

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



February 5, 2020  
TWENTY-NINTH DAY



---

Wednesday, February 5, 2020

**TWENTY-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 Tuesday, February 4, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Finance has had under consideration:

**H. B. 4455**, Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure,

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

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

Your Committee on Finance has had under consideration:

**H. B. 4582**, Declaring certain claims against agencies of the state to be moral obligations of the state,

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

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

Your Committee on the Judiciary has had under consideration:

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

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

**Com. Sub. for H. B. 4061** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6, §33-53-7, §33-53-8, §33-53-9, and §33-53-10, all relating to health plan benefit networks; creating the Health Benefit Plan Network Access and Adequacy Act; providing definitions; establishing the Act

applies to all healthcare providers with enumerated exceptions; providing adequate network standards and criteria; providing for an accessible directory of health care providers; requiring intermediary contracts to satisfy designated requirements; providing certain filing requirements for approval; establishing certain contract requirements; providing the commissioner has authority to assure compliance with the Act; limiting the commissioner's authority to mediate or settle disputes; providing rule making powers; and establishing penalties for violation of the Act,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 4611**, Relating to fireworks,

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

**Com. Sub. for H. B. 4611** - "A Bill to amend and reenact §29-3E-5 and §29-3E-8 of the Code of West Virginia, 1931, as amended, all relating generally to fireworks; reducing certification fees for both temporary and permanent retail sales locations for fireworks and requiring the State Fire Marshal to establish a procedure that allows a fireworks retailer to combine and pay all applicable fees in a single payment,"

With the recommendation that the committee substitute do pass.

Delegate Graves, Chair of the Committee on Pensions and Retirement submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**H. B. 4350**, Relating to the Deputy Sheriff Retirement System Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4350) was referred to the Committee on Finance.

Delegate Graves, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**Com. Sub. for S. B. 532**, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary,

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

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. 4003**, Relating to telehealth insurance requirements,

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

**Com. Sub. for H. B. 4003** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-25, and to amend said code by adding thereto a new section, designated §33-53-3, all relating to telehealth requirements; providing rulemaking authority; requiring boards to regulate telehealth practice; defining terms; requiring insurance coverage of certain telehealth services; providing an effective date; and providing limitation of applicability,"

With the recommendation that the committee substitute do pass.

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. 4661**, Relating to the powers of the Public Service Commission and the regulation of natural gas utilities,

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. 4557**, Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals,

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. 4557) was referred to the Committee on the Judiciary.

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. 4494**, Tobacco Use Cessation Initiative,

And,

**H. B. 4569**, Imposing a health care related provider tax on certain health care organizations,

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, the bills (H. B. 4494 and H. B. 4569) were each referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**S. B. 321**, Relating to collection of tax and priority of distribution of estate or property in receivership,

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2527**, Relating to forgery and other crimes concerning lottery tickets,

**H. B. 4524**, Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption,

And,

**H. B. 4618**, Relating to deadly weapons for sale or hire,

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 3<sup>rd</sup> day of February, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for S. B. 323**, Authorizing Department of Administration promulgate legislative rules.

### **Messages from the Senate**

A message from the Senate, by

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

**H. B. 4496**, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections.

A message from the Senate, by

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

**Com. Sub. for S. B. 240** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-22b; and to amend and reenact §16-6-23 of said

code, all relating to requiring hotels and restaurants to secure manhole covers of certain grease traps by a certain date; providing methods for securing the manhole covers; authorizing the commissioner to specify the method of limiting access to the manhole; authorizing the promulgation of rules; and increasing the civil penalty for noncompliance with the requirements of the article"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 267** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-16a, relating to creating the offenses of conversion of leased or rented personal property; establishing the elements of the offenses; creating exceptions; and establishing and setting criminal penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 510** - "A Bill to amend and reenact §31-18E-9 of the Code of West Virginia, 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"; which was referred to the Committee on the Judiciary.

### **Bills Introduced**

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

**By Delegates Pushkin, Estep-Burton, Robinson, Byrd, S. Brown, Bibby, Skaff and Hornbuckle:**

**H. B. 4692** - "A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to calculation of the school aid formula based on net enrollment at alternative and year-round schools"; to the Committee on Education.

