg, WV), Dale (deceased), Dorothy Miller (Marietta, OH), Rex (deceased), and Susan Evans (Marietta, OH). Robert and Joey also served, in the Army and Navy respectively. Danny was an active youth and outdoorsman. He enjoyed wrestling while at Williamstown High and earned several trophies; and

Whereas, At age 17, Danny Marshall joined the Marine Corps in 1974. In 1975 he was based in Okinawa, and his unit would be called upon to rescue the crew of a merchant ship captured by the ruthless Cambodian communists who perpetrated The Killing Fields, the Khmer Rouge. U. S. Marine Corps PFC Danny Marshall and another Marine were captured and taken to the mainland for interrogation at a former Buddhist temple called Wat IntNhean near Sihanoukville. After a week of interrogation and torture, they were killed and buried on the temple grounds. His death date is uncertain, so has been designated by the family as May 15, 1975. He was awarded the Bronze Star, the Purple Heart, the National Defense Service Military Ribbon, the Vietnam Service Military Ribbon, the Defense Distinguished Service Military Ribbon and The Republic of Vietnam Gallantry Cross. On May 23, 1986, the Academic 1 Facility at Marine Corps Base Camp Lejeune in Jacksonville, North Carolina, was dedicated to PFC Marshall and seven other marines who also gave their lives for their country; and

Whereas, Naming the bridge across Big Run in Wood County, the "U. S. Marine Corps PFC Danny Marshall Memorial Bridge" is an appropriate recognition of his contributions to his country, state, community and Wood County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Commissioner of the Division of Highways is hereby requested to name bridge number 54-14-24.76 (54A039), locally known as Big Run Bridge, carrying WV 14 over Big Run in Wood County, the "U. S. Marine Corps PFC Danny Marshall Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "U. S. Marine Corps PFC Danny Marshall Memorial Bridge"; and, be it

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

Bills Introduced

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

By Delegates Nelson, Householder, Shott, Ellington, Atkinson, Jennings, Sypolt, Hartman, Campbell, Cooper and Cowles:

H. B. 2829 - "A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to termination and expiration of the taxes imposed upon persons exercising the privilege of engaging or continuing within this state in the business of severing, extracting, reducing

to possession and producing for sale, profit or commercial use limestone or sandstone on and after July 1, 2019”; to the Committee on Finance.

By Delegates Howell, Pack, Hollen, Jennings, Miller, D. Kelly, Storch, Dean, Hamrick, Foster and Summers:

H. B. 2830 - “A Bill to amend and reenact §24-6-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section designated §24-6-15; all relating to establishing Next Generation 911 services in this state; providing for expanded definitions; establishing a commission to study Next Generation 911 services; providing for commission membership; providing for travel expense reimbursement under certain conditions; establishing the commission’s duties; requiring a preliminary report to the Joint Committee on Government and Finance; requiring a final report to the Joint Committee on Government and Finance and to the Governor; and establishing an effective date and termination date of the commission”; to the Committee on Government Organization then Finance.

By Delegates Criss, Storch, Cowles, Hill, Butler, Hardy, Boggs, Barrett, Pethel, Longstreth and Hartman:

H. B. 2831 - “A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; to the Committee on Finance.

By Delegates Caputo, N. Brown, Lovejoy, Rohrbach, Canestraro and Miller:

H. B. 2832 - “A Bill to amend and reenact §22A-1-4 of the Code of West Virginia, 1931, as amended, relating to requiring drug testing companies to have contractor IDs and mandatory safety training before performing work on mine property”; to the Committee on Industry and Labor then Energy.

By Delegates Maynard, Paynter, Rohrbach, Caputo, J. Jeffries, Miller, Tomblin, Evans, Hicks, R. Thompson and Linville:

H. B. 2833 - “A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Anderson, J. Kelly, Harshbarger and Howell:

H. B. 2834 - “A Bill to amend and reenact §22C-9-4 of the Code of West Virginia, 1931, as amended, relating to updating and modernizing the minimum spacing provisions for the drilling of horizontal deep wells, which will allow exploration and production companies to implement evidence based best practices; establishing no spacing limitations on horizontal deep wells that are operated by the same operator or different operators pursuant to written agreement; establishing setbacks from unit boundaries between different operators; establishing the spacing between the wells of different operators; and limiting the distances that may be established to only those between the producing portions of horizontal deep wells and not the entire well bore”; to the Committee on Energy.

