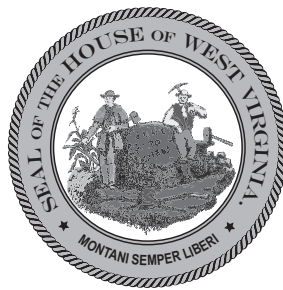


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



January 16, 2020

NINTH DAY

Thursday, January 16, 2020

NINTH 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 Wednesday, January 15, 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. 4108, Relating generally to certificates of need for health care services,

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

Com. Sub. for H. B. 4108 - "A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to the process for certificate of need exemptions,"

With the recommendation that the committee substitute do pass.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 4104, Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4104) was referred to the Committee on Government Organization.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4051, Authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4051) was referred to the Committee on Finance.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2877, Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2877) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4130, Relating to competitive bidding for government construction contracts arising out of declared states of emergency,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 4020, Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state,

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

Com. Sub. for H. B. 4020 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-12-20; and to amend said code by adding thereto a new section, designated §30-1-25, all relating to prohibiting the regulation and licensing of occupations by local governments; declaring state authority to regulate trades, occupations, and professions; prohibiting regulation of occupations by county commissions; prohibiting municipalities from enacting or enforcing laws regulating trades, occupations, and professions; and preserving the authority of local governments to regulate certain projects, construction, and modifications,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 4017, Establishing country roads accountability and transparency,

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

Com. Sub. for H. B. 4017 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b, relating to establishing country roads accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of Highways to provide information and data to the State Auditor; and requiring an annual update to the Joint Committee on Government and Finance,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 4121, Relating to state boards of examination or registration,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4121) 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. B. 4141, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December,

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

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

Your Committee on Government Organization has had under consideration:

H. C. R. 8, Admitting certain counties and independent cities of the Commonwealth of Virginia to be admitted to the State of West Virginia as constituent counties,

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

Com. Sub. for H. C. R. 8 - "Providing for an election to be had, pending approval of the General Assembly of the Commonwealth of Virginia, and a majority of qualified citizens voting upon the proposition prior to August 1, 2020, for the admission of certain counties and independent cities of the Commonwealth of Virginia to be admitted to the State of West Virginia as constituent counties, under the provisions of Article VI, Section 11 of the Constitution of West Virginia,"

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 8) was referred to the Committee on Rules.

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:

S. C. R. 2, Requesting Frederick County, Virginia, consider becoming part of State of West Virginia,

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

In accordance with the former direction of the Speaker, the resolution (S. C. R. 2) was referred to the Committee on Rules.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 94 - "A Bill to amend and reenact §3-3-1, §3-3-2, §3-3-2b, §3-3-4, §3-3-5, and §3-3-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-3-1a, all relating generally to absentee voting; clarifying that voters with disabilities prevented from voting in person may vote by mail-in absentee ballot; providing that voters with physical disabilities may vote by electronic absentee ballot; clarifying that certain overseas military members and citizens may vote by electronic absentee ballot; defining terms; providing that a voter with a physical disability may electronically submit an application to vote absentee; providing that the information collected in the application to be placed on the special absentee voting list include whether a voter with a physical disability requests an electronic absentee ballot; clarifying that a voter with a physical disability can receive assistance to vote in certain circumstances; establishing requirements and deadlines for transmission, submission, and acceptance of electronic absentee ballots; and updating obsolete terms"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Hott, Howell, Rowan, Mandt, D. Kelly, Toney, J. Jeffries, Fast, Phillips, Sypolt and D. Jeffries offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 13 - "Requesting the Division of Highways name a portion of State Route 42 in Mineral County from Elk Garden to the West Virginia/Maryland border, the 'Watts Brothers Memorial Road'."

