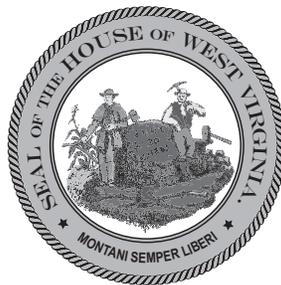


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



February 25, 2019
FORTY-EIGHTH DAY

Monday, February 25, 2019

FORTY-EIGHTH 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 22, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred Com. Sub. for H. B. 2718, on Third Reading, Special Calendar, to the House Calendar; Com. Sub. for S. B. 408, Com. Sub. for S. B. 518, S. B. 545, Com. Sub. for H. B. 2079, Com. Sub. for H. B. 2433, Com. Sub. for H. B. 2441, Com. Sub. for H. B. 2595, H. B. 2729, Com. Sub. for H. B. 2843, Com. Sub. for H. B. 2941, Com. Sub. for H. B. 2951, H. B. 2953, Com. Sub. for H. B. 2976, Com. Sub. for H. B. 3100, Com. Sub. for H. B. 3103, Com. Sub. for H. B. 3116, and H. B. 3147, on Second Reading, Special Calendar, to the House Calendar; and Com. Sub. for H. B. 2179, on First Reading, Special Calendar, to the House Calendar.

Committee Reports

Delegate Summers asked and obtained unanimous consent that all bills on committee reports be taken up for immediate consideration, read a first time and ordered to second reading.

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. 2597, Creating a hunting permit to safely accommodate visually impaired hunters,

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

Com. Sub. for H. B. 2597 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-46g, relating to creating a Class VI hunting permit to safely accommodate visually impaired hunters; setting forth Class VI permit requirements; requiring that a Class VI permittee and his or her assistant must also hold the underlying hunting licenses or otherwise be exempt; and authorizing rulemaking,"

With the recommendation that the committee substitute do pass.

In accordance with the consent previously granted, the bill (Com. Sub. for H. B. 2597) was taken up for immediate consideration, read a first time and ordered to second reading.

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

By Delegates Householder and Criss:

H. B. 3148 - "A Bill supplementing and amending by increasing an existing item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2019, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019."

In accordance with the consent previously granted, the bill (H. B. 3148) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 2882, Creating a health professionals' student loan programs,

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

Com. Sub. for H. B. 2882 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-3-5, relating to creating health professionals' student loan programs; providing legislative findings and purpose; establishing a program known as the Nonresident Medical Student Tuition Regularization Program; providing for in-state tuition rates to out-of-state medical and osteopathic students who agree to practice for a specific time in underserved locations and fields within West Virginia; establishing the program eligibility requirements and application procedures; establishing violations and civil penalties for the failure to complete the required service; creating a special revenue account for the program management; and providing for legislative rule making,"

With the recommendation that the committee substitute do pass.

In accordance with the consent previously granted, the bill (Com. Sub. for H. B. 2882) was taken up for immediate consideration, read a first time and ordered to second reading.

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

By Delegates Sponaugle, Hardy, Williams, Skaff, Hartman, Ellington, Rowe, Barrett, Westfall, Criss and Bates:

H. B. 3149 - "A Bill to amend and reenact §60-8-3 of the Code of West Virginia, 1931, as amended; and to add thereto a new section designated §60-8-4a, all relating to expanding the ability of hard cider manufactures to produce hard cider in this state; establishing a new tax classification for hard cider as a type of wine manufactured in this state; permitting federal tax credits to apply to the state tax for those producers who qualify; creating a fund for tax deposits; requiring reports to the Tax Commissioner; and permitting a wine manufacturer to serve full pours of wine at festivals and tastings for which it is properly licensed."

In accordance with the consent previously granted, the bill (H. B. 3149) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 2966, County Budget Flexibility Act,

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

In accordance with the consent previously granted, the bill (H. B. 2966) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 2967, Permitting a county to retain the excise taxes for the privilege of transferring title of real estate.

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

Com. Sub. for H. B. 2967 - "A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to phasing in elimination of state excise tax and replacing it with county excise tax on certain date,"

With the recommendation that the committee substitute do pass.

In accordance with the consent previously granted, the bill (Com. Sub. for H. B. 2967) was taken up for immediate consideration, read a first time and ordered to second reading.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2612, Proposing rules related to the completion or updating of source water protection plans.

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. 11 - "A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature; providing that persons who first become members of the retirement system after June 30, 2019, shall have their final average salary calculated based on total years of service; and providing that members of the Legislature shall receive one day of credited service for each day paid"; which was referred to the Committee on Finance.

A message from the Senate, by
The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 13, Relating to distributions from State Excess Lottery Fund.

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. 86 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; requiring boards to provide free feminine hygiene products in grades six through 12 to female students not otherwise having access to the products; and defining terms"; which was referred to the Committee on Education 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. 330 - "A Bill to amend and reenact §5F-1-5 of the Code of West Virginia, 1931, as amended, relating to requiring that contact information of an official or employee of the state, who uses a mobile phone either furnished by the employer, or whose service is paid by the employer for the official's or employee's personal phone use in state business, be listed on an agency's online directory and agency's website with certain exceptions"; 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. 383 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-37-1, §19-37-2, §19-37-3, §19-37-4, §19-37-5, §19-37-6, and §19-37-7, all relating to creating West Virginia Healthy Food Crop Block Grant Program; stating findings; defining terms; creating fund; providing general revenue to fund grants for five years; partnering with nonprofit food and farm organizations; establishing grant selection committee and membership; providing method for allocating grants; limiting grants; providing for rulemaking; and establishing program review reports"; 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. 404 - "A Bill to amend and reenact §19-1B-4, §19-1B-6, §19-1B-7, §19-1B-10, and §19-1B-12a of the Code of West Virginia, 1931, as amended, all relating generally to sediment control during commercial timber harvesting operations; increasing the threshold amount before a logger must follow certain licensing requirements regarding sediment control; requiring the logger to notify the Director of the Division of Forestry at least three days before timbering begins; requiring certain training requirements prior to recertification of certified loggers; providing for appeals; increasing criminal penalties; and editing certain limitations on issuing citations and powers of arrest"; 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. 415 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §37D-1-1, §37D-1-2, §37D-1-3, §37D-1-4, §37D-1-5, §37D-1-6, §37D-2-1, §37D-2-2, §37D-2-3, §37D-2-4, §37D-2-5, §37D-2-6, §37D-2-7, and §37D-2-8, all relating to creating the Timber Cotenancy Modernization and Majority Protection Act and the Unknown and Unlocatable Timber Interest Owners Act; permitting the harvest of timber by fewer than all the interest owners under certain conditions; providing an exception to waste and trespass; providing short titles; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use and harvesting of timber by the persons owning an undivided three fourths of the royalty interests, as defined, in the timber estate is permissible, is not waste, and is not trespass; providing that nonconsenting cotenants may elect a harvest royalty interest or a working interest share of harvest; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund hereby created, known as the Unknown and Unlocatable Timber Interest Owners Fund to be administered by the State Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act; providing methods for determination of leasehold and contractual terms, including reviews and determinations; providing liability protection for damages resulting from the lawful use or harvesting of timber; requiring surface use agreements in specified circumstances; providing a mechanism for surface owners to acquire title to certain harvested timber interests; preserving common law rights; providing reporting requirements and administrative duties, including civil penalties for noncompliance under the West Virginia Uniform Unclaimed Property Act; providing for rule-making authority; providing crediting of interest to owner's accounts; and providing an effective date of July 1, 2019"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 444, Supplemental appropriation to DHHR divisions.

