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THIRTY-FOURTH DAY

Monday, February 11, 2019

THIRTY-FOURTH DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, February 8, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 451, Comprehensive education reform,

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. 451) was referred to the Committee on Finance.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2673, Creating the Oil and Gas Abandoned Well Plugging Fund,

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

Com. Sub. for H. B. 2673 - "A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6-29a, all relating to creating the Oil and Gas Abandoned Well Plugging Fund for use by the West Virginia Department of Environmental Protection to plug abandoned oil and gas wells without a responsible operator; providing for administration of the fund; requiring fees to be deposited in the fund; providing for civil penalties for late payment of fees; providing specific purposes and limitations for use of the fund; providing fees imposed for the fund may not be collected in certain instances; modifying imposition of the tax on the privilege of severing natural gas or oil by marginal oil and gas wells; providing exemptions from the severance tax; providing exclusions from filing oil and gas severance tax returns; deleting a subsection of the code which expired by its own terms; providing reporting

requirements for the Oil and Gas Reclamation Fund and the Oil and Gas Abandoned Well Plugging Fund; and providing a short title,”

H. B. 2793, Expanding applicability of educational facilities for the West Virginia College Prepaid Tuition and Savings Program,

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

Com. Sub. for H. B. 2793 - “A Bill to amend and reenact §18-30-2, §18-30-3, §18-30-4, and §18-30-7 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia College Prepaid Tuition and Savings Program; expanding applicability of educational facilities for the West Virginia College Prepaid Tuition and Savings Program; and adding the Superintendent of the Department of Education and a member to represent private institutions of higher education to the Board of the College Prepaid Tuition and Savings Program,”

H. B. 2821, Updating provisions for command, clerical and other pay,

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

Com. Sub. for H. B. 2821 - “A Bill to amend and reenact §15-1B-17 of the Code of West Virginia, 1931, as amended, relating to command and clerical pay for certain national guard members; providing for commander pay clerical work for command, clerical and other pay,”

And,

H. B. 2848, Relating to the West Virginia ABLE Act,

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

Com. Sub. for 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 accounts and the moneys deposited therein; 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 accounts 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, moneys in an account or a qualified withdrawal 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 moneys in an account are 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 expense; and making various technical revisions,”

With the recommendation that the committee substitutes each do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2739, Relating to contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board,

And,

H. B. 2743, Eliminating reference to municipal policemen's pension and relief funds and firemen's pension and relief funds in section restricting investment,

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

Delegate Householder, Chair of the Committee on Finance submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2819, Relating generally to contractors,

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

Delegate Capito, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

S. B. 177, Fire Commission rule relating to State Building Code,

And,

Com. Sub. for S. B. 255, Relating to Emergency Medical Services Advisory Committee.

On motion for leave a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Pack, Howell, Pyles, J. Jeffries, Phillips, Hott, Hansen, Tomblin, Nelson, C. Martin and Sypolt:

H. B. 2992 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7; to amend and reenact §7-1-3rr of said code; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to governmental websites; requiring executive branch agencies maintain a website that contains specific information; requiring county commissions to maintain websites with specific information; requiring county commissions to provide certain information to the Secretary of State; requiring municipalities to maintain websites with specific information available to the public at no charge; requiring information to be updated; and requiring updated information be provided to the Office of Technology."

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. 2692, Relating to primary elections and procedures,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2338, Allowing the owner of an antique military vehicle to display alternate registration insignia,

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

Com. Sub. for H. B. 2338 - "A Bill to amend and reenact §17A-10-3a the Code of West Virginia, 1931, as amended, relating to allowing the owner of an antique military vehicle to display alternate registration insignia that is compatible with the vehicle's original markings in lieu of a registration plate,"

And,

H. B. 2359, Relating to exemptions to the commercial driver's license requirements,

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

Com. Sub. for H. B. 2359 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17E-1-8a relating to providing for a restricted commercial driver's license for motor vehicle operators employed with a farm related service industry,"

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. 2621, Relating to background checks of certain financial institutions,

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. 2621) was referred to the Committee on the Judiciary.

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 2807, Creating an additional modification to the West Virginia adjusted gross income of shareholders of S corporations engaged in banking.

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

In accordance with the former direction of the Speaker, the bill (H. B. 2807) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2709, Relating to hunting licenses,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2173, Allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance,

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

H. B. 2173 - "A Bill to amend and reenact §62-1D-6 and §62-1D-9 of the Code of West Virginia, 1931, relating to allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance obtained in state court in criminal proceedings both in state courts and federal courts; and providing that certain information that had previously been excluded may now be used for obtaining an arrest warrant or an indictment,"

And,

H. B. 2715, Relating to Class Q special hunting permit for disabled persons,

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

Com. Sub. for H. B. 2715 - "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; expanding the conditions of permanent disability for which an individual can obtain a Class Q permit; and providing that physician assistants and advanced practice registered nurses may certify Class Q permit applications,"

With the recommendation that the committee substitutes each do pass.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 8, 2019, he approved **S. B. 119**.

Messages from the Senate

A message from the Senate, by

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

H. B. 2351, Relating to regulating prior authorizations.

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

Whereupon,

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

Delegates Ellington, Hollen and Staggers.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 2462, Issuing a certificate to correctional employees to carry firearms.

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

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

“ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15A-3-10. Law-enforcement powers of employees; authority to carry firearms.

(a) Other than as outlined in this section, a correctional officer employed by the division is not a law-enforcement officer as that term is defined in §30-29-1 of this code.

(b) The commissioner is a law-enforcement official, and has the authority to use, and permit and allow or disallow his or her designated employees to use, publicly provided carriage to travel from their residences to their workplace and return: *Provided*, That the usage is subject to the supervision of the commissioner and is directly connected with and required by the nature and in the performance of the official's or designated employee's duties and responsibilities.