Whereas, The military often likens itself to a family, a Mineral County family took the analogy and put it into practice. Elk Garden's Francis Watts and her husband Glenn Watts Sr., a coal miner, sent five of their six boys, Glenn Jr., Thomas, Gilbert, Daniel, and Gary into three branches of the nation's military during three and a half decades of the Cold War. The five's military service included a span from late 1966 to late 1968 when each of the brothers was on active duty during the Vietnam War and the youngest, Gary, was pulling a 21-month tour of combat duty in Vietnam; and

Whereas, According to their mother, "All the boys had a patriotic streak, and they weren't too keen on working in the coal mines after seeing what their father had to do"; and

Whereas, Retired Air Force Master Sergeant Glenn L Watts, Jr. served 24 years of active duty from 1954 to 1978 with an additional six years in the reserves; and, in addition to his stateside service, his Air Force career took him to Resolution Island in the Northwest Territories, Iceland, and Germany; and

Whereas, Retired Navy Senior Chief Petty Officer Thomas D. Watts served 23 years active duty from 1956 to 1979 with an additional seven years in the reserves; his outgoing personality helped him hold down a spot as a top naval recruiter for 10 years; and his shipboard assignments included the tour on the USS Forrestal and several years of submarine service aboard the USS Wahoo, the USS George C Marshall (a nuclear powered sub), and the USS Simon Bolivar; and

Whereas, Retired Navy Chief Petty Officer Gilbert T. Watts served 20 years active duty from 1960 to 1980 with an additional 10 years in the reserves; he spent three years as a Drill Commander and served seagoing tour aboard the USS Forrestal, USS Neosho, USS Denebola, USS Macdonough, and USS Shenandoah; and

Whereas, Former Army Sergeant Daniel R. Watts served six years of active duty from 1962 to 1968 and two years as a reservist; his service included tours of duty in South Korea and Germany; and

Whereas, Former Army Sergeant Gary M. Watts served two and a half years of active duty from 1966 to 1969 with 21 months of combat duty in Vietnam and an additional six and a half years as a reservist; and

Whereas, According to their mother, "After getting out and seeing some of the world all the boys realized that America was the best country on earth and they would tell me so. They felt very lucky to have been born here and to be able to serve their country"; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Watts brothers and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of State Route 42 in Mineral County from Elk Garden to the West Virginia/Maryland border, the "Watts Brothers Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "Watts Brothers Memorial Road"; and, be it

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

Delegates Westfall, Atkinson, Higginbotham, Azinger and Cadle offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 14 - "Requesting the Division of Highways name bridge number 18-25/1-1.50 (18A261), locally known as Tug Fork Box Beam Bridge, carrying CR 25/1 over the Tug Fork of Mill Creek in Jackson County, the 'U. S. Army, Staff Sargent Wendell Otho Casto Memorial Bridge'."

Whereas, Wendell Otho Casto was born April 4, 1920, on the family farm on Buffalo Lick in Jackson County, West Virginia. His father was Benjamin Franklin Casto, and his mother was Bertha Mae (Fisher) Casto. He was the fourth of five surviving children. His siblings were provided college or vocational educations; however, his sole ambition from youth was to farm. Due to his farming vocation, he was provided a military deferment for World War II. This changed in November 1943, when his older brother and father died within six days of one another. This life-altering loss inspired Wendell to enlist in the U.S. Army, which he did the following year; and

Whereas, He served with the 1st Armored Division in the Italian Campaign as a "chief" gunner on a 30-caliber water-cooled machine gun, with his official designation as a "heavy machine gunner". While serving, Wendell earned the Combat Infantryman Badge SS M-1 Rifle, the Good Conduct Medal, Bronze Star Medal with One Oak Leaf Cluster, the Army Occupational Medal (Germany), the European African Middle Eastern Theater Ribbon, and the World War II Victory Ribbon. He was honorably discharged in April 1946 with the rank of Staff Sergeant; and

Whereas, His first Bronze Star citation was for partaking in a rescue mission of a downed soldier in a mine field. His second Bronze Star citation followed the 1st Armored Division spearheading the offensive in the Po Valley, and extending behind enemy lines, his whereabouts unknown for 29 days. If he had been marked as 'missing' for 30 days, his mother would have been notified. After 'V-E Day', Wendell continued in Germany for approximately one year, earning the respect and reliance of his superiors; and

Whereas, Upon returning to the family farm, he married Oda Marie Harrison, and fathered two sons, William 'Bill' Franklin Casto, DVM, and Joe Wendell Casto, who were both involved in continuing their father's agricultural legacy. Bill is employed with the USDA Veterinary Services as Assistant Area Veterinarian in Charge for West Virginia. Joe is retired from the Farm Credit of Virginias as Regional Sales and Lending Manager. Both sons maintain their father's family farm, including a successful cow-calf operation which is operational even today. His five grandchildren and three great-grandchildren have likewise been raised on the family farm; and