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. 485 - "A Bill to amend and reenact §33-17A-3 and §33-17A-4 of the Code of West Virginia, 1931, as amended, all relating to clarifying notification requirements for property insurance purposes"; 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. 493 - "A Bill to amend and reenact §17C-6-8 of the Code of West Virginia, 1931, as amended, relating to correcting terminology referring to racing vehicles illegally on the street"; 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. 529 - “A Bill to amend and reenact §11-16-3, §11-16-5, §11-16-6a, §11-16-6b, §11-16-8, §11-16-9, §11-16-10, §11-16-12, and §11-16-17a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §11-16-6c and §11-16-11b, all relating to nonintoxicating beer generally; creating a temporary license for nonintoxicating beer floorplan extensions of existing licensee floorplans; implementing a fee for the license; removing the two growler limit per patron per day for licensees who sell growlers for off premises consumption; increasing allowable growler size to no larger than 128 ounces; providing for certain growler licensees to conduct complimentary samplings; providing a 30-day requirement to issue or deny a license application once the application is completed; implementing a \$100 beer license operations fee and establishing a special revenue account; implementing a reactivation fee for licensees that fail to timely file their renewal applications and pay their license fees; creating a one-day special license for certain nonprofit and tax exempt entities hosting artistic, athletic, charitable, educational, or religious events to purchase and sell nonintoxicating beer and nonintoxicating craft beer; allowing nonintoxicating beer and nonintoxicating craft beer to have a maximum alcohol content of 15 percent by volume and 11.9 percent by weight; providing limitations on special licenses; setting forth requirements for special licenses; providing for a Class B licensee privilege for nonintoxicating beer or nonintoxicating craft beer sales at a designated parking area; implementing a license fee; licensing brewers, resident brewers, and distributor representatives; providing for transportation permits for nonintoxicating beer and nonintoxicating craft beer; requiring nonintoxicating beer label registration; implementing an operational fee for licensed representatives, transportation permits and container label registration; removing the bond requirements for brewers, resident brewers, distributors, and Class S licenses; and defining terms.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 529) 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. 531 - “A Bill to amend and reenact §23-5-7 of the Code of West Virginia, 1931, as amended, relating generally to workers’ compensation claims pending in the administrative or appellate process; and providing that hearing loss and impairment claims are not occupational disease claims for the purpose of the requirement that a claimant be represented by counsel in a settlement for medical benefits”; 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. 546 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-27-39, relating generally to health care provider taxes; imposing a contingent 0.13 percent tax on eligible acute care hospitals; and providing an expiration date for the tax”; which was referred to the Committee on Health and Human Resources.

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. 585 - “A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating generally to the criminal offenses of stalking and harassment; clarifying

essential elements of harassment; defining terms; and continuing criminal penalties”; 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. 593 - “A Bill to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, as amended, 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.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 593) 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

Com. Sub. for S. B. 624 - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to allowing county boards of education to use an alternative assessment, such as the ACT assessment, pursuant to the locally selected assessment option provided for in the Every Student Succeeds Act; and directing the department to distribute a per student assessment allocation equal to the per student assessment cost as determined by the statewide assessment contract to any county board that chooses to utilize the alternative assessment”; which was referred to the Committee on Education.

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. 641 - “A Bill to repeal §16-2H-3 and §16-2H-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2H-2 of said code, relating to the Primary Care Support Program; eliminating loan fund; and creating grant fund”; which was referred to the Committee on Health and Human Resources.

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. 664 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-2-406, relating to authorizing certain members of the federal judiciary to perform marriages”; which was referred to the Committee on the Judiciary.

Motions

Delegate Ellington was recognized and moved, pursuant to House Rule 82, that H. B. 3127 be discharged from the Committee on Education and read a first time.

Delegate Robinson moved that the motion be tabled.

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

The yeas and nays having been ordered, they were taken (**Roll No. 274**), and there were—yeas 44, nays 53, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hardy, Hartman, Hicks, Hornbuckle, J. Kelly, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pyles, Robinson, Rowan, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Lavender-Bowe and Rodighiero.

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

The question being on the adoption of the motion that the bill be discharged from the Committee on Education and read a first time, the same was put and prevailed.

The bill (H. B. 3127, Relating to the Secondary Activities Commission and participation by home schooled) was then read a first time and ordered to second reading.

Delegate Pushkin was recognized and moved that the February 7 motion by Delegate Fluharty to discharge H. B. 2733 from the Committee on Industry and Labor be taken from the table.

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. 275**), and there were—yeas 37, nays 60, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Cooper, Lavender-Bowe and Rodighiero.

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

Delegate McGeehan was recognized and moved that the February 22 motion to discharge H. B. 2732 from the Committee on the Judiciary be taken from the table.

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

On this question, the yeas and nays were taken (**Roll No. 276**), and there were—yeas 53, nays 44, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Barrett, Butler, Cadle, Cowles, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Harshbarger, Higginbotham, Hill, Hollen, Hott, Householder, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Linville, Malcolm, Mandt, Maynard, Nelson, Pack, Porterfield, Queen, Rohrbach, Rowan, Shott, Steele, Storch, Summers, Sypolt, Waxman, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper, Lavender-Bowe and Rodighiero.

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

Delegate McGeehan then asked and obtained unanimous consent to modify his motion to have H. B. 2732 discharged from the Committee on Education and also read a first time.

On this question, the yeas and nays were taken (**Roll No. 277**), and there were—yeas 56, nays 41, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Barrett, Butler, Cadle, Capito, Cowles, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Harshbarger, Higginbotham, Hill, Hott, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Linville, Malcolm, Mandt, Nelson, Pack, Porterfield, Rowan, Shott, Steele, Storch, Summers, Sypolt, Waxman, Westfall, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper, Lavender-Bowe and Rodighiero.

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

The bill (H. B. 2732, Defend the Guard Act) was then read a first time and ordered second reading.

Special Calendar

Third Reading

Com. Sub. for S. B. 26, Permitting certain employees of educational service cooperatives participate in state's teacher retirement systems; 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. 278**), 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: Cooper, Lavender-Bowe and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 26) passed.

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

Com. Sub. for S. B. 489, Relating to Pharmacy Audit Integrity 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. 279**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 489) passed.

On motion of Delegate Ellington, the title of the bill was amended to read as follows:

Com. Sub. for S. B. 489 - “A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-51-3, §33-51-4, §33-51-7, §33-51-8, and §33-51-9 of said code; and to amend said code by adding thereto a new section, designated §33-51-10, all relating to the regulation of pharmacy benefit managers; defining terms; requiring pharmacy benefit managers to obtain a license from the Insurance Commissioner before doing business in the state; setting forth terms of licensure of pharmacy benefit managers; establishing fees; authorizing the Insurance Commissioner to promulgate rules for legislative approval; providing network adequacy standards; prohibiting a network to be comprised only of mail-order benefits; requiring the Insurance Commissioner to enforce the licensure provisions relating to pharmacy benefit managers; providing for the applicability of provisions to pharmacy benefit managers; clarifying that requirements do not apply to certain prescription drug plans; prohibiting certain practices by an auditing entity; providing exemptions; prohibiting different treatment of a federal 340B drug discount program; requiring the reporting of certain data relating to the payment of pharmacy claims; permitting the public employees insurance agency to cancel a contract if certain conditions are not met; providing disciplinary procedures; and providing civil penalties.”

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

On this question, the yeas and nays were taken (**Roll No. 280**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Rodighiero.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 489) takes effect from its passage.

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

Com. Sub. for H. B. 2229, Adding violations of law upon which a public servant’s retirement plan may be forfeited; 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. 281**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and 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. 2229) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2229 - “A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating generally to disqualification for public service retirement plan benefits, modifying the definition of less than honorable service, removing the exception of a misdemeanor from that aspect of less than honorable service involving impeachment and conviction, removing the requirement that the participant or former participant plead guilty or nolo contendere to felony criminal conduct to constitute less than honorable service; and providing that conviction of specified misdemeanor conduct related to the participant’s term in office or participant’s term of employment in public service constitutes less than honorable service.”

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. 2452, Creating the West Virginia Cybersecurity Office; 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. 282**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Cooper 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. 2452) 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. 2550, Creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 283**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and 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. 2550) passed.

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

H. B. 2598, Relating to submitting a certifying statement attesting to status as a charitable or public service organization; 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. 284**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2598) 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. 2690, Relating to guaranty associations; 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. 285**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and 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. 2690) 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. 2694, Relating to the state's ability to regulate hemp; 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. 286**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Jennings and Porterfield.