(c) All employees of the division are responsible for enforcing rules and laws necessary for the control and management of correctional units and the maintenance of public safety that is within the scope of responsibilities of the division.

(d) Persons employed by the Division of Corrections and Rehabilitation as correctional officers are hereby authorized and empowered to make arrests of persons already charged with a violation of law who surrender themselves to the correctional officer, to arrest persons already in the custody of the division for violations of law occurring in the officer's presence, to detain persons for violations of state law committed on the property of any facility under the jurisdiction of the commissioner, and to conduct investigations, pursue, and apprehend escapees from the custody of a facility of the division.

(e) The commissioner may designate correctional employees as correctional peace officers who have the authority:

(1) To detain persons for violations of state law committed on the property of any state correctional institution;

(2) To conduct investigations regarding criminal activity occurring within a correctional facility;

(3) To execute criminal process or other process in furtherance of these duties; and

(4) To apply for, obtain, and execute search warrants necessary for the completion of his or her duties and responsibilities.

(f) The Corrections Special Operations Team is ~~hereby established~~ continued and ~~shall consist~~ consists of the Corrections Emergency Response Team, the K9 unit, and the Crisis Negotiations team created under the former Division of Corrections. The Corrections Special Operations Team serves as the first responder necessary for the protection of life, liberty, and property. It ~~shall have~~ has limited law-enforcement authority regarding matters occurring at jails, correctional centers, and juvenile centers, and arrest powers to apprehend escapees, absconders, and in all matters arising on the grounds of a facility under the care and control of the commissioner: *Provided*, That at any time the Corrections Special Operations Team is apprehending an escapee or an absconder outside the confinement of the facility grounds, it does so with the assistance and cooperation of local law enforcement or the West Virginia State Police.

(g) Notwithstanding any provision of this code to the contrary, the commissioner may issue a certificate authorizing any correctional employee who has successfully completed the division's training program for firearms certification to carry a firearm in the performance of his or her official duties. The training program shall be approved by the commissioner and be equivalent to the training requirements applicable to deputy sheriffs for the use and handling of firearms. Any correctional employee authorized to do so by the commissioner may carry division-issued firearms while in the performance of his or her official duties, which shall include travel to and from work sites. To maintain certification, a correctional employee must successfully complete an annual firearms qualification course equivalent to that required of certified law-enforcement officers as established by the law enforcement professional standards program. The certificate shall be on a form prescribed by the commissioner and shall bear his or her official signature."

And,

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

H. B. 2462 - "A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended, relating to authorizing the carrying of firearms by correctional employees; providing that after successful completion of designated firearms training, the commissioner may issue a certificate to carry division-issued firearms to correctional employees; establishing that authorized correctional employees may carry division-issued firearms during performance of official duties and when traveling to and from work; establishing the commissioner's firearm training program must be equivalent to the firearms training requirements for deputy sheriffs; requiring that the correctional employee must successfully complete an annual designated firearms course as established by the law enforcement professional standards program to maintain the certificate; and providing the certificate bearing the commissioner's signature shall be in a form prescribed by the commissioner."

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 115**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly, Kump and Rodighiero.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2462) passed.

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

A message from the Senate, by

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

S. B. 16 - “A Bill to authorize the expenditure of surplus funds by the Wyoming County Commission”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 30 - “A Bill to amend and reenact §33-3-15 of the Code of West Virginia, 1931, as amended, relating to eliminating taxation on annuity considerations collected and received by a life insurer”; which was referred to the Committee on Banking and Insurance then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 90 - “A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, all relating to the Safety and Treatment Program; transferring the program from the Department of Health and Human Resources to the Division of Motor Vehicles; adding grievance and appellate procedures and judicial review for individuals participating in the Safety and Treatment Program; authorizing the Commissioner of the Division of Motor Vehicles to promulgate rules to add such procedures and judicial review for participants; and amending internal code references”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 237 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3C-1, §15-3C-2, §15-3C-3, §15-3C-4, §15-3C-5, §15-3C-6, §15-3C-7, and §15-3C-8, all relating generally to missing and unidentified persons investigations; establishing a short title; declaring legislative findings; defining terms; detailing actions that must be taken by law-enforcement agencies following the receipt of a missing persons complaint and during a missing persons investigation; detailing actions that must be taken by medical examiners and law-enforcement agencies related to identification of human remains; requiring the timely notification to family members of identification of human remains; requiring submission of information to certain national and state databases; and creating a misdemeanor offense of knowingly and

willfully filing a false missing persons report with a law-enforcement 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 263 - “A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session if the budget bill has not been enacted”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 323 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e; and to amend and reenact §19-12A-6a of said code, all relating to establishing and funding a special revenue fund to be known as the Department of Agriculture Capital Improvements Fund; creating the fund; providing for administration by Department of Agriculture; identifying sources of moneys for said fund; identifying expenditures that may be made from said fund; providing for funds to remain at end of each fiscal year; eliminating certain deposits in the General Revenue Fund; permitting deposits into certain funds; and making technical corrections.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 323) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 343 - “A Bill to amend and reenact §5A-10-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-10-12, all relating to the review and approval of state property leases by requiring two signatures; and reviewing and approving the lease of state property to nongovernmental entities”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 346 - “A Bill to amend and reenact §6-7-5 of the Code of West Virginia, 1931, as amended, relating to changing the rate at which certain judges are paid for mileage when traveling within the state”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 356 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-1-7, relating generally to compliance with judicial