By Delegates Lovejoy, Canestraro, Rohrbach and Hornbuckle:

H. B. 2835 - “A Bill to amend and reenact §62-11D-2 of the Code of West Virginia, 1931, as amended, relating to changing provisions regarding polygraph examinations of sex offenders”; to the Committee on the Judiciary.

By Delegates Lovejoy, Rohrbach, Hornbuckle, Zukoff, Toney and C. Thompson:

H. B. 2836 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate for spay and neuter advocates; and establishing a fee"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Espinosa, Householder, Barrett and Storch:

H. B. 2837 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; providing exception from certain provisions of code; conferring jurisdiction to the Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee; exempting advance deposit wagering from certain provisions of code and implementing rules; providing for criminal penalties for accepting advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for a regulatory fee; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; providing for an investigation as to whether nonresident account holders of a licensee placed wagers while physically located in West Virginia; and authorizing rulemaking and emergency rulemaking"; to the Committee on the Judiciary then Finance.

By Delegates S. Brown, Shott, Lovejoy, Summers, Fleischauer and Kessinger:

H. B. 2838 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32; and to amend and reenact §62-6-8 of said code, all relating to a court ordered examination"; to the Committee on the Judiciary.

By Delegates Espinosa, Householder, Hardy and Bibby:

H. B. 2839 - "A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended, all relating to making changes in distribution of racetrack video lottery net terminal income, excess net terminal income and excess lottery fund"; to the Committee on Finance.

By Delegates Jennings, Phillips and Sypolt:

H. B. 2840 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to allowing a county commission in certain counties to impose an amusement tax to support medical care and emergency services in the county"; to the Committee on Political Subdivisions then Finance.

By Delegates Graves, Dean, Pack, Paynter, Maynard, Storch, Rowan, Westfall and Summers:

H. B. 2841 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to increasing the modification reducing income for personal income tax for retired teachers and retired state employees"; to the Committee on Pensions and Retirement then Finance.

By Delegates Graves, Bates, Maynard, Pack, Paynter, Criss, Longstreth, Storch and Westfall:

H. B. 2842 - "A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §18-9A-9, all relating to increasing the amount that a faculty senate of a public school may allocate to a classroom teacher or librarian for academic materials,

supplies or equipment which, in the judgment of the teacher or librarian, will assist providing instruction”; to the Committee on Education.

By Delegates Howell, Pack, Hamrick, Dean, Criss, C. Martin, D. Jeffries, McGeehan and Householder:

H. B. 2843 - “A Bill to repeal §5A-3-44 and §5A-3-46 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5-17-1, §5-17-2, and §5-17-3; and to amend and reenact §5A-3-45 of said code, all relating to disposition of federal and state surplus property; creating an Office for Federal Surplus Property; providing for the creation of advisory boards or committees; specifying powers of the office; authorizing the assessment of certain storage and handling charges; terminating the State Agency for Surplus Property; authorizing spending units to dispose of their own unnecessary commodities; providing for a transition period prior to the termination of the State Agency for Surplus Property; providing for the disposition of motor vehicles and heavy equipment by public auction; and authorizing the promulgation of rules to facilitate disposition of state property”; to the Committee on Government Organization.

By Delegates Howell, Pack, C. Martin and D. Jeffries:

H. B. 2844 - “A Bill to repeal §29-6-7a, §29-6-9, §29-6-10a, §29-6-14 and §29-6-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-6-1, §29-6-2, §29-6-3, §29-6-4, §29-6-6, §29-6-7, §29-6-8, §29-6-10, §29-6-12, §29-6-16, §29-6-17, §29-6-19, §29-6-20, §29-6-21, §29-6-22, §29-6-23, §29-6-24, and §29-6-27 of said code, all relating to the state employee merit system; defining terms; allowing additions to classified service; providing exemptions to classified service; providing make-up and duties of the State Personnel Board; defining a quorum; providing authority of Director of Personnel; providing rulemaking for the Division of Personnel; exempting cause of action changes to classification and pay grade; authorizing the director to adjust pay grades; providing process for appointment, promotion or reinstatement from lists of candidates; allowing for pilot projects; providing process for dismissal; confidentiality of records; allowing local political subdivisions to participate in the classified service system; providing penalties; providing time frames for job postings and appointments; and allowing for a leave donation program”; to the Committee on Government Organization.