**By Delegates Pack, Steele, Cooper, Paynter and Summers:**

**H. B. 4693** - "A Bill to amend and reenact §19-1-12 of the Code of West Virginia, 1931, as amended, relating to renaming the Veteran and Warriors Agriculture Program in order for it to serve law enforcement and emergency services"; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegate R. Thompson:**

**H. B. 4694** - "A Bill to amend and reenact §30-13A-6 of the Code of West Virginia, 1931, as amended, relating to requiring that land surveyors record survey plats at the county courthouse"; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Campbell, Pack, Lovejoy, Caputo, Rohrbach, Rowan, Evans, Lavender-Bowe and D. Jeffries:**

**H. B. 4695** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, relating to enacting the Closed Captioning Act; requiring public

places that have televisions for use by the public to have at least one half of those televisions to have their closed captioning feature activated at all times; providing an exception; defining terms; and establishing an effective date”; to the Committee on the Judiciary.

**By Delegates Campbell, Pack, Paynter, Kessinger, Toney, Evans, Lavender-Bowe, Bates and Stagers:**

**H. B. 4696** - “A Bill to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended, relating to exempting school buses with students on board from paying turnpike tolls”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Pushkin, Foster, Skaff and Howell:**

**H. B. 4697** - “A Bill to amend and reenact §60-1-5b of the Code of West Virginia, 1931, as amended, relating to the definition of ‘mini-distillery’ and sourcing of raw agricultural products used therein”; to the Committee on the Judiciary.

**By Delegates Pushkin, Howell, Estep-Burton, Walker, McGeehan and Lavender-Bowe:**

**H. B. 4698** - “A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-11 of said code, all relating to allowing a bar to purchase liquor from a distillery or a mini-distillery if it is within 10 miles of the distillery or mini-distillery and the liquor was made at the distillery or mini-distillery”; to the Committee on the Judiciary.

**By Delegate Rowe:**

**H. B. 4699** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6F-504, relating to unfair or deceptive telemarketing acts or practices; providing that West Virginia Code prohibiting transmission of misleading or inaccurate caller identification information applies to communications service providers”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Westfall, Storch, Criss and J. Kelly:**

**H. B. 4700** - “A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting vehicles from driving slow in the left lane of a roadway or interstate highway for more than a mile and a half without completely passing another vehicle; and providing exceptions”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Howell, C. Martin, Dean, Higginbotham, Ellington, Fast, Graves, Pushkin, Caputo, Stagers and Hamrick:**

**H. B. 4701** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-10-10a, relating to establishing a comprehensive framework for the management of all real property assets of the state; specifying essential criteria; and requiring reports to be made to the Joint Committee on Government Operations”; to the Committee on Government Organization.

**By Delegates Azinger, Butler, McGeehan, Wilson, J. Kelly, Anderson and Steele:**

**H. B. 4702** - “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the Commissioner of Highways; and providing that signs on bridges named for deceased members of the military identify the rank and branch of military together all medal awards”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates N. Brown, R. Thompson, Lovejoy, Boggs, Rodighiero, Canestraro, Kump, Miller and Dean:**

**H. B. 4703** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the commissioner to issue registration plates to recognize and honor



those families affected by Alzheimer's disease"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Steele, Bartlett, Dean, C. Martin, Kump, Wilson, Pack, P. Martin, Butler, McGeehan and J. Jeffries:**

**H. B. 4704** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1-13, relating to repealing provisions of the code providing immunity from criminal prosecution or liability"; to the Committee on the Judiciary.

**By Delegates Steele, Jennings, Paynter, Phillips, Toney and Pack:**

**H. B. 4705** - "A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to certain diseases for which rebuttable presumption of injury arising out of and in the course of employment exists for firefighters, including bladder cancer, mesothelioma, and testicular cancer"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Anderson, J. Kelly, Graves, Hansen, Pethel, Evans, Miley, Higginbotham, Azinger, Paynter and Nelson:**

**H. B. 4706** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend and reenact §55-12A-7 of said code, all relating to providing transparency in government by creating reporting procedures and requirements concerning funds being held by fiduciaries, commissioners and receivers which are due to missing, unknown or unlocatable real estate interest owners from partition lawsuits and lawsuits concerning leasing and conveyancing of mineral interests by missing owners; providing reporting requirements to the State Treasurer, Legislature, and the Supreme Court of Appeals; defining and specifying contents of the reports; establishing reporting dates; providing for rule-making; and making technical changes"; to the Committee on Energy then the Judiciary.

