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EIGHTH DAY





Wednesday, January 15, 2020

### **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 Tuesday, January 14, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

#### **Committee Reports**

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

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

**H. B. 4062**, Reducing the cost of prescription drugs,

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

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

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

**H. B. 4009**, Relating to the process for involuntary hospitalization,

**H. B. 4061**, Health Benefit Plan Network Access and Adequacy Act,

And,

**H. B. 4094**, Continuing the Foster Care Ombudsman,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4009, H. B. 4061 and H. B. 4094) were each referred to the Committee on the Judiciary.

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

**H. B. 4090**, Creating the Oil and Gas Abandoned Well Plugging Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4090) was referred to the Committee on Finance.

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

**H. B. 4091**, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees,

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

**Com. Sub. for H. B. 4091** - "A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing for expedited oil and gas well permitting for certain wells under the Natural Gas Horizontal Well Control Act upon payment of applicable expedited fees; allowing expedited oil and gas well permit modifications under the same Act upon the payment of applicable expedited fees; permitting one half of any residual fees to be deposited in the Oil and Gas Operations Permit and Processing Fund; permitting one half of any residual fees to be deposited in the Oil and Gas Reclamation Fund; providing for the daily pro rata refund of the horizontal well expedited fee if the permit is not approved between day 45 and day 60 after the submission of a permit application; providing for the daily pro rata refund of the modification fees between day 20 and day 30 after the submission of a permit modification application; providing for a maximum cap amount of \$1 million for all residual fees from this article to be deposited in the Oil and Gas Operations Permit and Processing Fund; and providing that any balance in the Oil and Gas Reclamation Fund at the end of a fiscal year remain in the special revenue account and not be remitted to the General Revenue Fund,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2142**, Issuing identification documents to homeless individuals residing at homeless shelters,

**H. B. 2471**, Increasing criminal penalties for impersonation of law-enforcement officers or officials,

And,

**H. B. 3134**, Establishing criminal penalties for negligent homicide, and increasing criminal penalties for reckless driving,

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

In accordance with the former direction of the Speaker, H. B. 2142 was referred to the Committee on Finance.

Pursuant to House Rule 80, the Speaker then referred H. B. 2471 and H. B. 3134 to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4096**, Requiring candidates to live in the state or local election district for the office for which they are seeking,

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

**Com. Sub. for H. B. 4096** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-2b, relating to requiring all candidates for office to have their principal place of residence within the election districts for which they are seeking office; defining terms; and setting forth facts which can be used to establish principal residence or domicile,"

With the recommendation that the committee substitute do pass.

### **Messages from the Senate**

A message from the Senate, by

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

**S. C. R. 1-** "Designating dogs that are adopted from West Virginia animal shelters and rescues as West Virginia's official state dog."

Whereas, According to a recent study, animal shelters and rescues in the United States take in more than 5.5 million dogs each year; and

Whereas, Approximately 800,000 of these dogs are euthanized every year; and

Whereas, West Virginia has more than 500 animal shelters and rescues that are dedicated to finding homes for the thousands of dogs they take in each year; and

Whereas, The Legislature seeks to raise public awareness of shelter and rescue dogs; therefore, be it

*Resolved by the Legislature of West Virginia:*

That dogs adopted from West Virginia animal shelters and rescues be designated as West Virginia's official state dog; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor and the schools of this state.

### Resolutions Introduced

Delegates Higginbotham, Ellington, Summers, Linville, Hamrick, Atkinson, Barnhart, Dean, J. Jeffries, Phillips, Rohrbach, Steele, Toney and Waxman offered the following resolution, which was read by its title and referred to the Committee on Small Business, Entrepreneurship and Economic Development then Rules:

**H. R. 5** - "Urging support of the United States-Mexico-Canada Agreement."

Whereas, The imposition of artificial barriers to free and open trade are harmful to American economic interests; and

Whereas, Together, the United States, Canada and Mexico promote a shared belief in freedom, representative democracy and market principles as recognized in the U.S. Constitution; and

Whereas, A longstanding, close tri-lateral relationship, codified in the North American Free Trade Agreement (NAFTA), has existed between the United States, Canada, and Mexico for more than 25 years and has proven economically, culturally and strategically important for all parties and this relationship will continue with ratification of the United States-Mexico-Canada Agreement (USMCA); and

Whereas, Trade with Canada and Mexico supports nearly 12 million American jobs, and nearly 5 million of those jobs are supported by increased trade generated by NAFTA and these benefits will continue with ratification of USMCA; and