Whereas, In 1957, Wendell was one of the original signers and on the Board of Directors for the Jackson County Junior Fair, incorporating and participating in the inception of a fair which to-this-day boasts the most successful youth fair market in the state. He was also generally involved with encouraging agriculture in youth, through his involvement in 4-H and FFA in the county. He further served on the Board of Directors for West Virginia Farm Credit. He retired from the West Virginia Department of Agriculture — Animal Health Division as a Livestock Specialist. Throughout his time with the Department of Agriculture, in addition to the standard duties of his position, he devoted extra time to mentoring and teaching the ensuing generations of workers and Cannerymen; and

Whereas, Wendell O. Casto died September 27, 1992; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army, Staff Sargent Wendell Otho Casto and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18-25/1-1.50 (18A261), locally known as Tug Fork Box Beam Bridge, carrying CR 25/1 over the Tug Fork of Mill Creek in Jackson County, the “U. S. Army, Staff Sargent Wendell Otho Casto Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army, Staff Sargent Wendell Otho Casto Memorial Bridge”; and, be it

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

And,

Delegates Longstreth, Angelucci, Caputo and Summers offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 15 - “Requesting the Division of Highways name bridge number 25-310-10.31 (25A272), locally known as Third Street Bridge, carrying WV 310 over Benoni Avenue and Coal Run in Marion County, the ‘Rose Agnes Rolls Cousins Bridge’.”

Whereas, Rose Agnes Rolls Cousins was born on March 26, 1920, to Anne Albert Thornton Rolls and Theodore Emory Rolls, Sr. She graduated from Dunbar High School and West Virginia State College; and

Whereas, Growing up in Fairmont, West Virginia, Rose Agnes Rolls Cousins was introduced to flying at an early age sparking a lifelong love of it; and

Whereas, Her many accomplishments include:

Participation in and completion of the Civilian Pilot Training Program at West Virginia State College, which was highly unusual due to her gender and only after successfully passing the same physical and mental examinations as her male colleagues;

Being the sole female graduate of the pilot training program at West Virginia State College, she tried out for the U.S. Air Force training program for African American combat pilots in Tuskegee Alabama, ultimately being inducted as an honorary member of the Tuskegee Airman due to her flight experience and determination to break down racial and gender barriers;

In a further effort to serve the United States of America during perilous times, she sought to join the Women Airforce Service Pilots (WASPS) only to be rejected due to her race;

Upon returning to Fairmont, she taught algebra at Dunbar High School, served as an assistant to a City director, and was employed as a manager of records at the Fairmont Clinic and served as adjunct education instructor at Fairmont State College; and

Serving as a member of the Marion County Democrat Women and the NAACP; and

Whereas, Rose Agnes Rolls Cousins departed this life on July 30, 2006, at the age of 86; and

Whereas, Rose Agnes Rolls Cousins' life is an outstanding example of determination, selfless service and sacrifice and it is right and just to honor her memory by naming the Coal Run Hollow replacement bridge situate in Fairmont, Marion County, West Virginia, "The Rose Agnes Rolls Cousins Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 25-310-10.31 (25A272), locally known as Third Street Bridge, carrying WV 310 over Benoni Avenue and Coal Run in Marion County, the "Rose Agnes Rolls Cousins 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 "Rose Agnes Rolls Cousins Bridge"; and, be it

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Higginbotham, Ellington and Hanna:

H. J. R. 106 - "Proposing an amendment to the Constitution of the State of West Virginia, amending article VI, section 22 thereof, relating to creating split legislative regular sessions; naming the amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Government Organization then the Judiciary.

Bills Introduced

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

By Delegates Higginbotham, Hanna, Hamrick and Atkinson:

H. B. 4364 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-26b, relating to creating a tax credit for hiring an ex-felon"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Higginbotham, Ellington, Jennings, Hanna, R. Thompson, Hamrick and Barnhart:

H. B. 4365 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-3, relating to authorizing granting of college credit hours for learning English as a second language; authorizing state higher education institutions to grant college credit hours for English learned as a second language and to accept English learned as a foreign language to satisfy college foreign language requirement"; to the Committee on Education.