By Delegates Howell, Pack, C. Martin, D. Jeffries, Dean and Hamrick:

H. B. 2845 - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §11-24-25; and to amend said code by adding thereto a new section, designated §21A-2-7, all relating to apprenticeship programs; encouraging establishment of apprenticeship programs by providing a tax credit against the personal and corporate income taxes; and requiring the Executive Director of Workforce West Virginia, the State Superintendent of Schools and the Commissioner of Labor to jointly establish a program combining high school curriculum and career and technology training with critical on-the-job training performed at a local business through a registered apprenticeship program”; to the Committee on Industry and Labor then Finance.

By Delegates Miller, D. Kelly, Swartzmiller, Robinson, Queen, Hornbuckle, Pack and Malcolm:

H. B. 2846 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to special vehicle registration plates; designating a ‘Back the Blue’ plate in support of law-enforcement personnel; and establishing fees for application and issuance of the plate”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Porterfield, Fast, J. Jeffries and Paynter:

H. B. 2847 - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-12; and to amend

and reenact §21-1A-3 of said code, all relating to exemptions from mandated immunizations”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ellington and Summers:

H. B. 2848 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12i; and to amend and reenact §16-48-3 and §16-48-6 of said code, all relating to the West Virginia ABLE Act, adding and clarifying definitions to conform to federal law; adding an attorney in fact and a parent to the persons authorized to create or manage a West Virginia ABLE account as permitted by federal law; amending the age of eligible individuals to conform to federal law; clarifying that a guardian may manage an ABLE account regardless of the amount of a designated beneficiary’s assets and that the Department of Health and Human Resources may not manage an ABLE account; adding a federal employer identification number to the items required in an application; authorizing the maximum account value to be the value established by the state of the program manager contracting with the Treasurer; clarifying that moneys in a West Virginia ABLE account or a qualified withdrawal are to be disregarded when determining eligibility for or the amount of public assistance unless required by federal law, are not subject to claims by the Department of Health and Human Resources unless required by federal law, and on the death of a designed beneficiary is transferred to the estate of the designated beneficiary unless prohibited by federal law; and authorizes contributions to West Virginia ABLE accounts to be subtracted from federal adjusted gross income for purposes of West Virginia personal income taxes and the recapture of amounts subtracted if account funds are used for purposes other than a qualified disability expenses; and making various technical revisions”; to the Committee on Finance.

By Delegates Howell, Pack, C. Martin, D. Jeffries, Dean and Hamrick:

H. B. 2849 - “A Bill to amend and reenact §30-5-11 and §30-5-12 of the Code of West Virginia, 1931, as amended, all relating to establishing different classes of pharmacy technicians; establishing an application process for a registered pharmacy technician to obtain an endorsement as a pharmacy technician; establishing an application process for a nuclear pharmacy technician endorsement; expanding the scope of practice for a registered pharmacy technician endorsement; and defining the scope of practice for a nuclear pharmacy technician endorsement”; to the Committee on Health and Human Resources.

By Delegates Porterfield, Linville, J. Jeffries, Kessinger, Cadle, Paynter, Cooper and Foster:

H. B. 2850 - “A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to qualifications for commercial driver’s license; and providing that a commercial license instruction permit may be issued to persons 18 years of age who have held a graduated Class E, Class E or Class D license for at least one year”; to the Committee on Technology and Infrastructure then Government Organization.

Special Calendar

Third Reading

Com. Sub. for H. B. 2607, Relating to the licensure of nursing homes; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 69**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Kump, Longstreth, Skaff and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2607) passed.

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

Com. Sub. for H. B. 2612, Proposing rules related to the completion or updating of source water protection plans; on third reading, coming up in regular order, was read a third time.

Delegate Hansen requested to be excused from voting on the passage of Com. Sub. for H. B. 2612 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 70**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Kump, Longstreth, Skaff and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2612) passed.

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

Second Reading

S. B. 268, Updating meaning of federal taxable income in WV Corporation Net Income Tax Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 269, Updating terms used in WV Personal Income Tax Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2004, Providing for a program of instruction in workforce preparedness; on second reading, coming up in regular order, was read a second time.

Delegate Robinson moved to amend the bill on page three, line twenty-five, following the period, by inserting the following:

“ARTICLE 21A. CAREER AND TECHNICAL EDUCATION PILOT PROGRAM FOR MIDDLE SCHOOL STUDENTS.

§18-21A-1. Short title.

This article may be cited as the “Middle School Technical Education Program Act” or the “Middle School STEP Act.”