Absent and Not Voting: Cooper 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. 2694) 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. 2770, Fairness in Cost-Sharing Calculation 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. 287**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and 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. 2770) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2770 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4s; and to amend said code by adding thereto a new section, designated §33-16-3dd; and to amend said code by adding thereto a new section, designated §33-24-7s; and to amend said code by adding thereto a new section, designated §33-25-8p; and to amend said code by adding thereto a new section, designated §33-25A-8s, all relating to establishing the Fairness in Cost-Sharing Calculation Act; providing for definitions; establishing health plan cost sharing calculations; establishing pharmacy benefits cost sharing calculations; and providing for rule-making authority."

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

H. B. 2816, Removing the terms “hearing impaired,” “hearing impairment,” and “deaf mute” from the West Virginia Code and substituting terms; 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. 288**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2816) passed.

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

H. B. 2827, Removing the residency requirements for hiring deputy assessors; 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. 289**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2827) passed.

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

H. B. 2828, Relating to Qualified Opportunity Zones; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 290**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Doyle, Hanna and Phillips.

Absent and Not Voting: Cooper and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2828) passed.

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

Com. Sub. for H. B. 2830, Establishing Next Generation 911 services in this state; 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. 291**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and 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. 2830) passed.

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

H. B. 2837, Relating to the licensing of advance deposit wagering; 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. 292**), and there were—yeas 77, nays 20, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Azinger, Butler, Cadle, Fast, Harshbarger, Hollen, D. Jeffries, J. Jeffries, Jennings, J. Kelly, Kessinger, Kump, C. Martin, P. Martin, Pack, Porterfield, Rowan, Toney, Waxman and Worrell.

Absent and Not Voting: Cooper, Fleischauer and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2837) passed.

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

H. B. 2926, Requiring the Secretary of the Department of Veterans' Affairs to study the housing needs of veterans; 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. 293**), 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: Cooper, Fleischauer and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2926) 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. 3024, West Virginia Business Ready Sites Program; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

H. B. 3045, Exempting certain complimentary hotel rooms from hotel occupancy tax; on third reading, coming up in regular order, was read a third time.

Delegate C. Martin requested to be excused from voting on the passage of H. B. 3045 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. 294**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Campbell and Rowe.

Absent and Not Voting: Cooper and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3045) passed.

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

H. B. 3132, Relating to exempting providers that serve no more than 30 patients with office-based medication-assisted treatment; 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. 295**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kessinger and Robinson.

Absent and Not Voting: Cooper and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3132) 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. 3133, Relating to requiring a parolee or probationer found to have suffered with addiction to participate in a support service; 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. 296**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and 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. 3133) passed.

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

H. B. 3134, Establishing criminal penalties for negligent homicide, and increasing criminal penalties for reckless driving; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Shott asked and obtained unanimous consent to amend the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

On motion of Delegate Shott, the bill was amended on page two, section three, line nineteen, after the word "be", by inserting the words "imprisoned in a state correctional facility".

The bill was then ordered to engrossment and third reading.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 297**), and there were—yeas 63, nays 33, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Cadle, Caputo, Cowles, Diserio, Doyle, Fast, Fluharty, Hardy, Hicks, Hill, Hornbuckle, Howell, J. Jeffries, Jennings, Lavender-Bowe, Longstreth, McGeehan, Miley, Paynter, Phillips, Porterfield, Pushkin, Rowe, Sponaugle, Staggers, C. Thompson, Tomblin, Walker and Zukoff.

Absent and Not Voting: Cooper, Estep-Burton, C. Martin and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3134) passed.

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

H. B. 3135, Expiring funds to the balance of the Department of Commerce, Development Office; 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. 298**), 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: Cooper, Robinson 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. 3135) passed.

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

On this question, the yeas and nays were taken (**Roll No. 299**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: S. Brown, Cooper, Criss, Maynard, Robinson and Rodighiero.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3135) takes effect from its passage.

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

Second Reading

Com. Sub. for H. B. 2011, Road Maintenance Program; on second reading, coming up in regular order, was read a second time.

Delegate Fleischauer moved to amend the on page three, line thirty-one, following the period at the end of section three, by inserting a new Section, to read as follows:

“§17-30-4. Pilot project regarding Enhanced Road Maintenance Program by combined paving and maintenance contract provisions.

The commissioner shall initiate a pilot project in District 4 of the Division of Highways to evaluate whether combining contract terms requiring the contractor to maintain paved secondary roads for seven years after performing the initial paving of the secondary roads would produce a result both more convenient for the public and cost effective for the division. The district shall let at least three projects involving combined paving and maintenance contracts for secondary roads in each of the counties in the district during the pilot project.

The division shall draft criteria for which roads would be covered, how requirements would be implemented and evaluated, and share the criteria and the results in yearly reports pursuant to §17-30-5, and to all of the Legislators in District 4.”

And,

By renumbering sections four and five of the bill accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 300**), and there were—yeas 40, nays 58, absent and not voting 2, 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, Fast, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Lavender-Bowe, Longstreth, Lovejoy, C. Martin, Miley, Pethtel, Pushkin, Pyles, Queen, Rowe, Skaff, Sponaule, Staggers, Summers, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper and Rodighiero.

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

Delegate Fleischauer then moved to amend the bill on page one, following the enacting clause, by inserting a new section, to read as follows:

“ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.

§5-5-4c. Division of Highways regional field employee pay equity salary adjustment.

(a) The Legislature hereby finds that the Division of Highways has extreme difficulty with recruiting and retaining regional field employees.

(b) The Legislature hereby directs that a pay equity salary adjustment and increase be provided to all regional field employees of the Division of Highways. This salary adjustment shall be for a total of nine percent of the employee's annual salary in effect on July 1, 2019, apportioned over a three-year period as follows:

(1) On July 1, 2019, applicable employees of the Division of Highways shall be given an increase in annual pay of three percent of the employee's annual salary in effect on July 1, 2019;

(2) On July 1, 2020, applicable employees of the Division of Highways shall be given an increase in annual pay of three percent of the employee's annual salary in effect on July 1, 2019; and

(3) On July 1, 2021, applicable employees of the Division of Highways shall be given an increase in annual pay of three percent of the employee's annual salary in effect on July 1, 2019.

(c) Funding for the pay rates for employees of the Division of Highways shall be provided from the general revenue appropriations to the Division of Highways.

(d) In the event any provision of this section conflicts with any rule, policy, or provision of this code, this section shall control. Due to the limits of funding, the implementation of the pay rates and employment requirements are not subject to the provisions of §6C-2-1 *et seq.* of this code. The provisions of this section are rehabilitative in nature and it is the specific intent of the Legislature that no private cause of action, either express or implied, arises pursuant to the provisions or implementation of this section.

(e) If, following this pay raise, the employee makes more than the maximum allowable by the Division of Personnel for the pay grade, this salary increase still takes effect, and that employee shall make more than the pay grade maximum."

And,

By renumbering sections four and five of the bill accordingly.

Delegate Howell arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the Gentleman's point of order was well taken and the amendment was not germane to the bill.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2014, West Virginia Intellectual Property and Trade Secrets Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Robinson, the bill was amended on page four, section two, line forty-eight, by inserting the following new subsection:

"(f) Nothing in this section shall be construed to apply to any information about the marketing and distribution of any substance regulated under Schedule II of the Controlled Substances Act, Title 21 Code of Federal Regulations, §1308.12 (b) and §1308.12 (c), including all opioids and opiates."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2049, Relating to a prime contractor's responsibility for wages and benefits; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page two, following line nineteen, by striking out §38-2-6 in its entirety.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2378, Relating generally to grounds for revocation of a teaching certificate; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Foster, the bill was amended on page two, section six, line nineteen, after the word "code", by inserting "or comparable statute in any other state".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2396, West Virginia Fresh Food Act; 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. 2397, Requiring county school boards to provide adequate mental health and counseling services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2497, Relating to the whistle-blower law; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2535, Relating to purchasing exemptions and procedures; 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. 2617, Relating to the form for making offer of optional uninsured and underinsured coverage by insurers; 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. 2662, Relating to certificates or employment of school personnel; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Foster, the bill was amended on page three, section five, line forty-nine, after the word "code", by inserting "or comparable statute in any other state".

