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TENTH DAY

Friday, January 17, 2020

TENTH 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 Thursday, January 16, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. B. 2086, Uniform Real Property Electronic Recording Act,

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

Com. Sub. for H. B. 2086 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39A-4-1, §39A-4-2, §39A-4-3, §39A-4-4, §39A-4-5, §39A-4-6, and §39A-4-7, all relating to creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; clarifying validity of electronic documents and electronic signatures; providing for recording of electronic documents; requiring any county clerk implementing the provisions of the act to comply with established standards; authorizing county clerks to receive, index, store, archive and transmit electronic documents; authorizing county clerks to allow public access, search and retrieval of electronic documents; allowing county clerks to convert paper documents accepted for recording into electronic documents; authorizing county clerks to collect electronically any tax or fee relating to electronic recording of real property documents they are authorized by law to collect; authorizing county clerks to agree with other jurisdictions on procedures or processes necessary for electronic recording of documents; creating the Real Property Electronic Recording Standards Advisory Committee to develop the standards necessary to electronically record real property documents; authorizing a legislative rule; providing for a report and recommendations to the Legislature; providing that members of the Real Property Electronic Recording Standards Advisory Committee pay their own expenses; setting forth areas for consideration when adopting or changing standards; providing for uniformity of application and construction of the act; and providing that the article modifies, limits and supersedes certain parts of the federal Electronic Signatures in Global and National Commerce Act,"

H. B. 4119, Establishing the crime of torture,

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

Com. Sub. for H. B. 4119 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to establishing the crime of torture; establishing criminal penalties; defining terms; providing that pain is not an element of the crime of torture; and establishing that conviction of the crime of torture does not preclude conviction of another offense arising from the same transaction,"

And,

H. B. 4275, Fire Commission, state fire code,

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

Com. Sub. for H. B. 4275 - "A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing agencies of the Department of Military Affairs and Public Safety to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee; authorizing the Fire Commission to promulgate a legislative rule relating to State Fire Code; and authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

H. B. 4077, Increasing the amount of the bond required to be posted by proprietary schools,

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

Com. Sub. for H. B. 4077 - "A Bill to amend and reenact §18B-2B-9 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of the bond required to be posted by proprietary schools; establishing methods of bonding; and requiring suspension of a proprietary school's permit if there is not required bond coverage,"

With the recommendation that the committee substitute do pass.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2542, Permitting directors of county emergency phone systems to obtain mobile-phone emergency lines,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2542) was referred to the Committee on Government Organization.

Delegate Bibby, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2330, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2330) was referred to the Committee on Government Organization.

Delegate Bibby, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2627, Removing all costs and fees from a Silver Star registration plate,

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. 2627) was referred to the Committee on Finance.

Delegate Maynard, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 2729, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact,

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. 2729) was referred to the Committee on Government Organization.

Delegate Maynard, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 2321, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder,

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

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 2321) to the Committee on Political Subdivisions then the Judiciary.

Delegate Maynard, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4039, Providing limitations on nuisance actions against fire department and emergency medical services,

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. 4039) was referred to the Committee on the Judiciary.

On motions for leave, the following bills were introduced (Originating in the Committee on Prevention and Treatment of Substance Abuse and reported with the recommendation that they each do pass, but that they first be referred to the Committee on Finance), which were read by their titles, as follows:

By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4416 - "A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to expanding certain insurance coverages for pregnant women; and providing an effective date,"

And,

By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4418 - "A Bill to amend and reenact §16-53-1 and §16-53-2 of the Code of West Virginia, 1931, as amended, relating to the Ryan Brown Fund."

The Speaker referred the bills (H. B. 4116 and H. B. 4418) to the Committee on Finance.

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

By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4417 - "A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended; relating to permitting professional boards to approve different continuing education programs on drug diversion."

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

By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4419 - "A Bill to amend and reenact §60A-9-5a of the Code of West Virginia, 1931, as amended, relating to requiring pharmacist to check the Controlled Substance Monitoring Database."