discovery requirements in state and federal criminal cases; requiring the Department of Military Affairs and Public Safety and the agencies therewithin to provide to state and federal prosecutors information regarding certain past or present employees called as witnesses for the prosecution who have been previously determined to have engaged in conduct which might reasonably constitute impeachment evidence; requiring disclosure of the employee's name to the prosecuting attorney or United States attorney; limiting the department's or agency's responsibilities to those circumstances wherein the department or agency is on notice that the employee has been subpoenaed or is to be called as a prosecution witness; clarifying that the responsibilities imposed by this section upon the department or agency are met by transmittal of the name to the prosecuting attorney or attorney for the United States; granting immunity to the department and agencies for good faith compliance with the requirement to provide information; and clarifying that the immunity granted by the section is in addition to any other immunities granted under law"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 453 - "A Bill to amend and reenact §31A-2-4 of the Code of West Virginia, 1931, as amended, relating to background checks of certain financial institutions; allowing commissioner to accept alternate report forms in limited circumstances for certain non-United States based principals or owners; and making technical corrections"; which was referred to the Committee on Banking and Insurance then the Judiciary.

Resolutions Introduced

Delegate Rodighiero offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 60 - "Recognizing the importance of the upcoming 2020 census and calling upon the Governor to establish a 'Complete Count Commission'".

Whereas, The United States Constitution mandates that a census be conducted every 10 years in Article 1, Section 2; and

Whereas, The first census took place in 1790 and there have been 22 national censuses taken since, with the next census scheduled for 2020; and

Whereas, The Bureau of the Census in the United States Department of Commerce is responsible for conducting the census and the federal government is charged with funding the cost of the census; and

Whereas, It takes the cooperation and investment of state and local governments working in conjunction with the federal government to ensure that the census is fully executed and represents a complete and accurate count of the people within each jurisdiction; and

Whereas, The results of the census are the foundation for many important decisions made by federal and state government, including the disbursement of federal funds to states based on population; and

Whereas, An under counting of West Virginians could result in the loss of federal dollars; and

Whereas, It will take the collaboration of community leaders, faith organizations, nonprofit organizations, local government, legislative leaders and the Governor of the State of West Virginia to raise the public's awareness of the importance of the census and to find ways to support the census efforts; therefore, be it

Resolved by the Legislature of West Virginia:

The Legislature hereby recognizes the importance of the 2020 census and calls on state and local government to begin preparing their communities for the 2020 census; and be it

Further Resolved, That the Legislature hereby calls on Governor Justice to establish a "Complete Count Commission" comprised of legislative leaders, executive branch officials, community leaders, representatives of faith-based and nonprofit organizations, representatives of local government and representatives of historically undercounted populations to ensure that the State of West Virginia is properly and fully counted in the 2020 census.

Delegate Pack offered the following resolution, which was read by its title and referred to the Committee on the Judiciary:

H. C. R. 61 - "Applying to and urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States and to limit the terms of office that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a Member of the United States Senate."

Whereas, The Legislature of West Virginia hereby makes an application to Congress, as provided by Article V of the Constitution of the United States of America, to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a Member of the United States Senate; and

Whereas, This application shall be considered as covering the same subject matter as the applications from other States to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Whereas, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States of America until the legislatures of at least two-thirds of the several states have made applications on the same subject; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby petitions and urges Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives or as a Member of the United States Senate; and, be it

Further Resolved, That the Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the Senate of the United States and to the Speaker, Clerk and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies thereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 62 - "Requesting the Division of Highways name bridge number 20-77/1-0.70 (20A237), locally known as Lower Fields Creek Bridge, carrying County Route 71/1 over Fields Creek in Kanawha County, the 'U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge'."

Whereas, Michael Linn Cooper, the son of Joseph A. and Eula T. Cooper of Chesapeake, Kanawha County, West Virginia, was born March 1, 1949; and

Whereas, Michael Linn Cooper enlisted in the United States Marine Corps on August 9, 1967, in Ashland, Kentucky achieving the rank of Lance Corporal; and

Whereas, LCpl Cooper arrived in Vietnam on February 16, 1968, where he began serving with Company E, 2nd Battalion, 27th Marines, 1st Marine Division, (REIN) FMF; and

Whereas, During the month of August the battalion continued to patrol the "Rocket Belt" of their area of responsibility that surrounded the Da Nang Military Complex in Quang Nam Province; and

Whereas, On August 24, 1968, during an ongoing joint operation with the 51st ARVN Regiment in the vicinity of the Qua Giang village complex and the Cam Le Bridge, the Marines engaged the enemy in battle. During the firefight LCpl Cooper was killed in action after receiving multiple fragmentation wounds; and

Whereas, It is appropriate to honor this Marine and his family for their sacrifice to the nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-77/1-0.70 (20A237), locally known as Lower Fields Creek Bridge, carrying County Route 71/1 over Fields Creek in Kanawha County, the "U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to have made and erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge"; and, be it

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

Delegates Hartman, C. Thompson, Sponaugle, Staggers 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. 63 - "Requesting the Division of Highways name a section of U.S. Route 250 from its intersection with U.S. 219 at Huttonsville, West Virginia, south to the Pocahontas County Line at Randolph County, the 'U. S. Army SSG Boggs G. Collins Memorial Road'."