Whereas, Since NAFTA entered into force in 1994, trade with Canada and Mexico has nearly quadrupled to \$1.3 trillion, and the two countries buy more than one-third of U.S. merchandise exports; and

Whereas, For 43 states in the United States, Canada and Mexico represent their first or second largest export market and all but one U.S. state count Canada or Mexico as a top three trading partner; and

Whereas, Canada and Mexico are the two largest trading partners for West Virginia with 16 percent of the state's goods exports going to Canada and another 2.8 percent going to Mexico; and

Whereas, NAFTA has contributed to a 405 percent increase in U.S. agricultural exports to Canada and Mexico; and

Whereas, The modernized USMCA may prove even more beneficial to the agricultural sector than NAFTA and will offer a higher degree of certainty and stability to farmers; and

Whereas, U.S. service exports to Canada and Mexico have tripled, rising from \$27.5 billion in 1993 to \$91.3 billion in 2017, thanks to new market access and clearer rules afforded by NAFTA which will be continued under USMCA; and

Whereas, Canada and Mexico are the top two export destinations for U.S. small and medium-sized enterprises, more than 125,000 of which sold their goods and services in Canada and Mexico in 2014; and

Whereas, Trade among our North American trading partners is made up predominantly of intellectual property (IP)-intensive goods and services that employ millions of Americans in high paying jobs and generate billions of dollars in economic output; and

Whereas, Many of the IP-intensive goods, services and exchanges through which trade is facilitated in the NAFTA bloc did not exist when the agreement was drafted, and this situation has resulted in uneven and weak IP enforcement; and

Whereas, Stringent enforcement of IP rights has been found to correlate closely with greater household income, Foreign Direct Investment, and Gross Domestic Product; and

Whereas, The IP provisions found in the USMCA are the most comprehensive of any multilateral U.S. trade agreement and are vastly superior to those included in NAFTA; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates hereby applauds the newly-negotiated USMCA; and, be it

*Further Resolved*, That the House of Delegates urges Congress to approve USMCA in order to ensure continuity in trade among the three North American economic partners; and, be it

*Further Resolved*, That the Clerk forward a copy of this resolution to the President of the United States; the Chairmen and Ranking members, and all other members of the U.S. Senate Finance and the U.S. House Ways and Means Committees; the members of the Senate and House Advisory Groups on Negotiations; the U.S. Trade Representative; the U.S. Secretaries of Commerce, State, and Labor; the Director of the Office of Management and Budget; and the Intellectual Property Enforcement Coordinator.

Delegates Higginbotham, Ellington, Jennings, Hanna, Bibby, Waxman, Bartlett, Cooper, J. Kelly, Barnhart, Dean, J. Jeffries, Hamrick, Rohrbach, Steele and Toney offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 6** - "Condemning the United States House of Representatives for impeaching the President of the United States."

*Resolved by the House of Delegates:*

That the United States House of Representatives is condemned for impeaching the President of the United States.

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Speaker of the United States House of Representatives.

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

**H. C. R. 10** - "Requesting the Division of Highways name bridge number 42-25-21.84 (42SS028), locally known as the Hart Chapel Bridge, carrying County Route 25 over Laurel Fork at the forks of Chenoweth Creek Road and Evans Road near the Hart Chapel Church near Elkins in Randolph County, the 'Robert 'Glen' Schoonover Memorial Bridge'."

Whereas, Robert 'Glen' Schoonover was born on November 30, 1927, and died on November 1, 2017. He was born and raised at the head of Chenoweth Creek Road in Elkins, Randolph County. He and his wife Arbutus Schoonover were married 70 years as of January 5, 2017. They were the parents of six children whom they raised on Chenoweth Creek Road. Glen worked at various jobs over the years but spent the longest time and retired from the West Virginia Division of Highways

bridge crew as a foreman. His time with the bridge department included the district covering two different territories. He worked in many of the counties surrounding Randolph County in areas such as Burlington, Webster Springs, and Marlinton. He was employed during the Great Flood of 1985 that damaged or destroyed many of the bridges in his district, requiring him to put in long days and six and seven-day work weeks to declare bridges safe or to get bridges back to a safe status for use. Over the years he would place a penny in the completed bridge project that showed what year the bridge was done. It became his and his crew's 'trademark' of sorts. This bridge to be named is less than a mile from the Schoonover Home where his 89-year-old wife still resides and which his children, grandchildren, close relatives and friends pass over frequently; and

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

*Resolved by the Legislature of West Virginia:*

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

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the 'Robert 'Glen' Schoonover Memorial Bridge'; and, be it

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

And,

Delegates Higginbotham, Ellington, Atkinson, Dean, Hamrick, Hanna, J. Jeffries, Phillips, Rohrbach, Steele, Toney and Waxman offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

**H. C. R. 12** - "Requesting West Virginia University researchers study the feasibility of extracting rare earth elements from coal ash."