And,

On page seven, section eight-e, line eight-three, after the word "code", by inserting the following "or comparable statute in any other state".

The bill was then ordered to engrossment and third reading.

H. B. 2665, Supplemental appropriation for PEIA Rainy Day Fee; 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. 2670, Relating to damages for medical monitoring; 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. 2703, Relating to refunds of excise taxes collected from dealers of petroleum products; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2760, Relating to performance reviews of state agencies and regulatory boards; 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. 2802, Uniform Partition of Heirs Property Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Fast and Shott, the bill was amended on page three, section three, after the section heading, by striking the remainder of the section in its entirety and inserting in lieu thereof the following:

“(a) This article applies to partition actions filed on or after the effective date of this article.

(b) In an action to partition real property under §37-4-1 *et seq.* of this code, the court shall first determine whether the property is heirs property as that term is defined in §37-16-2 of this code.

(c) If the court determines the property is heirs property, the property must be partitioned under this article unless all of the cotenants otherwise agree in a record or unless one of the exceptions in §37-16-3(f) or §37-16-3(g) of this code applies to the property. The court may also apply provisions of §37-4-1 *et seq.* of this code that are not inconsistent with this article.

(d) If the court determines that the property is not heirs property, or if one of the exceptions in §37-16-3(f) or §37-16-3(g) of this code applies to the property, the partition action will be governed under §37-4-1 *et seq.* of this code.

(e) If a parcel of real property has been severed into a surface estate and a mineral estate and either, but not both, of the severed estates meets the definition of “heirs property,” this article applies only to the estate that meets the definition.

(f) This article does not apply to the partition of severed coal estates.

(g) This article does not apply to the partition of severed oil or natural gas estates if:

(1) under §37B-1-4(a) of this code there are six or fewer oil or natural gas royalty owner cotenants, thereby prohibiting the use of §37B-1-1 *et seq.* of this code for the development, operation and production of oil, natural gas, or their constituents and the plaintiff in the partition action has made reasonable, good faith efforts to locate and negotiate with all oil or natural gas royalty owner cotenants, but has been unable, despite reasonable, good faith efforts, including the delivery in writing of its final lease offer and the passage of 45 days, to obtain consent to the proposed oil and natural gas development from all royalty owner cotenants; or

(2) under §37B-1-4(a) of this code there are seven or more oil or natural gas royalty owner cotenants and the plaintiff in the partition action has made reasonable, good faith efforts to locate and negotiate with all oil or natural gas royalty owner cotenants, but has been unable, despite reasonable, good faith efforts, including the delivery in writing of its final lease offer and the passage of 45 days, to obtain consent to the proposed oil and natural gas development from royalty owners vested with at least three-fourths of the undivided right to develop, operate and produce oil, natural gas, or their constituents, thereby prohibiting the use of §37B-1-1 *et seq.* of this code for the development, operation and production of oil, natural gas, or their constituents.

(h) Any interest in oil or natural gas which is covered by a valid oil or natural gas lease, which was negotiated through reasonable, good faith efforts, shall not be sold or transferred in a partition by sale under this article or under §37-4-1 *et seq.* of this code.”

And,

On page five, section five, after the section heading, by striking the remainder of the section in its entirety and inserting in lieu thereof the following:

“(a) The court, in its discretion, may appoint commissioners to make an assessment of partition alternatives under §37-16-8 of this code.

(b) If the court appoints commissioners pursuant to §37-16-5(a) of this code, each commissioner must be disinterested and impartial and not a party to or a participant in the action.

(c) If the court appoints commissioners under §37-16-5(a) of this code, the commissioners must consider all of the factors in §37-16-9 of this code in evaluating whether partition in kind would result in substantial prejudice to the cotenants as a group. The commissioners must file a report with the court that provides an assessment of whether partition in kind would result in substantial prejudice to the cotenants as a group and this assessment must be supported by sufficient facts.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2831, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2850, Relating to qualifications for commercial driver’s license; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2853, Establishing the West Virginia Program for Open Education Resources; 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. 2866, Relating to the termination, expiration, or cancellation of oil or natural gas leases; 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. 2895, Allowing victims of certain crimes to get a restraining order; 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. 2931, Clarifying that the State Lottery Commission has no authority over nonlottery games; 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. 2943, Relating to deliveries by wine specialty shop; 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. 2945, Relating to vendors paying a single annual fee for a permit issued by a local health department; 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. 2974, Exempting businesses relating to transporting certain used tires to storage, disposal, or recycling locations from provisions of chapter; on second reading, coming up in regular order, was read a second time.

Delegates C. Martin and P. Martin moved to amend the bill on page three, section three, line sixty-six, by striking out subdivision (15) in its entirety and renumbering the remaining section accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 301**), and there were—yeas 49, nays 49, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Azinger, Bibby, Capito, Cowles, Criss, Doyle, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Linville, Malcolm, Mandt, Pack, Phillips, Porterfield, Queen, Rohrbach, Rowan, Shott, Staggers, Steele, Storch, Summers, Swartzmiller, Sypolt, Tomblin, Waxman, Westfall, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper and Rodighiero.

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. 2991, Relating to the Ryan Brown Addiction Prevention and Recovery Fund; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Ellington, the bill was amended on page three, section two, line twenty, following the “Fund”, by striking out the period and inserting in lieu thereof the following proviso:

“: *Provided*, however, that state agencies may recover any reasonable administrative costs, contractual damages, or expenses incurred in the pursuit of the litigation prior to the proceeds being transferred to the Fund.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3016, Relating to the State Aeronautics Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

In accordance with House Rule 58, and having voted on the prevailing side, Delegate Hanna moved that the House of Delegates reconsider the rejection of the amendment offered by Delegates C. Martin and P. Martin to Com. Sub. for H. B. 2974.

On the motion to reconsider the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 302**), and there were—yeas 53, nays 45, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Azinger, Bibby, Capito, Cowles, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hardy, Harshbarger, Hartman, Higginbotham, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Linville, Malcolm, Mandt, Miller, Pack, Pethel, Porterfield, Queen, Rohrbach, Rowan, Shott, Steele, Storch, Summers, Sypolt, Waxman, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper and Rodighiero.

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

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

The yeas and nays having been ordered, they were taken (**Roll No. 303**), and there were—yeas 46, nays 52, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Canestraro, Caputo, Diserio, Estep-Burton, Evans, Fleischauer, Fluharty, Hanna, Hansen, Hicks, Hill, Hollen, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Lovejoy, C. Martin, P. Martin, Maynard, McGeehan, Miley, Nelson, Paynter, Pethtel, Pushkin, Pyles, Robinson, Skaff, Sponaugle, Swartzmiller, C. Thompson, R. Thompson, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper and Rodighiero.

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

At 1:47 p.m., the House of Delegates recessed until 6:30 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Special Calendar

Second Reading

-continued-

H. B. 3020, Relating to sole source contracts for goods and services with nonprofit corporations affiliated with the respective education institutions; 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. 3021, Relating to the disposition of permit fees, registration fees and civil penalties imposed against thoroughbred horse racing licensees; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3044, Requiring the Commissioner of Highways to develop a formula for allocating road funds; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page two, line ten, subsection (3), following the words "in a county", by inserting the words "and their condition".

The bill was then ordered to engrossment and third reading.

H. B. 3054, Relating to the state agency for surplus property; 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. 3057, Relating to the Adult Drug Court Participation Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3095, Establishing a minimum monthly retirement annuity for certain retirants; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3102, Creating alternating wine proprietorships for wineries and farm wineries; 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. 3105, Permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement; 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. 3131, Relating to providing salary adjustments to employees of the Department of Health and Human Resources; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3136, Relating to the Centers for Medicare and Medicaid Services; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page two, section two-a, line twenty-one, by adding a new subdivision (6) to read as follows:

“(6) Participating in, and complying with, a substance abuse treatment or recovery program approved by the Department for a total of at least 20 hours per week.”

The bill was then ordered to engrossment and third reading.

H. B. 3137, Relating to the personal income tax fund; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Householder and Linville, the bill was amended on page three, by striking out section thirty-three in its entirety and inserting in lieu thereof the following:

“§11B-2-33. Personal income tax reduction fund.