Whereas, Boggs G. Collins was born to Forrest and Maude Boggs Collins in Huttonsville, West Virginia, on September 21, 1916; and

Whereas, Boggs G. Collins entered the U. S. Army at Ft. Hayes, Columbus, Ohio, on 12 February 1942. He was assigned to the 509th PIB, later redesignated as the 2nd Battalion, 509th Parachute Infantry Regiment; and

Whereas, SSG Collins participated in airborne combat missions in North Africa and in Italy at Avelino. He also participated in two amphibious operations at Naples and Anzio beachheads. On August 15, 1944, SSG Collins also participated in the lead combat team for the airborne jump into southern France, and was one of about 50 survivors of the original 700 who entered the battle near St. Vith, Belgium; and

Whereas, SSG Collins was awarded the Distinguished Service Cross (DSC) for extraordinary heroism in action on the night of 15-16 March 1944 near Carano, Italy. When his company was relieved from action, he voluntarily remained behind to assist the relieving company in the installation of an automatic rifle position. The enemy suddenly launched a counterattack to regain lost ground and upon finding the machine gun destroyed, SSG Collins crawled back to another machine gun position. In spite of overwhelming enemy fire superiority he decided to remain in the forward area and applying immediate action, he returned fire. He drove off the enemy, capturing two and killing several others. SSG Collins captured two more Germans while returning to friendly lines. By his willingness to remain at his position after being relieved, SSG Collins was largely responsible for the complete disruption of an enemy counterattack. He was awarded the DSC by Mark Clark, Lieutenant General, Fifth Army, Commanding; and

Whereas, SSG Collins was awarded the Silver Star Medal for gallantry in action on 29 December 1944 near Sadzot, Belgium for leading an assault on prepared enemy machine gun positions on his company's right flank. Using his Thompson submachine gun he completely wiped out the enemy occupying the positions. SSG Collins rejoined his squad and led them through the rest of the battle and was credited with killing 22 enemy during his actions; and

Whereas, SSG Collins was cited for bravery by leading an assault on a German stronghold that included several houses. His squad pinned down a German command element and his squad's intense machine gun and mortar fire forced the enemy to surrender. SSG Collins' squad was credited with killing 17 enemy and wounding scores more. A German general was among those captured who initially refused to surrender to SSG Collins since he was not an officer. However, the general soon changed his mind when SSG Collins placed his machine gun in the general's stomach; and

Whereas, The Humbert of Savoy, Prince of Piedmont, Lieutenant General of the Realm of Italy, by His Decree under date of September 15, 1945, in view of Royal Decree No. 1423 of November 1932 and successive modifications; upon the suggestion of the Secretary of State for War, conferred, on his own motion, the Military Valor Cross upon SSG Collins. In the Italian Campaign SSG Collins distinguished himself by valor and a splendid spirit of self-sacrifice; and

Whereas, SSG Collins' courageous performance during World War II reflected the highest traditions of the United States Army as he was cited for extraordinary heroism with the Distinguished Service Cross, Silver Star, Bronze Star, Purple Heart with two clusters, French Citation, Combat Infantryman Badge, and American and European Theatre Ribbons with five Battle Stars; and

Whereas, When World War II ended in the European Theatre, SSG Collins was honorably discharged on 30 May 1945; and

Whereas, In January 1949 SSG Collins was united in marriage to the former Mary Emily White, who preceded him in death on January 19, 2004; and

Whereas, SSG Collins was the primary caretaker and gravedigger for the Brick Church Cemetery at Huttonsville, West Virginia, from 1960 until 2001; and

Whereas, SSG Collins passed away on October 18, 2004, and is survived by a daughter, Sheila McCauley and her husband, Larry, of Huttonsville; one son, Tommy Collins, who made his home with his father; and two sisters, Mary Collins Miller and her husband, Bob, of Waynesboro, Virginia, and Adalade Kesterson of Parkersburg, West Virginia; one granddaughter, Shelby Amber McCauley; and several nieces and nephews; and

Whereas, It is appropriate to name this road for this brave American soldier. His countless acts of heroism and his exemplary military service during World War II to his country, state and community should not go unnoticed; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a section of U.S. Route 250 from intersection U. S. 219 at Huttonsville, West Virginia, south to Pocahontas County Line in Randolph County, the "U. S. Army SSG Boggs G. Collins Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to have made and be placed signs containing bold and prominent letters proclaiming the road as the "U. S. Army SSG Boggs G. Collins Memorial Road"; and, be it

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

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

By Delegates Hansen, Miley, Walker, Zukoff, Fleischauer, C. Thompson, Doyle, Estep-Burton, S. Brown, Pyles, Diserio, Robinson, Lavender-Bowe, Sponaugle, Miller, Hicks, Longstreth, Canestraro, Lovejoy, Byrd and Bates:

H. J. R. 25 - "Proposing an amendment to the Constitution of the State of West Virginia section twenty-three, article three thereof, relating to the Bill of Rights; proving for the right to clean air and pure water; preservation of our natural resources and public estate; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Agriculture and Natural Resources then the Judiciary.

And,

By Delegates Howell, Hamrick and C. Martin:

H. J. R. 26 - "Proposing an amendment to the Constitution of the State of West Virginia amending section 46, article VI thereof, relating to the authority of the Legislature to regulate the manufacture and sale of alcohol; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Government Organization then the Judiciary.

Motions

Delegate Estep-Burton filed a written motion to remove from the table the motion by Delegate Fluharty of February 7, 2019, that pursuant to House Rule 82, that H. B. 2733 be discharged from the Committee on Industry and Labor.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 116**), and there were—yeas 40, nays 57, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: J. Kelly, Kump and Rodighiero.

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

Bills Introduced

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

By Delegates J. Kelly, Hanshaw (Mr. Speaker), Summers, Dean, Higginbotham, Waxman, Hanna, Wilson, Jennings, Butler and Hamrick:

H. B. 2952 - "A Bill to amend and reenact §18-3-9 of the Code of West Virginia, 1931, as amended, relating to reducing the personnel of the State Department of Education by 25 percent"; to the Committee on Education.

By Delegate Summers:

H. B. 2953 - "A Bill to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, relating to permitting a critical access hospital to become a community outpatient medical center; establishing certain conditions and requirements; and providing for rule-making authority"; to the Committee on Health and Human Resources.