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. 4092, Relating to foster care,

And,

H. B. 4129, Relating to adoption,

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. 4092 and H. B. 4129) were each referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Tomblin, Maynard, Rodighiero, Miller, Hicks and Dean offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 16 - "Requesting the Division of Highways name bridge number 23-44-11.44 (23A309), locally known as Switzer Monty Bro Bridge, carrying West Virginia Route 44 over Island Creek in Logan County, the 'U.S. Army Pvt George H. Hooker Memorial Bridge'."

Whereas, Pvt. Hooker was born in October 1917 in Dunlow, West Virginia; and

Whereas, Pvt. Hooker enlisted in the Army on August 7, 1942, in Huntington, West Virginia to serve his country and his state during World War II; and

Whereas, Pvt. Hooker was a Rifleman during his service in the Army and he was assigned to the 376th Field Artillery Battalion, 82nd Airborne Division and was involved in battles in Italy where he received a Purple Heart posthumously; and

Whereas, Pvt. Hooker was employed as mine timberman prior to enlisting in the service and Pvt. Hooker was well known among the community for his baseball talents; and

Whereas, Pvt. Hooker was killed in combat on July 11, 1943, during the invasion of Sicily where Pvt. Hooker was deployed as a paratrooper; and

Whereas, Pvt. Hooker was laid to rest at Sicily-Rome American Cemetery in Nettuno, Italy; and

Whereas, It is fitting that an enduring memorial be established to commemorate Pvt. Hooker 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 23-44-11.44 (23A309), locally known as Switzer Monty Bro Bridge, carrying West Virginia Route 44 over Island Creek in Logan County, the 'U.S. Army Pvt. George H. Hooker 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 Pvt. George H. Hooker 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.

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

H. C. R. 17 - "Requesting the Division of Highways name bridge number 21-15-2.39 (21A165), locally known as Vandalia Bridge, carrying County Route 15 over Skin Creek in Lewis County, the 'U.S. Army PFC William E. 'Ed' Smith and W.Va. Army Nat. Guard SSG Edward L. 'Eddie' Smith Memorial Bridge'."

Whereas, PFC William Smith was born October 7, 1919, in Weston, Lewis County, West Virginia to Minter and Hoyo Bennett Smith; and

Whereas, SSG Edward Smith was born June 20, 1943, in Weston, West Virginia, to William and Mary Lee Smith; and

Whereas, SSG Edward Smith graduated from Weston High School in Lewis County, West Virginia in 1963; and

Whereas, PFC William Smith enlisted in the Army and was inducted into service on October 26, 1942 and entered service on November 9, 1942; and

Whereas, SSG Edward Smith joined the West Virginia Army National Guard upon graduation from Weston High School in 1963; and

Whereas, PFC William Smith bravely served his country during World War II in North Africa, Italy, and the European Theater as a messenger and a truck driver; and

Whereas PFC William Smith was awarded the Bronze Star for his bravery during service to this country and state and PFC William Smith was awarded a medal for Good Conduct; and

Whereas, SSG Edward Smith trained in Fort Leonardwood, Missouri and Fort Knox, Kentucky; and

Whereas, SSG Edward Smith served this state for over 20 years; and

Whereas, PFC William Smith lost his father when he was five years old and upon reaching an age for employment, obtained a job at the West Virginia Glass Specialty Company where he worked as a loyal employee for over 40 years; and

Whereas, PFC William Smith married Mary Lee Queen on October 26, 1942, upon induction into the Army and raised children with her until his death; and

Whereas, SSG Edward Smith married Betty Smith and raised two children until Betty's death on December 16, 1986; and

Whereas, PFC William Smith passed away at the VA Hospital in Clarksburg on August 17, 1986 at the age of 66; and

Whereas, SSG Edward Smith passed away on February 4, 2018; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC William Smith and SSG Edward Smith 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 bridge number 21-15-2.39 (21A165), locally known as Vandalia Bridge, carrying County Route 15 over Skin Creek in Lewis County, the "U.S. Army PFC William E. 'Ed' Smith and W.Va. Army Nat. Guard SSG Edward L. 'Eddie' Smith 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 PFC William E. 'Ed' Smith and W.Va. Army Nat. Guard SSG Edward L. 'Eddie' Smith 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,

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

H. C. R. 18 - "Declaring the West Virginia Marching Band Invitational to be the states' official Marching Band Championship event."