By Delegates Higginbotham, Hamrick, Barnhart and Hanna:

H. B. 4366 - "A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating to allowances for instructional technology and for advanced placement, dual credit and international baccalaureate programs; increasing base allocation to each county for improving instructional technology; and changing basis of determining amount to be distributed to counties for enrollment in advanced placement and dual credit programs"; to the Committee on Education then Finance.

By Delegates Miley, R. Thompson, Evans, Zukoff, Campbell, C. Thompson and Rohrbach:

H. B. 4367 - "A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to adding speech pathologists to the step increase for special education teachers"; to the Committee on Education then Finance.

By Delegate Higginbotham:

H. B. 4368 - "A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-3-1 and §16A-3-5 of said code; and to amend and reenact §16A-13-3 of said code, all relating to the Medical Cannabis Act; adding definitions to 'serious medical condition'; requiring rules related to use of edible medical cannabis; protecting patients from another state with medical cannabis in possession from arrest; and clarifying that colleges and private businesses shall be included in medical cannabis research programs"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Shott, Higginbotham, J. Kelly and Pethtel:

H. B. 4369 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9b, relating to the termination, expiration, or cancellation of oil or natural gas leases; providing a requirement for a lessee to execute and deliver to the lessor, within a specified time and without cost, a recordable release for terminated, expired, or cancelled oil or natural gas leases; providing for a procedure by which a lessor may serve notice to a lessee, if a lessee fails to timely provide the release; providing requirements for the content of the notice; requiring a lessee to timely notify the lessor in writing of a dispute regarding the termination, expiration, or cancellation of the oil and natural gas lease; providing for an affidavit of termination, expiration, or cancellation with specified contents; providing a requirement that county clerks accept and record said affidavit; and providing that with proper notification by the lessor and in the absence of a dispute by the lessee, an affidavit of termination, expiration, or cancellation, upon recordation by a county clerk, creates a rebuttable presumption of termination and cancellation of the oil or natural gas lease for certain interests and renders the recorded oil or natural gas lease as insufficient notice of the recorded lease"; to the Committee on Energy then the Judiciary.

By Delegates Higginbotham, Ellington, Hamrick and Barnhart:

H. B. 4370 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring"; to the Committee on the Judiciary.

By Delegates Higginbotham and Hamrick:

H. B. 4371 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-27, relating to events in municipalities licensed by the Alcoholic Beverage Control Commission"; to the Committee on Political Subdivisions then Government Organization.

By Delegate Higginbotham:

H. B. 4372 - "A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to placing sections of political party platforms on the ballot for each primary election in a presidential election year"; to the Committee on the Judiciary.

By Delegates Higginbotham, Hanna and Ellington:

H. B. 4373 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to establishing a tax credit for families who suffer the loss of a stillborn child"; to the Committee on Finance.

By Delegates Canestraro, N. Brown, Rowe, Atkinson, Lovejoy and Fast:

H. B. 4374 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §44-1-6a, relating to the administration of estates and trusts; creating a limited letter of administration that may be issued for estates that do not exceed the value of \$2,000; and establishing procedures and responsibilities relating to a limited letter of administration"; to the Committee on the Judiciary.

By Delegates Summers, Kessinger, Hill and Pack:

H. B. 4375 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §30-32A-1, §30-32A-2, §30-32A-3, §30-32A-4, §30-32A-5, §30-32A-6, §30-32A-7, §30-32A-8, §30-32A-9, §30-32A-10, §30-32A-11, §30-32A-12, §30-32A-13, and §30-32A-14, all relating to joining the Audiology and Speech-Language Pathology Compact Commission; providing for a purpose; providing for definitions; providing for state participation in the compact; establishing the privilege to practice in member states; providing for procedures relating to licensing for active duty military personnel and their spouses; providing for procedures relating to adverse actions; establishing the Audiology and Speech-Language Pathology Compact Commission; providing for a data system available for use among the member states; providing for rule making authority of the Commission; providing for oversight, dispute resolution, and enforcement provisions of the Commission among the member states; providing for date of implementation among the member states; providing for applicability of the existing rules at the time a new member state joins the Commission; providing for withdrawal of any member states and conditions that must be met until withdrawal is effective; providing for a six month period before withdrawal is effective; providing for construction and severability of the provisions of the Compact; and providing for a binding effect of the laws and rules of the Compact among the member states"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Phillips, D. Jeffries, Summers, Storch, J. Jeffries, Kump, Fast, Swartzmiller, Barrett, Boggs and Kessinger:

H. B. 4376 - "A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to prohibiting municipalities from limiting the rights of persons to purchase, possess, transfer, own, carry, transport, sell or store deadly weapons or pepper spray in any manner inconsistent with or in conflict with state law; and restricting the award of reasonable attorney's fees and costs to petitioners seeking redress under this law, to only those that prevail"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Westfall, Nelson, Queen, Criss, Storch, Rohrbach, Hott, D. Jeffries and Atkinson:

H. B. 4377 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §32-6-601, §32-6-602, §32-6-603, §32-6-604, §32-6-605, §32-6-606, §32-6-607, §32-6-608, §32-6-609 and §32-6-610, all relating to the creation of The Protection of Vulnerable Adults From Financial Exploitation; defining "financial exploitation" and "eligible adult"; and the obligations and duties of broker-dealers or investment advisers to notify certain agencies of potential financial exploitation"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Hill, Pack, Kessinger, Hanna, Ellington, Higginbotham, Foster, P. Martin and Worrell:

H. B. 4378 - "A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating to disciplining teachers"; to the Committee on Education.

By Delegates Barrett, Steele, Dean, Pack, N. Brown, S. Brown, Miller, Graves, Hill, Swartzmiller and Boggs:

H. B. 4379 - "A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-11B-7a of said code, all relating to authorizing home incarceration supervisors to carry firearms while performing their duties if the county has adopted a concealed firearms training program that complies with federal law enforcement training requirements"; to the Committee on the Judiciary.

By Delegates Howell, Pack, Foster, Hott, Maynard, C. Martin, Hamrick, J. Jeffries, D. Jeffries, Sypolt and Little:

H. B. 4380 - "A Bill to amend and reenact §4-10-10 of the Code of West Virginia, 1931, as amended, relating to updating the regulatory board review schedule"; to the Committee on Government Organization.

By Delegates J. Jeffries, Bibby, Hanna, Hardy, Cooper, Fast, Steele, Summers, Sypolt, Maynard and Kessinger:

H. B. 4381 - "A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to lifetime hunting, fishing and trapping licenses for adopted children; providing for children who have been legally adopted to receive their lifetime hunting, fishing, and trapping license; providing that adopted children may be eligible for a license until their 12th birthday; and providing that parents of adopted children have two years to obtain the lifetime hunting, fishing or trapping license from the date of the adoption"; to the Committee on Agriculture and Natural Resources.

By Delegates Graves, Higginbotham, Storch, Queen, Hanna, Kessinger, Hanshaw (Mr. Speaker), Barrett, Doyle, Skaff and Lovejoy:

H. B. 4382 - "A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia development office; defining development office and multi-state distribution; excluding short-term depreciation from credit; raising the minimum threshold of cumulative annual expenditures necessary to qualify for credit; establishing an annual limit in credits available; requiring the development office to develop a database of locations, music, and other resources to be made available to film production teams; providing development office discretion to determine if project negatively portrays West Virginia; requiring state agencies to solicit bids from West Virginia vendors for film or video projects if available; and giving retroactive effect to film investment tax credit program"; to the Committee on Finance.

By Delegates D. Jeffries, Hanna, Kessinger, Howell, Jennings, C. Martin and Hott:

H. B. 4383 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-22a; and to amend and reenact §15-5-26 of said code, all relating to providing exemptions from certain taxes for out-of-state businesses, out-of-state affiliates of in-state businesses, and their employees for work responding to declared disasters and states of emergency; making legislative findings; defining terms; specifying tax exemptions and their scope; establishing filing and notice procedures; and providing an immediate date of effect"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Waxman, Bibby, Hanna, Howell, J. Kelly, Summers, Foster, Bartlett, Steele, Mandt and Worrell:

H. B. 4384 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2020; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized

by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, or named or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances; and establishing penalties”; to the Committee on Government Organization.