By Delegate Summers:

H. B. 2954 - "A Bill to amend and reenact §33-45-1 of the Code of West Virginia, 1931, as amended, relating to defining certain terms used in insurance"; to the Committee on Government Organization.

By Delegates Criss, Pushkin, Robinson, Swartzmiller, Wilson and Estep-Burton:

H. B. 2955 - "A Bill to amend and reenact §9-4-3 of the Code of West Virginia, 1931, as amended, relating to adding one member to the Medicaid Advisory Panel from the West Virginia Chiropractic Society"; to the Committee on Health and Human Resources.

By Delegates Fleischauer, Lavender-Bowe, Longstreth, Kessinger, Malcolm, Rohrbach, Walker, Diserio, Pushkin, S. Brown and Staggers:

H. B. 2956 - "A Bill to amend and reenact §5-16B-6d of the Code of West Virginia, 1931, as amended; and to amend and reenact §9-5-12 of said code, all relating to expanding comprehensive coverage for pregnant women through Medicaid to 185 percent of the federal poverty level; providing

coverage for 60 days postpartum; expanding comprehensive coverage for pregnant women between 185 percent and 300 of the federal poverty level including prenatal care, delivery and 60 days postpartum through the Children's Health Insurance Program"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Paynter, Pack, J. Jeffries, Cooper, Maynard, Porterfield, Lavender-Bowe, Campbell, R. Thompson and Toney:

H. B. 2957 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-21-12j, relating to permitting residential customers of electric utilities to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income for personal income tax purposes"; to the Committee on Energy then Finance.

By Delegates Maynard, Westfall, Jennings, Pack, Paynter, Miller, Lovejoy, Linville, J. Jeffries and Angelucci:

H. B. 2958 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-7a relating to authorizing the State Auditor to conduct regular financial examinations or audits of all volunteer fire companies; authorizing the Auditor to establish a schedule of examinations; and defining the scope of the Auditor's examinations"; to the Committee on Government Organization.

By Delegates Hanna, Wilson and Maynard:

H. B. 2959 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-26, relating to unlawful panhandling and solicitation; exempting fire departments; and providing misdemeanor penalties"; to the Committee on the Judiciary.

By Delegates Anderson, Higginbotham, Azinger, Hollen and Nelson:

H. B. 2960 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-12-3, relating to entry onto private property for certain purposes by a federally regulated natural gas company without written permission of the property owner under certain defined conditions; requiring a written request for permission to enter property prior to entry; requiring notice of intent to enter property prior to entry; declaring the legal status of such entry; requiring natural gas company pay the landowner \$500 per five day initial entry and \$100 per day thereafter; distinguishing lawful entry under other authority; and limiting property owner's liability with respect to the company's entry"; to the Committee on Energy.

By Delegates Fast, C. Martin, Foster, Mandt, Howell, Butler and Steele:

H. B. 2961 - "A Bill to amend and reenact §16-1-4, 16-1-9, and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating to permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly; requiring the appropriate water utility to install the backflow prevention assembly at the meter; requiring the appropriate water utility to maintain the backflow prevention assembly; and requiring the water utility to provide information relating to maintenance and necessity for any backflow prevention assembly"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Hornbuckle, Miley, Lovejoy, Fluharty, Hamrick, Dean, Rohrbach, Maynard, Pushkin, S. Brown and Byrd:

H. B. 2962 - "A Bill to amend and reenact §11-15-9g of the Code of West Virginia, 1931, as amended, relating to providing a four-day sales tax holiday during which certain items of clothing, school supplies, school instructional materials, laptop and tablet computers, and sports equipment are exempt from sales and use taxes"; to the Committee on Finance.

By Delegates Hornbuckle, R. Thompson, Lovejoy, Dean, Rohrbach, Paynter, Lavender-Bowe, Worrell, Walker, S. Brown and Sponaugle:

H. B. 2963 - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to modifying the school calendar; setting the school year to 170 days of instruction; establishing limits on the start and end of the school year; and modifying the number and purposes of noninstructional days"; to the Committee on Education.

By Delegates Kessinger, Hardy, Bibby and Hill:

H. B. 2964 - "A Bill to amend and reenact §19-1-11 of the Code of West Virginia, 1931, as amended, relating generally to the Rural Rehabilitation Loan Program; authorizing the Commissioner of Agriculture to utilize other governmental entities, in addition to the State Treasurer, to service the loan program; and exempting the loan program from having to utilize the State Agency for Surplus Property to dispose of repossessed items"; to the Committee on Government Organization.

By Delegates Hamrick, Hornbuckle, Williams, Butler, Lovejoy and Atkinson:

H. B. 2965 - "A Bill to amend and reenact §18-2-25a and §18-2-25b of the Code of West Virginia, 1931, as amended, all relating to providing that schools that do not follow the established protocol on concussions and head injuries in interscholastic athletes are subject to the disciplinary actions by the Secondary Schools Athletics Commission; and providing that schools that do not follow the requirements of their emergency action plans for athletics are subject to the disciplinary actions by the Secondary Schools Athletics Commission"; to the Committee on Education.

By Delegate Harshbarger:

H. B. 2966 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-23A-1, relating to creating the County Budget Flexibility Act; permitting a county to hold over unspent budgetary funds and excess revenue for future uses; requiring those funds be deposited in a county's Future Needs Fund; authorizing the use of those funds for future or unexpected needs; making findings; and setting forth an intent"; to the Committee on the Judiciary then Finance.

By Delegates Hardy, Bibby, Barrett, Espinosa, Cowles, Householder, Mandt, Linville, Wilson, D. Jeffries and Rowan:

H. B. 2967 - "A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to permitting a county to retain the excise taxes for the privilege of transferring title of real estate in that county"; to the Committee on Finance.