**By Delegates Wilson, Steele, Bibby, Bartlett, Waxman, Jennings, C. Martin, Butler, Foster, J. Jeffries and Phillips:**

**H. B. 4707** - "A Bill to amend and reenact §4-1A-6 and §4-1A-8 of the Code of West Virginia, 1931, as amended, all relating to members of the Legislature; and clarifying that a legislator's immunity from arrest and trial is subject to the language of the Constitution of West Virginia"; to the Committee on the Judiciary.

**By Delegates Wilson, Bibby, Dean, Paynter and J. Jeffries:**

**H. B. 4708** - "A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended, relating what constitutes a political party"; to the Committee on the Judiciary.

**By Delegates Jennings, Foster and Bibby:**

**H. B. 4709** - "A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article; and providing that wind power projects be taxed at the real property rate"; to the Committee on Energy then Finance.

**By Delegates Rohrbach, Maynard, Canestraro, Hornbuckle, Lovejoy, Linville, Miller, Higginbotham, Waxman, Storch and Queen:**

**H. B. 4710** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-5-505, relating to authorizing law-enforcement agencies and officers to refer persons for treatment of addiction for when the persons voluntarily request assistance or treatment; providing for immunity from arrest and for surrender of illicit substances or paraphernalia; specifying exceptions; exempting referral information from disclosure under the Freedom of

Information Act; and providing certain immunities for law-enforcement agencies and personnel”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Rohrbach:**

**H. B. 4711** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-47A-1, relating to requiring the Superintendent of the West Virginia State Police to develop a program for individuals suffering from a substance abuse disorder who voluntarily seek treatment for that abuse; providing that those individuals have a qualified immunity from prosecution for possession or use of a controlled substance; and identifying those who are ineligible to participate in the program”; to the Committee on the Judiciary.

**Special Calendar**

**Third Reading**

**Com. Sub. for S. B. 311**, Relating to court-ordered community service; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 90**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 311) passed.

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

**Com. Sub. for S. B. 357**, Authorizing Department of Revenue promulgate legislative 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. 91**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 357) passed.

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

On this question, the yeas and nays were taken (**Roll No. 92**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Anderson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 357) takes effect from its passage.

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

**Com. Sub. for H. B. 2967**, Permitting a county to retain the excise taxes for the privilege of transferring title of real estate; 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. 93**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2967) 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. 4090**, Creating the Oil and Gas Abandoned Well Plugging Fund; on third reading, coming up in regular order, was read a third time.

Delegate Paynter requested to be excused from voting on Com. Sub. for H. B. 4090 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 94**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4090) 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. 4161**, Making it illegal to scleral tattoo a person; 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. 95**), and there were—yeas 78, nays 21, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barnhart, Barrett, N. Brown, S. Brown, Butler, Cadle, Dean, Fluharty, Hicks, Hornbuckle, Howell, J. Jeffries, Kump, McGeehan, Paynter, Phillips, Pushkin, Sponaugle, Staggers, Walker and Wilson.

Absent and Not Voting: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4161) 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. 4356**, Relating to the administration of anesthetics; on third reading, coming up in regular order, with an amendment pending, was reported by the Clerk.

In the absence of objection, the pending amendment offered by Delegates Skaff and Stagers on yesterday prior to the bill being postponed one day, was reformed as follows:

On page one, section fifteen, by striking out the first sentence of subsection (a), lines nine and ten, and inserting in lieu thereof the following:

“(a) In any case where it is lawful for a duly licensed physician or dentist practicing medicine or dentistry under the laws of this state to administer anesthetics, such anesthetics may lawfully be given and administered by any person (1) who has been licensed to practice registered professional nursing under this article, and (2) who holds a diploma or certificate evidencing his or her successful completion of the educational program of a school of anesthesia duly accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs.

“(b) The administration of anesthesia may be provided by a certified registered nurse anesthetist in cooperation with an anesthesiologist, physician, or dentist. If no anesthesiologist is readily available for medical cooperation on anesthesia services, the administration of anesthesia may be provided by a certified registered nurse anesthetist, in cooperation with a physician or dentist.”