Whereas, The U.S. coal industry is facing tough times. Demand for coal is dwindling, and the industry is under fire for polluting streams and rivers with coal ash and acid mine drainage. But in that waste, and in some cases in the coal itself, are valuable rare-earth elements that may be readily recovered. If researchers can figure out how to extract them economically, sales of rare earths could help pay for some of the cleanup costs now borne by the coal industry and several coal-mining states; and

Whereas, Demand for rare-earth elements, which include the lanthanides plus scandium and yttrium, has ticked upward over the past few decades. The long list of high-tech products that rely on rare earths include cell phones, flat-screen TVs, vehicles, energy production satellites, defense aircraft, and high-performance magnets; and

Whereas, In 2015, Global demand for rare-earth elements was 149,000 metric tons per year, according to Mary Anne Alvin, technology manager of rare-earth elements at the Department of Energy's National Energy Technology Laboratory. The U.S. consumes about 11%, or 16,000 metric tons per year; and



Whereas, Rare-earth elements are not commodities that are domestically produced. The U.S. gets its supply from China and elsewhere. If there was a disturbance in the supply chain and we need these materials, especially for our national security, the question is, 'What do we do?' For example, if tensions between the U.S. and China escalate, China could cut off much of the U.S. supply of rare earth metals; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the West Virginia University researchers study the feasibility of extracting rare earth elements from coal ash; and, be it

*Further Resolved,* That the West Virginia University researchers are requested to report to the regular session of the Legislature, 2021, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations.

### **Bills Introduced**

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

**By Delegates Howell, C. Martin, Householder, Foster, Criss, Kessinger, D. Jeffries, J. Jeffries, Higginbotham and Graves:**

**H. B. 4349** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to exempting sales of small arms and small arms ammunition from state sales and use taxes"; to the Committee on Finance.

**By Delegates Miller, Higginbotham, D. Kelly, Lovejoy, Lavender-Bowe, Tomblin, Maynard, Pack, Evans and Graves:**

**H. B. 4350** - "A Bill to amend and reenact §7-14D-24 of the Code of West Virginia, 1931, as amended, relating to the Deputy Sheriff Retirement System Act; service as sheriff"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Kump and Butler:**

**H. B. 4351** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-24, relating to requiring the random drug testing of legislators; requiring public disclosure of results or nonparticipation under certain circumstances; and generally requiring confidentiality"; to the Committee on the Judiciary.

**By Delegates Jennings, Maynard, Bibby, Lovejoy, Miller, Pack, Sypolt, Worrell, Waxman, Hardy and Summers:**

**H. B. 4352** - "A Bill to amend and reenact §29-3B-4 and §29-3B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3C-4 of said code; and to amend and reenact §29-3D-2 and §29-3D-6 of said code; relating to removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making; creating a rational nexus requirement between prior criminal conduct and initial licensure or certification in decision making; providing criteria for the state Fire Marshal as licensing or certification authority to determine whether a criminal conviction has a rational nexus to an occupation; limiting licensure disqualification; authorizing persons to petition the state Fire Marshal as to whether a person's criminal records precludes licensure; and reducing the number of necessary hours as a qualification for licensure"; to the Committee on Government Organization.

**By Delegate Howell:**

**H. B. 4353** - "A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-23-8 of said code; to amend said code by adding thereto a new section, designated §21-1-6; to amend and reenact §21-2-9 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-22-8 of said code; to amend and reenact §29-22A-7 of said code; to amend and reenact §29-22B-502 of said code; to amend and reenact §29-22C-15 of said code; to amend and reenact §29-22D-10 of said code; to amend and reenact §29-25-13 of said code; to amend and reenact §31-17A-5 of said code; to amend and reenact §32A-2-8 of said code; and to amend and reenact §33-13C-3 and §33-13C-4 of said code; all relating to the use of post-criminal conduct in professional and occupational initial licensure decision making; creating a rational nexus requirement between prior criminal conduct and initial licensure decision making; providing criteria for commissioners or commissions as licensing authorities to determine whether a criminal conviction bears a rational nexus to an occupation; removing offenses described as one of moral turpitude as a basis for license denial unless the underlying crime bears a rational nexus to the occupation or profession requiring licensure; limiting licensure disqualification; and authorizing persons to petition licensure commissioners or commissions as to whether a person's criminal records precludes licensure"; to the Committee on Government Organization.