By Delegates Nelson, Espinosa, Barrett, Byrd, McGeehan and Criss:

H. B. 2968 - "A Bill to amend and reenact §31A-8-12b of the Code of West Virginia, 1931, as amended, relating to adding remote service unit to the definition of customer bank communications terminals; defining remote service unit; and requiring that operators of remote service units maintain a physical location in this state"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Westfall:

H. B. 2969 - "A Bill to amend and reenact §31-17A-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of 'mortgage loan originator'; clarifying the definition"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Campbell, Lavender-Bowe, Hanna, Rohrbach, Hornbuckle, Toney, Butler, Hill, J. Kelly, Higginbotham and Canestraro:

H. B. 2970 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article designated §17B-2C-1, §17B-2C-2, §17B-2C-3, §17B-2C-4, §17B-2C-5, and §17B-2C-6, all relating to establishing a special plate with

a medical condition diagnosis for persons with medical conditions affecting speech, mobility, or other motor functions; providing for a short title; providing for obtaining a medical condition designated driver's license, providing for obtaining a medical condition designated license plate; providing for confidentiality of medical records; providing for rule-making authority; and providing for an effective date"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Linville, Maynard, Bates, Boggs, Williams, Criss, Graves and Hardy:

H. B. 2971 - "A Bill to amend and reenact §10-1-6 of the Code of West Virginia, 1931, as amended, relating to permitting public libraries to purchase or contract with the most fiscally responsible Internet service providers"; to the Committee on Finance.

By Delegates Fleischauer, Miley, Pyles, Walker, Diserio, Caputo, Angelucci, S. Brown, Swartzmiller, Lovejoy and Bates:

H. B. 2972 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, §5B-2J-5, §5B-2J-6, and §5B-2J-7, all relating to authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote use of energy efficiency improvements by owners of certain real property; providing for financing of programs through voluntary property assessments, commercial lending and other means; authorizing local unit of government to issue bonds, notes and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for repayment of bonds, notes and other evidences of indebtedness; authorizing certain fees; prescribing the powers and duties of certain governmental officers and entities; and providing remedies"; to the Committee on Government Organization then Finance.

By Delegates Anderson, J. Kelly, Porterfield, Criss, Westfall, Williams, Rowe and Bates:

H. B. 2973 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, §5B-2J-5, §5B-2J-6, and §5B-2J-7, all relating to authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote use of energy efficiency improvements by owners of certain real property; providing for financing of programs through voluntary property assessments, commercial lending and other means; authorizing local unit of government to issue bonds, notes and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for repayment of bonds, notes and other evidences of indebtedness; authorizing certain fees; prescribing the powers and duties of certain governmental officers and entities; and providing remedies"; to the Committee on Government Organization then Finance.

By Delegates D. Jeffries, Howell, Pack, Graves, Bibby, Cadle, J. Jeffries, Steele, Harshbarger, Foster and Malcolm:

H. B. 2974 - "A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to exempting businesses relating to transporting scrap tires, waste tires, or other used tires to storage, disposal, or recycling locations from the provisions of this chapter"; to the Committee on Government Organization.

By Delegates Miller and D. Kelly:

H. B. 2975 - "A Bill to amend and reenact §61-8B-10 of the Code of West Virginia, 1931, as amended, relating to imposition of sexual acts on persons incarcerated or under supervision by providing for prohibition against sexual acts for any person working at a correctional facility; and providing for prohibition against sexual acts for any person working at a day report facility"; to the Committee on the Judiciary.

By Delegates Linville, Higginbotham, Hanshaw (Mr. Speaker), Skaff, Foster, Hardy and Maynard:

H. B. 2976 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to creating the Economic Diversification Act of 2019 for the purpose of income tax relief, by state, county, and municipal government, to new businesses whose product or service offered is not currently offered in the state; requiring the Secretary of Commerce to appoint a commission to determine eligibility; providing that commission to be composed of government officials and private citizens; and limiting the tax relief to a maximum period of eight years"; to the Committee on Finance.

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

H. B. 2977 - "A Bill to amend and reenact §30-4-3, §30-4-8, and §30-4-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-4-8a, all relating to permitting the Board of Dentistry to create specialty certifications"; to the Committee on Government Organization.

By Delegates Rohrbach, Waxman and Bates:

H. B. 2978 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-10-1, §9-10-2, §9-10-3, §9-10-4, §9-10-5, §9-10-6, and §9-10-7, all relating to improving the quality of West Virginia's Medicaid program; establishing a pilot program to implement smart health cards for the transmission of healthcare related information for certain Medicaid beneficiaries between the Department of Health and Human Resources and public and private healthcare providers; defining terms; establishing the Smart Health Card Medicaid Pilot Program; providing implementation date for pilot program; outlining goals of the pilot program; setting forth the requirements for establishing the pilot program; setting forth cybersecurity procurement requirements for vendors who provide technology and services relating to the pilot program; setting forth the requirements of the smart health card; restricting disclosure of health information to the same extent as federal HIPAA requirements; establishing annual reporting requirement to the Legislative Committee on Health and Human Resources Accountability; and providing for a sunset clause of June 30, 2024"; to the Committee on Health and Human Resources.

By Delegates Miller, Caputo, Paynter, Tomblin and Maynard:

H. B. 2979 - "A Bill to amend and reenact §22A-2-64 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3-10, all relating to abandoned mines; establishing responsibility of the mine owner to seal mines; establishing liability for failure to seal mines; prohibiting entry into an active, sealed or abandoned mine; establishing criminal penalties; establishing civil liability for costs associated with rescue from a mine"; to the Committee on Energy.