(a) The personal income tax reduction fund is hereby established. The personal income tax reduction fund shall be funded continuously and on a revolving basis in accordance with this section, with all interest or other earnings on the moneys therein credited to the fund. The personal income tax reduction fund shall be funded as provided by this section, by other provisions of this code, and by any appropriation made to the fund by the Legislature. Moneys in the personal income tax reduction fund may be expended solely for the purposes set forth in this section.

(b) Notwithstanding any other provision of this code to the contrary, moneys to be deposited in the personal income tax reduction fund include:

(1) The net amount of all West Virginia state sales and use tax collections on all sales made on and after January 1, 2019, that are delivered into West Virginia that are paid by any out-of-state vendor. The State Tax Commissioner shall deposit the amounts as required by this section into the fund;

(2) The net amount of the state's share of the gross sales received by the State Lottery Commission that are derived from lottery games authorized under §29-22-1, et seq., of this code on and after January 1, 2019, that utilize an electronic computer and a video screen to operate a lottery game and communicate the results thereof, such as the games of "Travel" or "Keno", and which do not utilize an interactive electronic terminal device allowing input by an individual player, that are made available by the State Lottery Commission in locations other than (A) private clubs licensed in accordance with the provisions of article seven, chapter sixty of this code, (B) retail licensees licensed in accordance with the provisions of article three-a of said chapter sixty, or (C) in the facilities of class A licensees which are licensed in accordance with the provisions of section nine, article sixteen, chapter eleven of this code, in which facility at least seventy-five percent of the nonintoxicating beer sold by the class A licensee in the preceding year was sold for consumption on the premises. The State Lottery Commission shall deposit the amounts as required by this section into the fund;

(3) The net amount of the state's share of gross terminal income received by the State Lottery Commission that are derived from lottery games that are derived from limited video lottery operations authorized under §29-22B-1, et seq., of this code on and after January 1, 2019, that are operated at a retail location by a licensed operator authorized by the State Lottery Commission to operate limited video lottery terminals as a limited video lottery retailer. The State Lottery Commission shall deposit the amounts as required by this section into the fund;

(4) The net amount of the state's share of gross revenues received by the State Lottery Commission that are derived from racetrack video lottery terminals at a secondary location of a licensed racetrack authorized under §29-22A-1 et seq. of this code on and after January 1, 2019. The State Lottery Commission shall deposit the amounts as required by this section into the fund;

(5) The net amount of the state's share of gross revenues received by the State Lottery Commission that are derived from racetrack table games at a secondary location of a licensed racetrack authorized under §29-22C-1 et seq. of this code on and after January 1, 2019. The State Lottery Commission shall deposit the amounts as required by this section into the fund;

(6) The net amount of the state's share of gross revenues received by the State Lottery Commission that are derived from sports wagering at a secondary location of a licensed racetrack authorized under §29-22D-1 et seq. of this code on and after January 1, 2019. The State Lottery Commission shall deposit the amounts as required by this section into the fund;

(7) The net amount of the state's share of gross revenues received by the State Lottery Commission that are derived from interactive gaming at a primary or secondary location of a licensed racetrack authorized under §29-22E-1 et seq. of this code on and after January 1, 2019. The State Lottery Commission shall deposit the amounts as required by this section into the fund; and

(8) All other amounts directed to be deposited into the fund by any provision of this code or appropriation.

(c)(1) If at the end of any fiscal year the personal income tax reduction fund is funded at an amount equal to or exceeding \$200 million, the Secretary of Revenue shall certify the same to the State Tax Commissioner on or before the next ensuing July 31.

(2) Upon the certification, for all taxable years beginning on or after the next ensuing January 1, the tax imposed by §11-21-3 of this code shall, in lieu of the provisions of §11-21-4e of this code, be imposed in accordance with the following as if fully set forth therein:

(A) Rate of tax on individuals (except married individuals filing separate returns), individuals filing joint returns, heads of households, estates and trusts. — The tax imposed by section three of this article on the West Virginia taxable income of every individual (except married individuals filing separate returns); every individual who is a head of a household in the determination of his or her federal income tax for the taxable year; every husband and wife who file a joint return under this article; every individual who is entitled to file his or her federal income tax return for the taxable year as a surviving spouse; and every estate and trust shall be determined in accordance with the following table:

If the West Virginia

<u>taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$10,000</u>	<u>2.5% of the taxable income</u>
<u>Over \$10,000 but not over \$25,000</u>	<u>\$250.00 plus 3.5% of excess over \$10,000</u>
<u>Over \$25,000 but not over \$40,000</u>	<u>\$775.00 plus 4.0% of excess over \$25,000</u>
<u>Over \$40,000 but not over \$60,000</u>	<u>\$1,375.00 plus 5.5% of excess over \$40,000</u>
<u>Over \$60,000</u>	<u>\$2,475.00 plus 6.0% of excess over \$60,000</u>

(B) Rate of tax on married individuals filing separate returns. — In the case of husband and wife filing separate returns under this article for the taxable year, the tax imposed by section three of this article on the West Virginia taxable income of each spouse shall be determined in accordance with the following table:

If the West Virginia

<u>taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$5,000</u>	<u>2.5% of the taxable income</u>
<u>Over \$5,000 but not over \$12,500</u>	<u>\$125.00 plus 3.5% of excess over \$5,000</u>
<u>Over \$12,500 but not over \$20,000</u>	<u>\$387.50 plus 4.0% of excess over \$12,500</u>

<u>Over \$20,000 but not</u>	<u>\$687.50 plus 5.5% of excess</u>
<u>over \$30,000</u>	<u>over \$20,000</u>
<u>Over \$30,000</u>	<u>\$1,237.50 plus 6.0% of</u>
	<u>excess over \$30,000</u>

(3) Upon the certification, on the next ensuing July 1, the Secretary of Revenue shall transfer \$200 million from the personal income tax reduction fund to the general revenue fund of the state.

(d)(1) After the occurrence of the events described in §11B-2-33(c)(1) of this code, if at the end of any fiscal year the personal income tax reduction fund is funded at an amount equal to or exceeding \$200 million, less the amount required to be transferred by §11B-2-33(c)(3), if required, the Secretary of Revenue shall certify the same to the State Tax Commissioner on or before the next ensuing July 31.

(2) Upon the certification, for all taxable years beginning on or after the next ensuing January 1, the tax imposed by §11-21-3 of this code shall, in lieu of the provisions of §11-21-4e, be imposed in accordance with the following as if fully set forth therein:

(A) Rate of tax on individuals (except married individuals filing separate returns), individuals filing joint returns, heads of households, estates and trusts. — The tax imposed by section three of this article on the West Virginia taxable income of every individual (except married individuals filing separate returns); every individual who is a head of a household in the determination of his or her federal income tax for the taxable year; every husband and wife who file a joint return under this article; every individual who is entitled to file his or her federal income tax return for the taxable year as a surviving spouse; and every estate and trust shall be determined in accordance with the following table:

If the West Virginia

<u>taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$10,000</u>	<u>2.0% of the taxable income</u>
<u>Over \$10,000 but not</u>	<u>\$200.00 plus 3.0% of excess</u>
<u>over \$25,000</u>	<u>over \$10,000</u>
<u>Over \$25,000 but not</u>	<u>\$650.00 plus 3.5% of excess</u>
<u>over \$40,000</u>	<u>over \$25,000</u>
<u>Over \$40,000 but not</u>	<u>\$1,175.00 plus 5.0% of excess</u>
<u>over \$60,000</u>	<u>over \$40,000</u>
<u>Over \$60,000</u>	<u>\$2,175.00 plus 5.5% of excess</u>
	<u>over \$60,000</u>

(B) Rate of tax on married individuals filing separate returns. — In the case of husband and wife filing separate returns under this article for the taxable year, the tax imposed by section three of this article on the West Virginia taxable income of each spouse shall be determined in accordance with the following table:

If the West Virginia

<u>taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$5,000</u>	<u>2.0% of the taxable income</u>
<u>Over \$5,000 but not over \$12,500</u>	<u>\$100.00 plus 3.0% of excess over \$5,000</u>
<u>Over \$12,500 but not over \$20,000</u>	<u>\$325.00 plus 3.5% of excess over \$12,500</u>
<u>Over \$20,000 but not over \$30,000</u>	<u>\$587.50 plus 5.0% of excess over \$20,000</u>
<u>Over \$30,000</u>	<u>\$1,087.50 plus 5.5% of excess over \$30,000</u>

(3) Upon the certification, on the next ensuing July 1, the Secretary of Revenue shall transfer \$200 million from the personal income tax reduction fund to the general revenue fund of the state.