Whereas, The VH1 Save The Music Foundation program that places musical instruments in West Virginia public middle schools has increased participation in middle and high school bands; and

Whereas, Public high schools of all sizes are enjoying a resurgence in band participation; and

Whereas, Until 2012, there was no statewide marching band championship open to all West Virginia secondary schools; and

Whereas, In that year the West Virginia Division of Culture and History hosted the first West Virginia Marching Band Invitational at Glenville State College; and

Whereas, There were 19 bands in the first competition which has grown to see as many as 37 bands participating at the University of Charleston's Laidley Field; and

Whereas, The Invitational may include as many as 2,400 students and 7,000 spectators who enjoy the day in Charleston; and

Whereas, This Invitational provides a showcase for the state's high school marching bands; and

Whereas, The students have the opportunity to see the 'WVU Pride of West Virginia' perform; and

Whereas, This event highlights the value of arts education to encourage creativity, talent, and self-discipline; therefore, be it

Resolved by the Legislature:

That the Legislature hereby declares the West Virginia Marching Band Invitational to be the state's official Marching Band Championship event; and, be it

Further Resolved, That the Clerk forward a copy of this resolution to the appropriate officials with the West Virginia Marching Band Invitational.

Bills Introduced

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

By Delegates Summers and Longstreth:

H. B. 4395 - "A Bill amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended, relating removing the requirement that veterinarians access and report to the controlled substance monitoring database"; to the Committee on Health and Human Resources.

By Delegates Barnhart, Foster, Anderson, C. Martin, Bartlett, D. Jeffries, Azinger, Campbell, Howell and Hartman:

H. B. 4396 - "A Bill to amend and reenact §7-1-16 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §8-1-9, all relating generally to the Commission on Special Investigations and the State Auditor being informed of fraud and misappropriations by county and municipal governments"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Byrd:

H. B. 4397 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-23a, relating to providing a tax credit for first time home buyers; establishing eligibility criteria; setting a maximum credit; and excluding certain homes"; to the Committee on Finance.

By Delegates Fast, Worrell, Foster, Hanna, Dean, C. Martin, Ellington, Rowan, Bibby, Hardy and P. Martin:

H. B. 4398 - "A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of instruction; and incorporating into these courses the original texts of the Declaration of Independence, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, the Federalist Papers, the Constitution of West Virginia, and their original context"; to the Committee on Education.

By Delegate Higginbotham:

H. B. 4399 - "A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on gender identity or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for persons convicted of violations; and designating amendments to this section as Angel's Law"; to the Committee on the Judiciary.

By Delegate Byrd:

H. B. 4400 - "A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment"; to the Committee on Fire Departments and Emergency Medical Services then Political Subdivisions then Finance.

By Delegate D. Jeffries:

H. B. 4401 - "A Bill to repeal §15-5-4 and §15-5-27 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-2 of said code; to amend and reenact §15-1A-3; §15-5-4b, §15-5-4c, §15-5-13, §15-5-24; and §15-5-26 of said code; to amend said code by adding thereto a new section, designated §15-5-29; to amend and reenact §19-1-4 of said code; to amend and reenact §19-21A-4 of said code; to amend and reenact §20-1-7 of said code; to amend and reenact §22-1-6 of said code; to amend and reenact §29-31-2, §29-31-3, and §29-31-4 of said code; to amend said code by adding thereto a new section, designated §29-31-5; and to amend and reenact §33-2-23 of said code, all related to the State Resiliency Office and State Resiliency Officer; authorizing department heads to work with the State Resiliency Office; requiring Adjutant General to cooperate with the State Resiliency Office; eliminating the West Virginia Disaster Recovery Board; requiring the State Resiliency Officer's approval to auditor for disbursements from WV Disaster Recovery Fund; establishing powers of State Resiliency Office with respect to fund; providing authority of State Resiliency Office to accept assistance of the federal government related to emergency response; establishing the State Resiliency Officer as the administrator of the disaster recovery trust fund; providing authority of State Resiliency Office to disburse funds; eliminating annual reporting requirement of fund; requiring Director of Division of Homeland Security and Emergency Management to cooperate with the State Resiliency Office; requiring the Agriculture Commissioner to cooperate with the State Resiliency Office; requiring the State Conservation Commission to cooperate with the State Resiliency Office; authorizing the Secretary of the Department of Environmental Protection to cooperate with the State Resiliency Office; designating the State Resiliency Office as the authority to provide and coordinate emergency relief efforts; establishing the State Resiliency Office as within the Office of the Governor; modifying requirements for board members; establishing additional duties for the board; providing for the appointment, duties, and requirements for the position of State Resiliency Officer; providing that the State Resiliency Officer will act on behalf of the Governor in emergency situations; establishing the authority of the State Resiliency Office and State Resiliency Officer; establishing the State Resiliency Officer to report to the Joint Committee on Flooding; establishing the power of the State Resiliency Officer over employees of the office; creating and establishing state office of National Flood Control Program; and providing for a coordinator to administer the program"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Robinson, Rowe, Graves, Estep-Burton, D. Jeffries, Bartlett, Skaff and Byrd:

H. B. 4402 - "A Bill to amend and reenact §3-3-2a of the Code of West Virginia, 1931, as amended, relating to designation of early voting locations; and allowing designations to carry over to subsequent elections under certain circumstances"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Robinson, Miller, Lovejoy, Canestraro, N. Brown, Fluharty, Hornbuckle, Byrd, Skaff, Worrell and Kessinger:

H. B. 4403 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to establishing limitations on billing practices of Internet providers relating to customer outages; and establishing civil penalties"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Butler:

H. B. 4404 - "A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that the Division of Highways read bids aloud; and removing antiquated language"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Miller, Dean, Toney, Paynter, Maynard, Lavender-Bowe, N. Brown, Swartzmiller, Caputo, Zukoff and Rohrbach:

H. B. 4405 - "A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Nelson and Criss:

H. B. 4406 - "A Bill to amend and reenact §31A-4-35 of the Code of West Virginia, 1931, as amended, relating to the reproduction of checks and other records, and the preservation and disposition of originals"; to the Committee on Banking and Insurance.

By Delegates Cooper, Cadle, Campbell, J. Jeffries, Phillips, Atkinson, Sypolt, Hott, Mandt, Hartman and Jennings:

H. B. 4407 - "A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Higginbotham, Toney, Hanna, Pushkin, Bibby, Jennings and C. Martin:

H. B. 4408 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to requiring the State Board of Education to develop and implement an online database for the employment of school principals"; to the Committee on Education.

By Delegates Maynard, J. Jeffries, Householder, Summers, Jennings, Linville, Hanshaw (Mr. Speaker), Graves, Lovejoy, Miller and Nelson:

H. B. 4409 - "A Bill to amend and reenact §33-3-33a of the Code of West Virginia, 1939, as amended, relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund, at its existing sunset date of June 30, 2020, to the Fire Service Equipment and Training Fund and the State Auditor's Chief Inspector's Fund"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Nelson, Criss, Westfall, Azinger, Estep-Burton, Lovejoy, Espinosa, Barrett, Bates, D. Jeffries and Capito:

H. B. 4410 - "A Bill to amend and reenact §31A-4-26 of the Code of West Virginia, 1931, as amended, relating to permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected up to \$25,000 or five percent of unimpaired capital and surplus to a maximum aggregate amount of \$500,000 without the prior approval of a majority of the board of directors or discount committee of the banking institution"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Nelson, Criss, Westfall, Azinger, Estep-Burton, Lovejoy, Espinosa, Bates, Barrett, Waxman and Capito:

H. B. 4411 - "A Bill to amend and reenact §31-17-8 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act; and adjusting the allowable final installment payment on mortgages loans"; to the Committee on Banking and Insurance.