By Delegates Paynter, Dean, Maynard, Hanshaw (Mr. Speaker), Miller and Shott:

H. B. 2980 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22A-13-1, §22A-13-2, §22A-13-3, §22A-13-4, §22A-13-5 and §22A-13-6, all relating to creating the Mine Trespass Act; providing a short title; providing for criminal penalties; providing a hold harmless clause; and providing for temporary exemption from environmental regulations"; to the Committee on the Judiciary.

By Delegate Westfall:

H. B. 2981 - "A Bill to amend and reenact §19-1-11 of the Code of West Virginia, 1931, as amended, relating generally to the Rural Rehabilitation Loan Program; authorizing the Commissioner of Agriculture to utilize other governmental entities, in addition to the State Treasurer, to service the loan program; and exempting the loan program from having to utilize the State Agency for Surplus Property to dispose of repossessed items"; to the Committee on Government Organization.

By Delegates Howell, Hott, Pack, Cadle, C. Martin and Hamrick:

H. B. 2982 - "A Bill to amend and reenact §19-2C-1, §19-2C-2, §19-2C-3, §19-2C-5, §19-2C-5a, §19-2C-6, §19-2C-6a, §19-2C-6c, §19-2C-8, §19-2C-8a, and §19-2C-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-2C-5b, all relating to amending and updating the laws relating to auctioneers by providing for definitions; providing for exemptions to license requirements; providing for June 30 as the date all licenses expire; establishing certain conditions for auctioneers to continue working after license expiration; providing for record retention requirements; providing for exams held twice a year; providing for auctioneers to submit to background checks; providing for authorization to conduct and use information relating to background checks; providing for confidentiality of background checks; providing for penalties for an unlicensed auctioneer; providing for additional circumstances to revoke a license; providing for written contracts with auctioneers and owners of property; and providing for auction houses and business entities to enter into contracts with auctioneers"; to the Committee on Government Organization.

By Delegates Porterfield and Bibby:

H. B. 2983 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, and §47-12-4, all relating to therapeutic rights of minors with regard to treatment by licensed therapists intended to change the sexual attractions or sexual behaviors of a minor, or a minor's self-declared gender identity; listing prohibited practices; providing criminal penalties; specifying that certain practices are unethical and subject licensed therapists to professional discipline, including the possibility of revocation of the therapist's license; and providing certain protections of minor client rights"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates C. Martin and Harshbarger:

H. B. 2984 - "A Bill to repeal §20-2-42n, §20-2-42q, and §20-2-42r of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-42a, §20-2-42d, §20-2-42j, §20-2-42k, §20-2-42p, §20-2-42s, §20-2-42t, §20-2-42x, and §20-2-42y of said code, all relating to repealing the Class N resident and Class NN nonresident antlerless deer hunting stamp, the Class RB resident and Class RRB nonresident archery deer hunting stamp for an additional deer, and the Class RM resident and Class RRM nonresident muzzle-loader deer hunting stamp for an additional deer; allowing one whitetail deer of either sex and three antlerless deer with a Class A resident hunting and trapping license, Class E nonresident hunting and trapping license, Class X resident hunting, fishing and trapping license, Class XJ resident junior and Class XXJ nonresident junior hunting, fishing and trapping license, Class XS resident senior hunting, fishing and trapping license, and Class AH, AHJ, AAH, AAHJ apprentice hunting and trapping licenses; modifying the cost of the licenses; and allowing an additional antlered deer with an antler point restriction of three visible tines on the main beam above the brow tine on one antler to be taken with a Class RG resident and Class RRG nonresident gun deer hunting stamp, and providing certain limitations with regard to such licenses; and decreasing fees for Class UU nonresident archery deer hunting stamp and the Class VV nonresident muzzle-loading deer hunting stamp"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Porterfield and Bibby:

H. B. 2985 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4 and §5-11C-5, all relating to establishing the West Virginia Faith Freedom Act to ensure that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and, strict scrutiny is applied; including a short title; providing definitions; and addressing applicability, construction, remedies, and severability"; to the Committee on the Judiciary.

By Delegates Queen and Kessinger:

H. B. 2986 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-2a, relating to requiring retail pet stores to complete registration forms required by the county assessor upon the sale of a dog; and prohibiting political subdivisions from regulating the operation of a retail pet store”; to the Committee on the Judiciary.

By Delegate Bates:

H. B. 2987 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-5A-1, §27-5A-2, §27-5A-3, §27-5A-4, §27-5A-5, §27-5A-6, and §27-5A-7, all relating to Involuntary treatment for alcohol and other drug abuse; setting forth patients’ rights; establishing criteria for involuntary treatment; providing for petitions for 60-day and 360-day involuntary treatment; establishing financial responsibility; establishing proceedings for involuntary treatment; authorizing 72-hour emergency involuntary treatment; setting forth a procedure for failure to attend examination; providing for transportation to a hospital or other facility; and providing for minors”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Rohrbach:

H. B. 2988 - “A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to tobacco usage restrictions; Legislative findings and intent; raising the legal age for the purchase of tobacco, tobacco products, tobacco derived products, alternative nicotine products and vapor products to 21”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Rohrbach:

H. B. 2989 - “A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund of the state, and exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; prohibiting agreements to settlement or agreement terms that are contrary to the depositing of funds in the State Treasury; requiring quarterly transfer of funds from the Consumer Protection Recovery Fund into the General Revenue Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring quarterly reporting by the Attorney General as to the disposition of matters; and repealing provisions governing the disposition of certain fees of the Attorney General taxed as costs in legal proceedings”; to the Committee on the Judiciary then Finance.

By Delegate Kump:

H. B. 2990 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-1a, relating to the redistricting of the Senate into 34 single senatorial districts beginning in 2020 based on the 2010 census”; to the Committee on the Judiciary.

Special Calendar

Third Reading

S. B. 267, Requiring State Board of Education adopt policy detailing level of computer science instruction; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 117**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly, Kump and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 267) passed.