(e)(1) After the occurrence described in §11B-2-33(d)(1) of this code, if at the end of any fiscal year the personal income tax reduction fund is funded at an amount equal to or exceeding \$200 million, less the amount required to be transferred by §11B-2-33(d)(3), if required, the Secretary of Revenue shall certify the same to the State Tax Commissioner on or before the next ensuing July 31.

(2) Upon the certification, for all taxable years beginning on or after the next ensuing January 1, the tax imposed by §11-21-3 of this code shall, in lieu of the provisions of §11-21-4e, be imposed in accordance with the following as if fully set forth therein: The Tax Commissioner shall publish by administrative notice the provisions set forth in §11B-2-33(d)(2) of this code after reducing each percentage by 0.5% to the same effect of reducing those percentages as provided by §11B-2-33(c)(2) and §11B-2-33(d)(2) of this code, which published provisions shall for all taxable years beginning on or after the next ensuing January 1, be the tax imposed by §11-21-3 of this code in lieu of the provisions of §11-21-4e.

(3) Upon the certification, on the next ensuing July 1, the Secretary of Revenue shall transfer \$200 million from the personal income tax reduction fund to the general revenue fund of the state.

(f) The moneys in the personal income tax reduction fund shall be made available to the West Virginia Board of Treasury Investments for management and investment of the moneys in accordance with the provisions of article six-c, chapter twelve of this code and to the West Virginia Investment Management Board for management and investment of the moneys in accordance with the provisions of article six, chapter twelve of this code in such amounts as may be directed in the discretion of the Secretary of Revenue. Any balance of the personal income tax reduction fund, including accrued

interest and other return earned thereon at the end of any fiscal year, shall not revert to the General Fund but shall remain in personal income tax reduction fund for the purposes set forth in this section.”

The bill was then ordered to engrossment and third reading.

H. B. 3139, Relating to funding of the Public Employees Health Insurance Program; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended page two, section twenty-seven, line five, following the words “from employers”, by striking out the word “participating” and inserting in lieu thereof the words “required by law to participate”.

And,

On page two, section twenty-seven, line seven, following the words “April 1, 2019” and the period, by inserting a new sentence to read as follows: “The Rainy Day Fee may not be assessed or collected from employers who may, but are not required to, participate in PEIA under §5-16-22 of this code.”

Delegate Bates moved to amend the bill on page one, following the article heading, by inserting the following:

“§5-16-5. Purpose, powers and duties of the finance board; initial financial plan; financial plan for following year; and annual financial plans.

(a) The purpose of the finance board created by this article is to bring fiscal stability to the Public Employees Insurance Agency through development of annual financial plans and long-range plans designed to meet the agency’s estimated total financial requirements, taking into account all revenues projected to be made available to the agency and apportioning necessary costs equitably among participating employers, employees and retired employees and providers of health care services.

(b) The finance board shall retain the services of an impartial, professional actuary, with demonstrated experience in analysis of large group health insurance plans, to estimate the total financial requirements of the Public Employees Insurance Agency for each fiscal year and to review and render written professional opinions as to financial plans proposed by the finance board. The actuary shall also assist in the development of alternative financing options and perform any other services requested by the finance board or the director. All reasonable fees and expenses for actuarial services shall be paid by the Public Employees Insurance Agency. The actuary shall submit a projection of the increase in expenditures for employees’ health insurance benefits for the next plan year finance board. Any financial plan or modifications to a financial plan approved or proposed by the finance board pursuant to this section shall be submitted to and reviewed by the actuary and may not be finally approved and submitted to the Governor and to the Legislature without the actuary’s written professional opinion that the plan may be reasonably expected to generate sufficient revenues to meet all estimated program and administrative costs of the agency, including incurred but unreported claims, for the fiscal year for which the plan is proposed. The actuary’s opinion on the financial plan for each fiscal year shall allow for no more than thirty days of accounts payable to be carried over into the next fiscal year. The actuary’s opinion for any fiscal year shall not include a requirement for establishment of a reserve fund.

(c) All financial plans required by this section shall establish:

(1) Maximum levels of reimbursement which the Public Employees Insurance Agency makes to categories of health care providers;

- (2) Any necessary cost-containment measures for implementation by the director;
- (3) The levels of premium costs to participating employers; and
- (4) The types and levels of cost to participating employees and retired employees.

The financial plans may provide for different levels of costs based on the insureds' ability to pay. The finance board may establish different levels of costs to retired employees based upon length of employment with a participating employer, ability to pay or other relevant factors. The financial plans may also include optional alternative benefit plans with alternative types and levels of cost. The finance board may develop policies which encourage the use of West Virginia health care providers.

In addition, the finance board may allocate a portion of the premium costs charged to participating employers to subsidize the cost of coverage for participating retired employees, on such terms as the finance board determines are equitable and financially responsible.

(d)(1) The finance board shall prepare an annual financial plan for each fiscal year during which the finance board remains in existence. The finance board chairman shall request the actuary to estimate the total financial requirements of the Public Employees Insurance Agency for the fiscal year.

(2) The finance board shall prepare a proposed financial plan designed to generate revenues sufficient to meet all estimated program and administrative costs of the Public Employees Insurance Agency for the fiscal year. The proposed financial plan shall allow for no more than thirty days of accounts payable to be carried over into the next fiscal year. Before final adoption of the proposed financial plan, the finance board shall request the actuary to review the plan and to render a written professional opinion stating whether the plan will generate sufficient revenues to meet all estimated program and administrative costs of the Public Employees Insurance Agency for the fiscal year. The actuary's report shall explain the basis of its opinion. If the actuary concludes that the proposed financial plan will not generate sufficient revenues to meet all anticipated costs, then the finance board shall make necessary modifications to the proposed plan to ensure that all actuarially determined financial requirements of the agency will be met.

(3) Upon obtaining the actuary's opinion, the finance board shall conduct one or more public hearings in each congressional district to receive public comment on the proposed financial plan, shall review the comments and shall finalize and approve the financial plan.

(4) Any financial plan shall be designed to allow thirty days or less of accounts payable to be carried over into the next fiscal year. For each fiscal year, the Governor shall provide his or her estimate of total revenues to the finance board no later than October 15, of the preceding fiscal year: Provided, That, beginning October 15, 2019 and each year thereafter, the Governor's estimate of the total revenues shall include at least eighty percent of the projected growth in expenditures for employees health insurance as projected by the actuary: Provided, however, That for the prospective financial plans required by this section, the Governor shall estimate the revenues available for each fiscal year of the plans based on the estimated percentage of growth in revenues available for each fiscal year of the plans based on the estimated percentage of growth in general fund revenues. The finance board shall submit its final, approved financial plan, after obtaining the necessary actuary's opinion and conducting one or more public hearings in each congressional district, to the Governor and to the Legislature no later than January 1, preceding the fiscal year. This estimated available revenue figure shall become final by the sixteenth day after the first day of commencement of each legislative session. The financial plan for a fiscal year becomes effective and shall be implemented by the director on July 1, of the fiscal year. In addition to each final, approved financial plan required under this section, the finance board shall also simultaneously submit financial statements based on

generally accepted accounting practices (GAAP) and the final, approved plan restated on an accrual basis of accounting, which shall include allowances for incurred but not reported claims: *Provided, however,* That the financial statements and the accrual-based financial plan restatement shall not affect the approved financial plan.

(e) The provisions of chapter twenty-nine-a of this code shall not apply to the preparation, approval and implementation of the financial plans required by this section.