By Delegates Estep-Burton, Walker, Williams, Zukoff, Rowe, Lavender-Bowe, Pushkin, Bates, Hansen and Evans:

H. B. 4385 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-7, §16-2P-8, §16-2P-9, §16-2P-10, §16-2P-11, §16-2P-12, §16-2P-13, §16-2P-14, §16-2P-15, §16-2P-16, §16-2P-17, §16-2P-18, §16-2P-19, and §16-2P-20, all relating to establishing the Family and Medical Leave Insurance Benefits Act; defining terms; detailing eligibility requirements; declaring the duration of benefits authorized by the article; noting the amount of benefits; specifying contributions; setting certain requirements and entitlements under the article; protecting against certain adverse action for exercising certain rights under the article; prohibiting retaliation or discrimination under the article; declaring the article to run concurrently with other leave-related laws; requiring employers to provide certain notice; detailing the process for enforcing the article; addressing erroneous payments and disqualification; permitting self-employed persons to elect coverage with certain requirements; requiring the Insurance Commissioner to establish the Family and Medical Leave Insurance Program; requiring certain disclosures related to federal income tax; creating the Family and Medical Leave Insurance Account Fund; authorizing certain expenditures from the fund and investments of the fund; requiring annual reports to the Legislature; requiring the Insurance Commissioner to implement a public education program; encouraging the Insurance Commissioner to use state data collection and technology to integrate the program with other state policies; authorizing legislative rules by a certain date; and setting an effective date”; to the Committee on the Judiciary then Finance.

By Delegates Higginbotham, Ellington, Howell, Hamrick, Toney and Hanna:

H. B. 4386 - “A Bill to amend and reenact §3-1-9 of the Code of West Virginia, 1931, as amended, relating to political party committees; establishing that any elected state representative in the West Virginia House of Delegates or the West Virginia State Senate are members of the political party upon election or appointment; permitting all elected or appointed officials to remain a member for the duration of their time in office; and permitting any elected or appointed representative to be elected as an officer for the political party committee”; to the Committee on the Judiciary.

By Delegates Graves, Pack, Ellington, Kessinger, Summers, Waxman, Linville, Rowan, J. Jeffries, Higginbotham and Hill:

H. B. 4387 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §60B-1-1, §60B-1-2, §60B-1-3, §60B-1-4, §60B-1-5, §60B-1-6, §60B-1-7 and §60B-1-8, all relating to creating the Donated Drug Repository Program; establishing the West Virginia Board of Pharmacy has the authority to administer the program; setting forth eligible drugs and eligible recipients; establishing how the drugs are to be received, handled, stored, dispensed, distributed, and disposed of; permitting a handling fee; defining terms; and requiring rule-making”; to the Committee on Health and Human Resources.

By Delegates Hamrick, J. Jeffries and C. Martin:

H. B. 4388 - “A Bill to amend and reenact §11-16-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-18 and §11-16-22 of said code; to amend and reenact §60-2-15 of said code; to amend and reenact §60-8-23 of said code, all relating to removing restrictions

on advertising, equipment and services by licensees; adding legislative findings, removing restrictions on equipment, fixtures, signs, and supplies; limiting advertising restrictions to false or misleading advertising, irresponsible consumption, and that which targets underage consumption; clarifying that exterior signs are governed by the Division of Highways; eliminating antiquated rule-making language; and limiting promulgation and enforcement of legislative rules”; to the Committee on Government Organization.

By Delegates Rodighiero, Tomblin, Evans, Miller, R. Thompson, C. Thompson and S. Brown:

H. B. 4389 - “A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended, relating to requiring that no later than July 1, 2020, credits earned at two-year colleges or community and technical colleges, transfer for program credit at any other state institution of higher education”; to the Committee on Education.

By Delegates Howell, Hamrick and Linville:

H. B. 4390 - “A Bill to repeal §5A-8-6 and §5A-8-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-8-3, §5A-8-4, §5A-8-5, §5A-8-7, §5A-8-9, §5A-8-10, §5A-8-11, §5A-8-13, §5A-8-14 and §5A-8-17 of said code, all relating to records management of public records; defining terms; dissolving the formal advisory committee; updating the authority of the administrator; allowing for records of historical value; updating the authority of agency heads related to records management; providing for electronic storage and electronic formats for records; repealing the requirement that the administrator must store agencies’ essential records; removing the requirement that the administrator notify agencies of essential records destruction; providing that the administrator may approve request by agencies to destroy their essential records; and making technical changes”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Rohrbach, Pack, Waxman, Paynter, Kessinger, Maynard, Ellington, Miller, Westfall, Lovejoy and D. Kelly:

H. B. 4391 - “A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; definitions, including redefining the definition of ‘Life-prolonging intervention’; forms of a living will or medical power of attorney or combined medical power of attorney and living will and specific provisions; and interpretation and application of provisions upon the effective date of enactment”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rohrbach, Linville and Maynard:

H. B. 4392 - “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for exposure of governmental representatives, including emergency medical service personnel, to fentanyl or any other harmful drug or chemical agent”; to the Committee on the Judiciary.