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

Com. Sub. for H. B. 2365, Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation; on third reading, coming up in regular order, was read a third time.

Delegate Pushkin requested to be excused from voting on the passage of Com. Sub. for H.B. 2365 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. 118**), and there were—yeas 74, nays 23, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, N. Brown, S. Brown, Byrd, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hicks, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Robinson, Rowe, C. Thompson, R. Thompson and Walker.

Absent and Not Voting: J. Kelly, Kump and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2365) 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. 2468, Department of Agriculture Capital Improvements Fund; on third reading, coming up in regular order, was, on motion of Delegate Summers, and by unanimous consent, postponed one day.

Com. Sub. for H. B. 2583, Family Planning Access Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 119**), and there were—yeas 87, nays 10, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: N. Brown, Cadle, Fast, Hartman, D. Jeffries, Jennings, Malcolm, C. Martin, P. Martin and Porterfield.

Absent and Not Voting: J. Kelly, Kump and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2583) 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. 2661, Relating to natural gas utilities; on third reading, coming up in regular order, was read a third time.

Delegates Harshbarger and Capito requested to be excused from voting on the passage of Com. Sub. for H.B. 2661 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 120**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly, Kump and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2661) 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. 2809, Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 121**), and there were—yeas 80, nays 16, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Angelucci, N. Brown, S. Brown, Caputo, Diserio, Estep-Burton, Fluharty, Hicks, Lavender-Bowe, Lovejoy, Miller, Pushkin, Robinson, Rowe, C. Thompson and R. Thompson.

Absent and Not Voting: Doyle, J. Kelly, Kump and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2809) passed.

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

Second Reading

Com. Sub. for H. B. 2330, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter; 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. 2405, Imposing a healthcare related provider tax on certain health care organizations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2415, Requiring the State Board of Education to adopt a policy detailing the appropriate level of computer science instruction; on second reading, coming up in regular order, was, on motion of Delegate Summers, laid upon the table.

Com. Sub. for H. B. 2674, Creating a student loan repayment program for a mental health provider; 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. 2734, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities; 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. 2813, Relating generally to collection of use tax; 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. 18, Relating to crimes committed on State Capitol Complex,

Com. Sub. for S. B. 61, Adding certain crimes for which prosecutor may apply for wiretap,

Com. Sub. for H. B. 2109, Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations,

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

H. B. 2647, Self Storage Limited License Act,

Com. Sub. for H. B. 2720, Authorizing certain investigators and first responders to carry firearms,

Com. Sub. for H. B. 2761, Modernizing the self-service storage lien law,

And,

H. B. 2878, Relating to updating the controlled substances listed on schedule one.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates J. Kelly, Kump and Rodighiero.

Miscellaneous Business

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

- Delegate C. Thompson during Remarks by Members
- Delegate Estep-Burton during Miscellaneous Business

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

- Delegate Lovejoy for H. B. 2933
- Delegate Nelson for H. B. 2976

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

- Delegate Maynard for H. B. 2875

At 12:09 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 12, 2019.

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

SPECIAL CALENDAR

Tuesday, February 12, 2019

35th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2330 - Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2405 - Imposing a healthcare related provider tax on certain health care organizations (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2468 - Department of Agriculture Capital Improvements Fund (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2674 - Creating a student loan repayment program for a mental health provider (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2734 - Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2813 - Relating generally to collection of use tax (HOUSEHOLDER) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 18 - Relating to crimes committed on State Capitol Complex (SHOTT) (REGULAR)
- Com. Sub. for S. B. 61 - Adding certain crimes for which prosecutor may apply for wiretap (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 323 - Establishing revenue fund and source to support Department of Agriculture's improvement to facilities (WESTFALL) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2109 - Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2609 - Relating to presumptions of abandonment and indication of ownership in property (SHOTT) (REGULAR)
- H. B. 2647 - Self Storage Limited License Act (SHOTT) (REGULAR)

- Com. Sub. for H. B. 2720 - Authorizing certain investigators and first responders to carry firearms (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2761 - Modernizing the self-service storage lien law (SHOTT) (JULY 1, 2019)
- H. B. 2878 - Relating to updating the controlled substances listed on schedule one (ELLINGTON) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2173 - Allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2338 - Allowing the owner of an antique military vehicle to display alternate registration insignia (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2359 - Relating to exemptions to the commercial driver's license requirements (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2673 - Creating the Oil and Gas Abandoned Well Plugging Fund (HOUSEHOLDER) (REGULAR)
- H. B. 2692 - Relating to primary elections and procedures (HOWELL) (REGULAR)
- H. B. 2709 - Relating to hunting licenses (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2715 - Relating to Class Q special hunting permit for disabled persons (SHOTT) (REGULAR)
- H. B. 2739 - Relating to contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board (HOUSEHOLDER) (REGULAR)
- H. B. 2743 - Eliminating reference to municipal policemen's pension and relief funds and firemen's pension and relief funds in section restricting investment (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2793 - Expanding applicability of educational facilities for the West Virginia College Prepaid Tuition and Savings Program (HOUSEHOLDER) (REGULAR)
- H. B. 2819 - Relating generally to contractors (FINANCE COMMITTEE TITLE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2821 - Updating provisions for command, clerical and other pay (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 2848 - Relating to the West Virginia ABLE Act (HOUSEHOLDER)
(REGULAR)

H. B. 2992 - Relating to governmental websites (HOWELL) (REGULAR)

HOUSE CALENDAR

Tuesday, February 12, 2019

35th 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 12, 2019

**COMMITTEE ON FINANCE
7:00 A.M. – ROOM 460M**

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

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

**POLITICAL SUBDIVISIONS
1:00 P.M. – ROOM 432M**

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

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

**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