By Delegates Fleischauer, Bibby, Jennings, Walker, Hansen, Cooper, Rowan, Butler, Pethel, Longstreth and Angelucci:

H. B. 4412 - "A Bill to amend and reenact §15-1B-21 of the Code of West Virginia, 1931, as amended, relating to providing education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard"; to the Committee on Education.

By Delegates R. Thompson, N. Brown, Lovejoy, Miller, Hicks, Maynard, Rohrbach, Campbell, Evans, Tomblin and Angelucci:

H. B. 4413 - "A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding skin, lung, esophageal, colon, testicular, prostate, brain, breast, and cervical cancers, mesothelioma, non-Hodgkin's lymphoma, leukemia, lymphoma, and multiple myeloma, arising out of and in the course of employment as a firefighter on July 1, 2025, absent legislative action to the contrary; allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state under certain conditions; and eliminating outdated and obsolete language"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2602, Including possession of known stolen property in the offense of receiving or transferring stolen property; 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. 9**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy, Rowe and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2602) 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. 2679, Relating to state issued identification cards; 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. 10**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy, Rowe and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2679) 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. 2696, Creating an additional index system for state-owned lands; 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. 11**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Canestraro, Lovejoy, McGeehan, Miller, Pushkin and Robinson.

Absent and Not Voting: Ellington, Hardy, Rowe and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2696) 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. 2922, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids; 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. 12**), and there were—yeas 86, nays 9, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Bartlett, Cooper, Fast, Jennings, Pack, Steele, Summers, Waxman and Worrell.

Absent and Not Voting: Ellington, Hardy, Rowe, R. Thompson and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2922) 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. 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 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. 13**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy, Rowe and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2924) 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. 4010, Changing the licensing requirement for certain casino employees; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4042, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules; 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. 14**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy, Rowe and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4042) passed.

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

Second Reading

The following bills on second reading, coming up in regular order, were each read a second time and ordered to engrossment and third 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; on second reading, coming up in regular order, was read a second time and ordered to third reading.

First Reading

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

Com. Sub. for H. B. 4017, Establishing country roads accountability and transparency,

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

Com. Sub. for H. B. 4108, Relating generally to certificates of need for health care services,

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

And,

H. B. 4141, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Hardy, Rowe and Wilson.

Miscellaneous Business

Delegate Espinosa noted to the Clerk that he was absent when the votes were taken on Roll Nos. 3, 4, 5, 6, 7 and 8, and had he been present, he would have voted "Yea" thereon.

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

- Delegates D. Kelly and Miller for H. B. 4119
- Delegate Toney for H. B. 4350
- Delegate Lovejoy for H. B. 4392

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

- Delegate Butcher for H. C. R. 9

At 11:45 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 20, 2020.

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

SPECIAL CALENDAR

Monday, January 20, 2020

13th Day

11:00 A. M.

THIRD READING

- H. B. 4010 - Changing the licensing requirement for certain casino employees (HOWELL) (REGULAR)
- 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)

SECOND 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)

FIRST READING

- Com. Sub. for H. B. 2086 - Uniform Real Property Electronic Recording Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4077 - Increasing the amount of the bond required to be posted by proprietary schools (ELLINGTON) (REGULAR)

- Com. Sub. for H. B. 4119 - Establishing the crime of torture (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4275 - Fire Commission, state fire code (SHOTT) (EFFECTIVE FROM
PASSAGE)
- H. B. 4417 - Relating to permitting professional boards (ROHRBACH) (REGULAR)
- H. B. 4419 - Relating to the Controlled Substance Monitoring Database
(ROHRBACH) (REGULAR)

HOUSE CALENDAR

Monday, January 20, 2020

13th 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**

MONDAY, JANUARY 20, 2020

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON THE JUDICIARY
9:30 A.M. – ROOM 418 M**

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

**AGRICULTURE AND NATURAL RESOURCES
1:00 P.M. – ROOM 418 M**

**BANKING AND INSURANCE
1:00 P.M. – ROOM 215 E**

**COMMITTEE ON GOVERNMENT ORGANIZATION
4:00 P.M. – ROOM 215 E**

HOUSE OF DELEGATES
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