**By Delegate Worrell:**

**H. B. 4354** - "A Bill to amend and reenact §60A-2-201 of the Code of West Virginia, 1931, as amended, relating to drugs"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Porterfield, Foster, Bibby, Steele, Butler, Waxman, J. Jeffries, Jennings, Mandt, Kessinger and Hill:**

**H. B. 4355** - "A Bill to amend and reenact §7-5-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-13-23 of said code, all relating to allowing municipalities and counties to post their annual financial statements on the Internet instead of publishing them in newspapers"; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Hill and Rohrbach:**

**H. B. 4356** - "A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics"; to the Committee on Health and Human Resources.

**By Delegates Higginbotham, Ellington, Atkinson, Hamrick, Barnhart, Toney and Hanna:**

**H. B. 4357** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7; to amend and reenact §7-1-3rr of said code; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to governmental websites; requiring executive branch agencies maintain a website that contains specific information; requiring county commissions to maintain websites with specific information; requiring county commissions to provide certain information to the Secretary of State; requiring municipalities to maintain websites with specific information available to the public at no charge; requiring information to be updated; and requiring updated information be provided to the Office of Technology"; to the Committee on Government Organization.

**By Delegates Porterfield and Foster:**

**H. B. 4358** - "A Bill to amend and reenact §29-3B-2 and §29-3B-3 of the Code of West Virginia, 1931, as amended, all relating to the licensing of electricians; decreasing the number of years' experience necessary to become certain types of electricians; and permitting persons who perform work on a single or dual family dwelling where the total amount charged for the electrical work is under \$2,500 to be exempt from electrician licensing requirements"; to the Committee on Industry and Labor then Government Organization.

**By Delegate Westfall:**

**H. B. 4359** - "A Bill to amend and reenact §33-6-34 of the Code of West Virginia, 1931, as amended, relating to increasing the filing fees for insurers; permitting multiple insurers to make a single filing with a fee collected from each one; defining a term; and deleting an effective date"; to the Committee on Banking and Insurance.

**By Delegates Foster, Waxman, Householder, Barnhart, Jennings, Porterfield, Ellington, Phillips, D. Jeffries, C. Martin and Wilson:**

**H. B. 4360** - "A Bill to amend and reenact §21-16-3 of the Code of West Virginia, 1931, as amended, relating to exempting, from heating, ventilating, and cooling system licensing requirements, certain persons only performing electrical, fire protection, or plumbing work on a heating, ventilating, and cooling system, including, but not limited to, thermostats, bathroom fans, and tankless water heater ventilation"; to the Committee on Industry and Labor then Government Organization.

**By Delegates Westfall, Azinger, Nelson, Hott and D. Jeffries:**

**H. B. 4361** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §33-41-4a, and §33-41-11a; and to amend and reenact §33-41-2, §33-41-5, §33-41-8, §33-41-11, and §33-41-12 of said code, all relating to insurance law violations; defining 'fraudulent insurance act'; allowing Insurance Commissioner to accept proceeds from court ordered forfeiture proceedings; creating special revenue fund; permitting courts to award cost of investigation to insurance fraud unit or other law-enforcement agency; requiring person engaged in the business of insurance to report to the Insurance Commissioner suspected insurance law violations; permitting insurance fraud unit to administer oaths or affirmations, execute search and arrest warrants, make arrests upon probable cause without a warrant, and participate in the prosecution of workers' compensation fraud; making the commission of a fraudulent insurance act a violation of law; mandating that a person convicted of a felony involving dishonesty, breach of trust, or a law reasonably related to the business of insurance is disqualified from participating in the business of insurance; requiring insurance companies to have antifraud initiatives; allowing the Insurance Commissioner to promulgate rules; and providing for criminal penalties and restitution for insurance law violations"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Bibby, Hardy, Kump, Waxman, Espinosa, Householder, Barrett, Wilson, Barnhart, S. Brown and Hanna:**

**H. B. 4362** - "A Bill to amend and reenact §61-2-29 and §61-2-29a of the Code of West Virginia, 1931, as amended, all relating to penalties for neglect, emotional abuse or death caused by a caregiver; setting penalty for emotional abuse of an incapacitated adult; setting penalty for abuse, neglect or emotional abuse of nonverbal special needs child; setting penalty for causing death or allowing another to cause death of a nonverbal special needs child"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegates Graves, Pack, Steele, Ellington, Kessinger, Jennings, Summers, Waxman, Maynard, Sypolt and Rowan:**

**H. B. 4363** - "A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; to amend and reenact §16-5V-6 of said code; and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, §20-17-23, §20-17-24, §20-17-25, §20-17-26, §20-17-27, §20-17-28, §20-17-29, §20-17-30, §20-17-31, §20-17-32, §20-17-33, §20-17-34, §20-17-35 and §20-17-36, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System; providing for additional members of the Consolidated Public Retirement Board; and providing for criminal offense of defrauding the system and penalties therefor"; to the Committee on Pensions and Retirement then Finance.