(f) By January 1, of each year the finance board shall submit to the Governor and the Legislature a prospective financial plan, for a period not to exceed five years, for the programs provided in this article. Factors that the board shall consider include, but are not limited to, the trends for the program and the industry; the medical rate of inflation; utilization patterns; cost of services; and specific information such as average age of employee population, active to retiree ratios, the service delivery system and health status of the population.

(g) The prospective financial plans shall be based on the estimated revenues submitted in accordance with subdivision (4), subsection (d) of this section and shall include an average of the projected cost-sharing percentages of premiums and an average of the projected deductibles and copays for the various programs. Beginning in the plan year which commences on July 1, 2002, and in each plan year thereafter, until and including the plan year which commences on July 1, 2006, the prospective plans shall include incremental adjustments toward the ultimate level required in this subsection, in the aggregate cost-sharing percentages of premium between employers and employees, including the amounts of any subsidization of retired employee benefits. Effective in the plan year commencing on July 1, 2006, and in each plan year thereafter, through the plan year commencing on July 1, 2019 the aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, shall be at a level of eighty percent for the employer and twenty percent for employees, except for the employers provided in subsection (d), section eighteen of this article whose premium cost-sharing percentages shall be governed by that subsection. Beginning with the plan year commencing on July 1, 2020 and each year thereafter, the finance board shall not increase in the aggregate the employees' premium and cost sharing provisions that are in effect for the plan year commencing July 1, 2019 other than adjustments for the projected growth in employees' health insurance expenditures. For the plan year commencing on July 1, 2020 and each year thereafter, the Legislature shall appropriate in general and special revenues at least eighty percent of the projected growth in employees' health insurance expenditures as determined by the actuary. *Provided,* That if the Legislature has appropriated more than eighty percent in the previous year, the Legislature can reduce their share of the growth in employees' health insurance expenditures by the percent funded by Legislature over eighty percent for one year. *Provided, however,* That the Legislature's share of the growth in employees' health insurance expenditures may not be less than seventy percent. The employees' share of the projected growth in employees' health insurance expenditures as determined by the actuary may not be more than twenty percent. The finance board shall establish the employees' twenty percent share of projected increases in employees' health insurance expenditures through increases in any combination of premiums, reduction in benefits, deductibles, copayments, co-insurances, out-of-pocket maximums or incentives for wellness.

(h) After the submission of the initial prospective plan, the board may not increase costs to the participating employers or change the average of the premiums, deductibles and copays for employees, except in the event of a true emergency as provided in this section: *Provided,* That if the board invokes the emergency provisions, the cost shall be borne between the employers and employees in proportion to the cost-sharing ratio for that plan year: *Provided, however,* That for purposes of this section, 'emergency' means that the most recent projections demonstrate that plan expenses will exceed plan revenues by more than one percent in any plan year: *Provided further,*

That the aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, may be offset, in part, by a legislative appropriation for that purpose.

~~(h)~~ (i) The finance board shall meet on at least a quarterly basis to review implementation of its current financial plan in light of the actual experience of the Public Employees Insurance Agency. The board shall review actual costs incurred, any revised cost estimates provided by the actuary, expenditures and any other factors affecting the fiscal stability of the plan and may make any additional modifications to the plan necessary to ensure that the total financial requirements of the agency for the current fiscal year are met. The finance board may not increase the types and levels of cost to employees during its quarterly review except in the event of a true emergency.

~~(i)~~ (j) For any fiscal year in which legislative appropriations differ from the Governor's estimate of general and special revenues available to the agency, the finance board shall, within thirty days after passage of the budget bill, make any modifications to the plan necessary to ensure that the total financial requirements of the agency for the current fiscal year are met."

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

The yeas and nays having been ordered, they were taken (**Roll No. 304**), and there were—yeas 42, nays 56, absent and not voting 2, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Hicks and R. Thompson.

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.

H. B. 3140, Relating to the Division of Natural Resources Infrastructure; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Anderson, the bill was amended on page two, section seven, line nineteen, before the word "recreational", by inserting the words "new construction of".

The bill was then ordered to engrossment and third reading.

H. B. 3141, Requiring capitol building commission authorization for certain renovations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3143, Relating to requirements for consumer loans in West Virginia; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3145, Relating to student financial aid resources; on second reading, coming up in regular order, was read a second time.

Delegate Storch moved to amend the bill on page one, section one, line four following the word “science”, by inserting in lieu thereof “special education, or music education”.

On page two, section one, line twenty following the word “science,” by inserting in lieu thereof the following “special education, or music education”.

On page three, section one, line thirty-three following the word “science”, by inserting in lieu thereof “special education, or music education”.

On page seven, section three, line eight following the word “science,” by inserting in lieu thereof the following “special education, or music education”.

On page eight, section three, line thirty-four following the word “science”, by inserting in lieu thereof the following “special education, or music education”.

And,

On page ten, section five, line four following the word “science,” by inserting in lieu thereof the following “special education, or music education”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 305**), and there were—yeas 51, nays 47, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Azinger, Bibby, Butler, Cadle, Capito, Cooper, Cowles, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham, Hill, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, Kessinger, Kump, Linville, Malcolm, Mandt, C. Martin, P. Martin, Maynard, Pack, Phillips, Porterfield, Rowan, Shott, Steele, Summers, Sypolt, Waxman, Westfall, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Hicks and R. Thompson.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The bill was then ordered to engrossment and third reading.

H. B. 3146, Relating to retail licensees; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

Com. Sub. for H. B. 2519, The Campus Self Defense Act; on first reading, coming up in regular order, was read a first time.

Pursuant to House Rule 103, Delegate Byrd moved that the bill be rejected on first reading.

The question being, “Shall the bill be rejected?”, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 306**), and there were—yeas 36, nays 62, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Atkinson, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hollen, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Mandt, Miley, Miller, Nelson, Pushkin, Pyles, Robinson, Rowe, Shott, Skaff, Storch, Sypolt, C. Thompson, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Hicks and R. Thompson.

So, a majority of the members present and voting not having voted in the affirmative, the motion to reject the bill on first reading did not prevail.

The bill was then ordered to second reading.

H. B. 3142, Relating to reducing the severance tax on thermal or steam coal; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 3144, North Central Appalachian Coal Severance Tax Rebate Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 352, Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities,

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. 352) was referred to the Committee on Finance.

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. J. R. 26, Giving the Legislature more control over the manufacture and sale of alcohol amendment,

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

In accordance with the former direction of the Speaker, the resolution (H. J. R. 26) 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:

S. B. 453, Relating to background checks of certain financial institutions,

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

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. 157, Authorizing Department of Administration promulgate legislative rules,

Com. Sub. for S. B. 295, Relating to crimes against public justice,

S. B. 440, Relating to Antihazing Law,

And,

Com. Sub. for S. B. 510, Relating to medical professional liability,

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 25th day of February, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

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

And,

S. B. 377, Relating to minimum wage and maximum hour standards.

Miscellaneous Business

Delegate Westfall noted to the Clerk that he was absent on Friday, February 22, 2019, when the votes were taken on Com. Sub. for H. B. 2532, Com. Sub. for H. B. 2540, Com. Sub. for H. B. 2541, H. B. 2730, Com. Sub. for H. B. 2807, H. B. 2829, H. B. 2872, Com. Sub. for H. B. 2901, H. B. 2934, H. B. 2968, H. B. 3134, Com. Sub. for S. B. 13, S. B. 442, S. B. 443 and S. B. 444, and that had he been present, he would have voted "Yea" thereon.

Delegate Ellington noted to the Clerk that he be recorded as having voted "Nay" on the motion to discharge on H. B. 3129.