And,

On page one, line nineteen, by re-designating subsection (b) as subsection (c).

Subsequently, in the absence of objection, the amendment offered by Delegates Skaff and Stagers was again reformed as follows:

On page one, section fifteen, by striking out the first sentence of subsection (a) on lines nine and ten, and inserting in lieu thereof the following:

“(a) In any case where it is lawful for a duly licensed physician or dentist practicing medicine or dentistry under the laws of this state to administer anesthetics, such anesthetics may lawfully be given and administered by any person (1) who has been licensed to practice registered professional nursing under this article, and (2) who holds a diploma or certificate evidencing his or her successful completion of the educational program of a school of anesthesia duly accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs.

“(b) The administration of anesthesia may be provided by a certified registered nurse anesthetist in cooperation with an anesthesiologist. If no anesthesiologist is readily available for medical cooperation on anesthesia services, the administration of anesthesia may be provided by a certified registered nurse anesthetist, in cooperation with a physician or dentist.”

And,

On page one, line nineteen, by re-designating subsection (b) as subsection (c).

Delegate Wilson requested to be excused from voting on H. B. 4356 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

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. 96**), and there were—yeas 64, nays 35, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Azinger, Barnhart, Bartlett, Bates, Bibby, Butler, Criss, Dean, Ellington, Foster, Graves, Hansen, Hardy, Higginbotham, Householder, Howell, Kessinger, Little, Mandt, C.R. Martin, P. Martin, Maynard, McGeehan, Miller, Pack, Paynter, Pethtel, Porterfield, Rodighiero, Rowe, Shott, Steele, Swartzmiller, Tomblin and Wilson.

Absent and Not Voting: Anderson.

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

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

Delegate Wilson reiterated the request to be excused from voting on H. B. 4356 under the provisions of House Rule 49 and the Speaker informed the Delegate that the previous ruling directing the Member to vote applied to amendments and the passage of the bill.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 97**), and there were—yeas 70, nays 29, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Azinger, Barrett, Bartlett, N. Brown, S. Brown, Butler, Cadle, Canestraro, Caputo, Criss, Diserio, Ellington, Estep-Burton, Foster, Hansen, Hartman, D. Kelly, Little, Longstreth, Miley, Pethtel, Shott, Skaff, Storch, Swartzmiller, Walker, Waxman and Williams.

Absent and Not Voting: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4356) 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. 4375**, Speech-Language Pathologists and Audiologists Compact; 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. 98**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Anderson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4375) 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. 4378**, Relating to disciplining teachers; 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. 99**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Anderson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4378) 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. 4395**, Removing the requirement that a veterinarian access and report to the controlled substance monitoring database; 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. 100**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Anderson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4395) passed.

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

**Com. Sub. for H. B. 4395** - "A Bill to amend and reenact §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended, relating to removing the requirement that a veterinarian monitor the controlled substance monitoring database; and updating the code to reflect previous changes."

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

**H. B. 4410**, Permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected; on third reading, coming up in regular order, was read a third time.

Delegates Criss, Hartman, Hott, Nelson and Shott requested to be excused from voting on H. B. 4410 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 101**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Pushkin.

Absent and Not Voting: Anderson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4410) 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. 4414**, Relating to the selection of language and development milestones for the deaf and hard-of-hearing children; 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. 102**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Anderson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4414) 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. 4415**, Relating to missing and endangered children; 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. 103**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Criss and Householder.

Absent and Not Voting: Anderson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4415) 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. 4438**, Relating to the licensing of advance deposit wagering; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 104**), and there were—yeas 71, nays 27, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Campbell, Cooper, Fast, Graves, Hott, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kump, Mandt, C. Martin, P. Martin, Pack, Paynter, Porterfield, Rowan, Sypolt, Toney, Waxman and Worrell.

Absent and Not Voting: Anderson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4438) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**Com. Sub. for H. B. 4438** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to licensing of advance deposit account wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; conferring jurisdiction to Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; prohibiting advance deposit account wagering in West Virginia unless conducted through an advance deposit account wagering licensee; exempting advance deposit account wagering from certain provisions of code; providing criminal penalties for accepting advance deposit account wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for regulatory fee; providing that all advance deposit account wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; and authorizing rulemaking and emergency rulemaking."