§18-21A-2. Legislative findings.

(a) Career and technical education prepare students to be both college and career ready by providing core academic, technical and employability skills.

(b) High-quality career and technical education programs not only ensure that coursework is aligned with rigorous academic standards and post-secondary expectations, but are built to address specific skills needed in certain career pathways.

(c) Eighty percent of students taking a college preparatory academic curriculum with rigorous career and technical education courses met college and career readiness goals, compared to only 63 percent of students taking the same academic core who did not experience rigorous career and technical education courses.

(d) Furthermore, a 2008 study from American College Testing showed that if students are not on target for college and career readiness by the end of eighth grade the impact may be nearly irreversible. The level of academic achievement that students attain by eighth grade has a larger impact on their college and career readiness by the time they graduate from high school than any other academic factor.

(e) Given the importance of career and technical education programs in fostering college and career readiness, and the determinative impact that eighth grade achievement has on future academic and professional success, it is essential that middle school students are informed about and prepared to take advantage of career and technical education programs in their local communities.

§18-21A-3. Purpose.

The purpose of the pilot program shall be to better prepare seventh and eighth grade students to take advantage of West Virginia's Career and Technical Education programs and to improve students' college and career readiness prior to high school. For the purposes of this article, "middle school" means any school containing the seventh and eighth grade levels.

§18-21A-4. Organization of special pilot program.

(a) Funding. — Participating middle schools shall use existing resources to implement the pilot program.

(b) Instructor Qualifications. — Qualified instructors include, but are not limited to, teachers, counselors and other middle school staff possessing a post-secondary degree. Instructors are not required to obtain any additional certification or license to instruct the course. Nothing in this article or chapter 18A-1- et seq. of this code prohibits principals, vice-principals or other county board of education employees, on a voluntary basis, from participating in the program as a guest instructor or speaker.

(c) Elective Course. — The pilot program shall be a one semester elective course: *Provided*, That middle schools with alternative scheduling systems may adapt the program to suit their scheduling needs.

(d) Local Partners. — High schools, vocational schools, community colleges, public universities and any other institute of higher learning that receives funding from the State of West Virginia shall provide speakers to participating middle schools upon the middle school's request: *Provided*, That the entity providing the speaker is located within 50 miles of the requesting middle school.

§18-21A-5. Curriculum.

(a) Guest Speakers. — Course instructors shall schedule weekly guest speakers to introduce students to a particular career and to prepare students to pursue the featured career by providing relevant information on:

- (1) Education requirements;
- (2) Cost of education;
- (3) Availability of education;
- (4) Average salary;
- (5) Average longevity; and
- (6) Transferability of skills.

Instructors are encouraged to invite professionals excelling in fields where training is available at the local career and technical education school.

(b) *On-Site Research.* — Instructors may organize field trips to visit local employers, job fairs, high schools, vocational schools, community colleges, technical schools, public and private universities, and other post-secondary academic institutions to introduce students to potential career paths via on-site presentations and experiential learning.

(c) *Career Skills.* — The course shall include instruction on skill sets required to discover and take advantage of employment opportunities, including, but not limited to:

- (1) Performing a job search;
- (2) Developing a résumé;
- (3) Preparing for a job interview; and
- (4) Developing and deploying personal networks to find job opportunities.

(d) *Academic Skills.* — The course shall include instruction on skill sets required to discover and take advantage of educational opportunities, including, but not limited to:

(1) Researching admissions requirements for vocational schools, community colleges, technical schools, public and private universities and other post-secondary academic institutions;

(2) Researching employment rates and average salaries for graduates of vocational schools, community colleges, technical schools, public and private universities and other post-secondary academic institutions;

(3) Researching employment rates and average salaries for specific degrees, certifications and majors from post-secondary academic institutions;

(4) Researching state, federal and private scholarship and grant opportunities; and

(5) Preparing a college or technical school application.

(e) *Personal Graduation Plan.* — For successful completion of the course, a student shall create a “Personal Graduation Plan” outlining his or her plan to become employable following high school or post-secondary school.

§18-21A-6. Admission process for middle schools.

(a) Authority. — The state board shall establish guidelines for middle schools to submit a request for the school's admission in the pilot program and the state board may admit middle schools into the pilot program.

(b) Admissions. — Middle schools may volunteer to implement the program by submitting a request to the state board and admission shall be on a first-come, first-serve basis.