By Delegates Rohrbach, Lovejoy, Linville and Maynard:

H. B. 4393 - “A Bill to amend and reenact §61-2-9d of the Code of West Virginia, 1931, as amended, relating to making suffocation and asphyxiation crimes”; to the Committee on the Judiciary.

By Delegates Rohrbach, Lovejoy and Miller:

H. B. 4394 - “A Bill to amend and reenact §31-18E-9 of the West Virginia Code, 1931, as amended, relating to making permanent the right of first refusal land reuse agencies and municipal land banks have on tax-delinquent properties; expanding the circumstances when the right of first refusal may be used; clarifying provisions related to the right of first refusal; and authorizing land

reuse agencies and municipal land banks to reject adjacent property owner's request to purchase property in certain circumstances"; to the Committee on Political Subdivisions then the Judiciary.

Special Calendar

Second Reading

Com. Sub. for H. B. 2602, Including possession of known stolen property in the offense of receiving or transferring stolen 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. 2679, Relating to state issued identification cards; 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. 2696, Creating an additional index system for state-owned lands; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2922, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids; on second reading, coming up in regular order, was read a second time.

Delegate Fast moved to amend the bill on page one, section 407a, line 4, by striking out the words "other than marijuana" and the comma.

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. 8**), and there were—yeas 30, nays 68, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Cooper, Cowles, Fast, Foster, Graves, Hott, D. Jeffries, J. Jeffries, Jennings, D. Kelly, Kessinger, Kump, P. Martin, Maynard, Paynter, Porterfield, Rohrbach, Rowan, Summers, Sypolt, Toney, Waxman, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Espinosa 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. 2924, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4010, Changing the licensing requirement for certain casino employees; 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. 4042, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page one, section 12, line five, after the date "September 1, 2020" and the period, by inserting the following:

"After September 1, 2020, any agency which has not filed its procedural rule as required by this section shall follow the procurement requirements established by the Purchasing Division."

The bill was then ordered to engrossment and third reading.

First Reading

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

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

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

And,

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.

Leaves of Absence

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

Miscellaneous Business

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

- Delegate Bartlett during Remarks by Members

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

- Delegates Dean, Jennings, Kump, Little, Lovejoy, P. Martin, Miller, Porterfield, Toney and Worrell for H. C. R. 8

- Delegate Bates for H. B. 4001

- Delegate D. Jeffries for H. B. 2433

- Delegate Kump for H. B. 2497 and H. B. 4372

- Delegate Porterfield for H. B. 2008

- Delegate Foster for H. B. 4053

- Delegates S. Brown, N. Brown, Canestraro, Fluharty, Householder and Lovejoy for H.

B. 2497

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

- Delegate Pack for H. C. R. 8

At 12:05 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 17, 2020.

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

SPECIAL CALENDAR

Friday, January 17, 2020

10th Day

11:00 A. M.

THIRD 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)

SECOND 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)

FIRST READING

- Com. Sub. for H. B. 4017 - Establishing country roads accountability and transparency (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4020 - Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4108 - Relating generally to certificates of need for health care services (HILL) (REGULAR)

H. B. 4130 -

Relating to competitive bidding for government construction contracts arising out of declared states of emergency (SHOTT) (EFFECTIVE FROM PASSAGE)

H. B. 4141 -

Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December (HOWELL) (REGULAR)

HOUSE CALENDAR

Friday, January 17, 2020

10th 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**

FRIDAY, JANUARY 17, 2020

HOUSE CONVENES AT 11:00 A.M.

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

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

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:00 A.M. – ROOM 215 E**

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

MONDAY, JANUARY 20, 2020

**PUBLIC HEARING
COMMITTEE ON THE JUDICIARY
8:30 A.M. – HOUSE CHAMBER
H. B. 4275, FIRE COMMISSION, STATE FIRE CODE.**

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