**Special Calendar****Third Reading**

**H. B. 3039**, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters; 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. 3**), and there were—yeas 87, nays 11, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Canestraro, Fleischauer, Fluharty, Hansen, Robinson, Rowe, Sponaugle, Storch, Walker and Worrell.

Absent and Not Voting: Espinosa and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3039) 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. 4004**, Creating the West Virginia Sentencing Commission; 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. 4**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Espinosa and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4004) 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. 4007**, Born-Alive Abortion Survivors Protection 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. 5**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Fleischauer, Hansen, Pyles and Walker.

Absent and Not Voting: Espinosa and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4007) 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. 4022**, Clarifying the qualifications of the Chancellor of the Higher Education Policy Commission; 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. 6**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci.

Absent and Not Voting: Espinosa and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4022) 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. 4103**, Relating to office of drug control policy; 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. 7**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Espinosa and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4103) passed.

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

### **First Reading**

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

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

**Com. Sub. for H. B. 2679**, Relating to state issued identification cards,

**Com. Sub. for H. B. 2696**, Creating an additional index system for state-owned lands,

**H. B. 2922**, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids,

**Com. Sub. for H. B. 2924**, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website,

**H. B. 4010**, Changing the licensing requirement for certain casino employees,

And,

**Com. Sub. for H. B. 4042**, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Espinosa and Williams.

### **Miscellaneous Business**

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

- Delegate Walker during Remarks by Members
- Delegates S. Brown, Fleischauer, Hansen and Rowan regarding H. B. 4007

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

- Delegate Porterfield for H. B. 4153 and H. B. 4168
- Delegates Barnhart and Bibby for H. B. 2915
- Delegates Bibby, Ellington, Higginbotham, Hill, J. Kelly, Mandt, Pack and Sypolt for H. C. R. 8
- Delegate C. Thompson for H. B. 4062
- Delegates Cowles, Pack and Waxman for H. B. 4162
- Delegate Rohrbach for H. B. 4009

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

- Delegate Fast for H. B. 4008

At 12:20 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 16, 2020.

## **SPECIAL CALENDAR**

**Thursday, January 16, 2020**

**9<sup>th</sup> Day**

**11:00 A. M.**

### **SECOND READING**

- Com. Sub. for H. B. 2602 - Including possession of known stolen property in the offense of receiving or transferring stolen property (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2679 - Relating to state issued identification cards (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2696 - Creating an additional index system for state-owned lands (HOWELL) (REGULAR)
- H. B. 2922 - Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2924 - Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website (HOWELL) (REGULAR)
- H. B. 4010 - Changing the licensing requirement for certain casino employees (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4042 - Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules (HOWELL) (REGULAR)

### **FIRST READING**

- H. B. 4062 - Reducing the cost of prescription drugs (HILL) (REGULAR)
- Com. Sub. for H. B. 4091 - Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 4096 - Requiring candidates to live in the state or local election district for the office for which they are seeking (SHOTT) (REGULAR)

**HOUSE CALENDAR**

**Thursday, January 16, 2020**

**9<sup>th</sup> Day**

**11:00 A. M.**

**UNFINISHED BUSINESS**

H. R. 3 -

Amending the Rules of the House of Delegates, relating to  
remarks by members



**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**THURSDAY, JANUARY 16, 2020**

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**HOUSE CONVENES AT 11:00 A.M.**

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**COMMITTEE ON FINANCE  
9:00 A.M. – ROOM 462 M**

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

**COMMITTEE ON EDUCATION  
9:30 A.M. – ROOM 434 M**

**COMMITTEE ON RULES  
10:45 A.M. – BEHIND CHAMBER**

**POLITICAL SUBDIVISIONS  
1:00 P.M. – ROOM 418 M**

**PREVENTION AND TREATMENT OF SUBSTANCE ABUSE  
1:00 P.M. – ROOM 215 E**





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