(c) Minimum School Participation. — It is the goal of the pilot program that a minimum of 10 middle schools participate each year during the pilot program's existence. If 10 middle schools have not been admitted into the program by July 1 preceding the academic year, the state board may solicit additional middle schools to participate in the pilot program to meet the minimum participation goal, but may not require the participation of any middle school.

§18-21A-7. Certification and monitoring.

(a) Certificate of Completion. — Students shall receive a West Virginia STEP Certificate verifying their participation in the pilot program upon successful completion of the course.

(b) Monitoring. — The state board shall report to the Legislative Oversight Commission on Education Accountability each year on the graduation, post-secondary participation, and to the extent practicable, job placement rates, in the aggregate, of students that have received a West Virginia STEP Certificate following successful completion of the pilot program.”

On the adoption of the amendment, Delegate Robinson demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 71**), and there were—yeas 39, nays 56, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rowe, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Byrd, Kump, Longstreth, Skaff and Storch.

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2363, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program; on second reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

Com. Sub. for H. B. 2420, Establishing the Mountaineer Trail Network Recreation Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2666, Supplemental appropriation to the Department of Veterans' Assistance; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2668, Supplemental appropriation to the Department of Administration, Public Defender Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2490, Preventing proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades,

H. B. 2691, Providing that a license to carry a concealed deadly weapon expires on the holder's birthday,

And,

Com. Sub. for H. B. 2779, Providing that proceeds from certain oil and gas wells to persons whose name or address are unknown are to be kept in a special fund.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Byrd, Kump, Longstreth, Skaff and Storch.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegates Graves, Hansen, Hornbuckle, Miley, Pushkin and C. Thompson during Remarks by Members in the Appendix to the Journal.

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

- Delegate Cooper for H. B. 2662 and H. B. 2824
- Delegate Sypolt for H. B. 2736

Pursuant to House Rule 94b, Delegate Paynter filed a form with the Clerk's Office to be removed as a cosponsor of H. B. 2425.

At 12:21 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 5, 2019.

SPECIAL CALENDAR

Tuesday, February 5, 2019

28th Day

11:00 A. M.

THIRD READING

- S. B. 268 - Updating meaning of federal taxable income in WV Corporation Net Income Tax Act (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 269 - Updating terms used in WV Personal Income Tax Act (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2004 - Providing for a program of instruction in workforce preparedness (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2420 - Establishing the Mountaineer Trail Network Recreation Authority (HOWELL) (REGULAR)
- H. B. 2666 - Supplemental appropriation to the Department of Veterans' Assistance (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 2668 - Supplemental appropriation to the Department of Administration, Public Defender Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

SECOND READING

- Com. Sub. for H. B. 2363 - Relating to the Upper Kanawha Valley Resiliency and Revitalization Program (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2490 - Preventing proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades (ELLINGTON) (REGULAR)
- H. B. 2691 - Providing that a license to carry a concealed deadly weapon expires on the holder's birthday (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2779 - Providing that proceeds from certain oil and gas wells to persons whose name or address are unknown are to be kept in a special fund (ANDERSON) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 240 - Repealing certain legislative rules no longer authorized or are obsolete (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2204 - Prohibiting state licensing boards from hiring lobbyists (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2479 - Corporate Governance Annual Disclosure Act (SHOTT) (REGULAR)

Com. Sub. for H. B. 2481 - Permitting retail sale of alcoholic beverages on Sundays after 1 p.m. (SHOTT) (REGULAR)

H. B. 2608 - Repealing the requirement of printing the date a consumer deposit account was opened on paper checks (NELSON) (REGULAR)

Com. Sub. for H. B. 2686 - Relating to permitting the Supreme Court of Appeals of West Virginia to create a family drug court pilot program (SHOTT) (REGULAR)

HOUSE CALENDAR

Tuesday, February 5, 2019

28th 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**

TUESDAY, FEBRUARY 5, 2019

HOUSE CONVENES AT 11:00 A.M.

**AGRICULTURE AND NATURAL RESOURCES
8:30 A.M. – ROOM 215E**

**INDUSTRY & LABOR
10:00 A.M. – ROOM 215E**

**COMMITTEE ON HEALTH & HUMAN RESOURCES
2:00 P.M. – ROOM 215E**

**COMMITTEE ON ENERGY
2:00 P.M. – ROOM 418M**

**PENSIONS & RETIREMENT
4:00 P.M. – ROOM 460M**

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