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 Hornbuckle regarding discharge motions.
- Delegate Bates regarding the amendment offered to H. B. 3139
- Speaker Hanshaw and Delegate Foster during Miscellaneous Business on February 22

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

- Delegate Higginbotham for H. B. 2894

At 7:32 p.m., the House of Delegates adjourned until 9:00 a.m., Tuesday, February 26, 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 26, 2019

49th Day

9:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2011 - Road Maintenance Program (HOWELL) (JULY 1, 2019)
- Com. Sub. for H. B. 2014 - West Virginia Intellectual Property and Trade Secrets Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2049 - Relating to a prime contractor's responsibility for wages and benefits (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2378 - Relating generally to grounds for revocation of a teaching certificate (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2396 - West Virginia Fresh Food Act (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2397 - Requiring county school boards to provide adequate mental health and counseling services (HAMRICK) (REGULAR)
- H. B. 2497 - Relating to the whistle-blower law (SHOTT) (REGULAR)
- H. B. 2535 - Relating to purchasing exemptions and procedures (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2617 - Relating to the form for making offer of optional uninsured and underinsured coverage by insurers (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2662 - Relating to certificates or employment of school personnel (SHOTT) (REGULAR)
- H. B. 2665 - Supplemental appropriation for PEIA Rainy Day Fee (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2670 - Relating to damages for medical monitoring (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2703 - Relating to refunds of excise taxes collected from dealers of petroleum products (HOUSEHOLDER) (REGULAR)
- H. B. 2760 - Relating to performance reviews of state agencies and regulatory boards (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2802 - Uniform Partition of Heirs Property Act (SHOTT) (REGULAR)

- Com. Sub. for H. B. 2831 - Finding and declaring certain claims against the state and its agencies to be moral obligations of the state (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 2850 - Relating to qualifications for commercial driver's license (HOWELL) (REGULAR)
- H. B. 2853 - Establishing the West Virginia Program for Open Education Resources (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2866 - Relating to the termination, expiration, or cancellation of oil or natural gas leases (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2895 - Allowing victims of certain crimes to get a restraining order (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2931 - Clarifying that the State Lottery Commission has no authority over nonlottery games (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2943 - Relating to deliveries by wine specialty shop (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2945 - Relating to vendors paying a single annual fee for a permit issued by a local health department (CRISS) (REGULAR)
- Com. Sub. for H. B. 2974 - Exempting businesses relating to transporting certain used tires to storage, disposal, or recycling locations from provisions of chapter (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2991 - Relating to the Ryan Brown Addiction Prevention and Recovery Fund (HILL) (REGULAR)
- Com. Sub. for H. B. 3016 - Relating to the State Aeronautics Commission (BUTLER) (REGULAR)
- H. B. 3020 - Relating to sole source contracts for goods and services with nonprofit corporations affiliated with the respective education institutions (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 3021 - Relating to the disposition of permit fees, registration fees and civil penalties imposed against thoroughbred horse racing licensees (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 3024 - West Virginia Business Ready Sites Program (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3044 - Requiring the Commissioner of Highways to develop a formula for allocating road funds (HOWELL) (REGULAR)

- H. B. 3054 - Relating to the state agency for surplus property (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3057 - Relating to the Adult Drug Court Participation Fund (CRISS) (REGULAR)
- H. B. 3095 - Establishing a minimum monthly retirement annuity for certain retirants (CRISS) (REGULAR)
- H. B. 3102 - Creating alternating wine proprietorships for wineries and farm wineries (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3105 - Permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3131 - Relating to providing salary adjustments to employees of the Department of Health and Human Resources (HOWELL) (REGULAR)
- H. B. 3136 - Relating to the Centers for Medicare and Medicaid Services (HOUSEHOLDER) (REGULAR)
- H. B. 3137 - Relating to the personal income tax fund (HOUSEHOLDER) (REGULAR)
- H. B. 3139 - Relating to funding of the Public Employees Health Insurance Program (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3140 - Relating to the Division of Natural Resources Infrastructure (COWLES) (REGULAR)
- H. B. 3141 - Requiring capitol building commission authorization for certain renovations (SHOTT) (REGULAR)
- H. B. 3143 - Relating to requirements for consumer loans in West Virginia (HAMRICK) (REGULAR)
- H. B. 3145 - Relating to student financial aid resources (HAMRICK) (REGULAR)
- H. B. 3146 - Relating to retail licensees (HOWELL) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 529 - Clarifying provisions of Nonintoxicating Beer Act (SHOTT) (REGULAR)

- S. B. 593 - Permitting critical access hospital become community outpatient medical center (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2519 - The Campus Self Defense Act (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2597 - Creating a hunting permit to safely accommodate visually impaired hunters (SHOTT) (REGULAR)
- H. B. 2732 - Defend the Guard Act (MCGEEHAN) (REGULAR)
- Com. Sub. for H. B. 2882 - Creating a health professionals' student loan programs (HOUSEHOLDER) (REGULAR)
- H. B. 2966 - County Budget Flexibility Act (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2967 - Permitting a county to retain the excise taxes for the privilege of transferring title of real estate (HOUSEHOLDER) (REGULAR)
- H. B. 3127 - Relating to the Secondary School Activities Commission and participation by home schooled students (HAMRICK) (REGULAR)
- H. B. 3142 - Relating to reducing the severance tax on thermal or steam coal (HOUSEHOLDER) (REGULAR)
- H. B. 3144 - North Central Appalachian Coal Severance Tax Rebate Act (HOUSEHOLDER) (REGULAR)
- H. B. 3148 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3149 - Relating to manufacturing and producing hard cider in West Virginia (HOUSEHOLDER) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 157 - Authorizing Department of Administration promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 295 - Relating to crimes against public justice (SHOTT) (REGULAR)
- S. B. 440 - Relating to Antihazing Law (SHOTT) (REGULAR)
- S. B. 453 - Relating to background checks of certain financial institutions (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 510 - Relating to medical professional liability (SHOTT) (REGULAR)

HOUSE CALENDAR

Tuesday, February 26, 2019

49th Day

9:00 A. M.

THIRD READING

Com. Sub. for H. B. 2718 - Requiring purchasers of roundwood to collect and maintain certain information (SHOTT) (REGULAR)

SECOND READING

Com. Sub. for S. B. 408 - Determining indigency for public defender services (SHOTT) (REGULAR)

Com. Sub. for S. B. 518 - Restricting sale and trade of dextromethorphan (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (ELLINGTON) (REGULAR)

S. B. 545 - Relating to HIV testing (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (ELLINGTON) (EFFECTIVE FROM PASSAGE)

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

Com. Sub. for H. B. 2079 - Removing certain limitations on medical cannabis grower, processor and dispensary licenses (ELLINGTON) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2433 - Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day (HAMRICK) (REGULAR)

Com. Sub. for H. B. 2441 - Removing certain requirements related to wages for construction of public improvements (SHOTT) (REGULAR)

Com. Sub. for H. B. 2595 - Establishing the West Virginia Division of Natural Resources Police Officer Retirement System (HOUSEHOLDER) (REGULAR)

H. B. 2692 - Relating to primary elections and procedures (HOWELL) (REGULAR)

- H. B. 2729 - Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (HOWELL) (REGULAR)
- H. B. 2819 - Relating generally to contractors (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2843 - Creating an Office for Federal Surplus Property (HOWELL) (REGULAR)
- H. B. 2932 - Transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2941 - Reinstating the film investment tax credit (GRAVES) (REGULAR)
- Com. Sub. for H. B. 2951 - Placing the regulation of non-medical professions and occupations in a new chapter of the code (HOWELL) (REGULAR)
- H. B. 2953 - Permitting a critical access hospital to become a community outpatient medical center (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2976 - Economic Diversification Act of 2019 (CRISS) (REGULAR)
- Com. Sub. for H. B. 2980 - Mine Trespass Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3100 - Clarifying certain provisions of the Nonintoxicating Beer Act (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3103 - Authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3116 - Removing current limitations on sales of nonintoxicating beer and nonintoxicating craft beer growlers (HOWELL) (REGULAR)
- H. B. 3147 - Requiring the Board of Insurance and Risk Management purchase life insurance products from state resident agents (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2179 - Allowing nonmembers of a political party to request that party's partisan ballot at a primary election (SHOTT) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

TUESDAY, FEBRUARY 26, 2019

**COMMITTEE ON RULES
8:45 A.M. – BEHIND CHAMBER**

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

**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**

**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES
5:00 P.M. – ROOM 215E**

**AGRICULTURE AND NATURAL RESOURCES
7:00 P.M. – ROOM 215E**

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