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

**H. B. 4559**, Modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor; 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. 105**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Staggers.

Absent and Not Voting: Anderson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4559) passed.

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



### Second Reading

**Com. Sub. for H. B. 4352**, Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making; on second reading, coming up in regular order was read a second time.

Delegate Foster moved to amend the bill on page seven, section two, line thirty-three, after the stricken number “ten thousand”, by striking out the number “5,000” and inserting in lieu thereof the number “3,000”.

And,

On page seven, section two, line fifty-one, after the stricken number “ten thousand” by striking out the number “5,000” and inserting in lieu thereof the number “3,000”.

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. 106**), and there were—yeas 48, nays 50, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Atkinson, Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Cooper, Cowles, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hill, Householder, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Linville, Little, Mandt, C. Martin, P. Martin, McGeehan, Pack, Phillips, Porterfield, Queen, Rowan, Rowe, Shott, Steele, Summers, Sypolt, Waxman, Westfall, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Anderson 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.

**H. B. 4380**, Updating the regulatory board review schedule; 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. 4509**, Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### First Reading

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

**Com. Sub. for S. B. 46**, Defining “pepper spray” and exempting from definition of “deadly weapons”,

**Com. Sub. for S. B. 470**, Relating to use of crossbow to hunt,

**Com. Sub. for S. B. 487**, Providing exception that all DNR payments be deposited within 24 hours,

**Com. Sub. for S. B. 500**, Relating to Class Y special crossbow hunting permit,

**Com. Sub. for S. B. 501**, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR,

**Com. Sub. for H. B. 4083**, Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls,

**Com. Sub. for H. B. 4361**, Relating to insurance law violations,

**Com. Sub. for H. B. 4444**, Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers,

**Com. Sub. for H. B. 4453**, Expanding the eligibility requirements for private investigator and security guard licensure,

**H. B. 4466**, Certificates of Insurance Act,

**H. B. 4477**, West Virginia Mutual to Mutual Insurance Holding Company Act,

**H. B. 4502**, Relating to insurance adjusters,

**H. B. 4515**, Relating to wildlife resources, eligibility for license or permit application,

**H. B. 4585**, Providing immunity from civil or criminal liability for making good faith reports of suspected or known instances of child abuse or neglect,

**H. B. 4607**, Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services,

**H. B. 4664**, Clarifying the offense of driving under the influence of alcohol, controlled substances, or drugs,

And,

**H. B. 4691**, Relating to employment in areas of critical need in public education.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Anderson.

### **Miscellaneous Business**

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

- Delegate Sponaugle for H. B. 2063
- Delegate Pack for H. B. 4494
- Delegate Nelson for H. B. 4665

- Delegate Rowan for H. B. 4591
- Delegate Porterfield for H. B. 4639
- Delegate Foster for H. B. 4639
- Delegate Steele for H. B. 4524

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

- Delegate Wilson for H. B. 4641
- Delegate Pyles for H. B. 4592

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

- Delegate Mandt regarding the death of his mother
- Delegate Capito during Remarks by Members
- Delegate Foster regarding the amendment offered to Com. Sub. for H. B. 4352
- Delegate Jennings during Remarks by Members
- Delegate J. Jeffries during Remarks by Members
- Delegate Wilson regarding H. B. 4356
- Delegate Walker during Remarks by Members
- Delegate Hornbuckle during Remarks by Members
- Delegate C. Thompson during Remarks by Members

At 2:00 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 6, 2020.

---

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



**SPECIAL CALENDAR**

**Thursday, February 6, 2020**

**30<sup>th</sup> Day**

**11:00 A. M.**

**THIRD READING**

Com. Sub. for H. B. 4352 - Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making (HOWELL) (REGULAR)

H. B. 4380 - Updating the regulatory board review schedule (HOWELL) (REGULAR)

Com. Sub. for H. B. 4509 - Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support (HOWELL) (REGULAR)

**SECOND READING**

Com. Sub. for S. B. 46 - Defining "pepper spray" and exempting from definition of "deadly weapons" (SHOTT) (REGULAR)

Com. Sub. for S. B. 470 - Relating to use of crossbow to hunt (ATKINSON) (REGULAR)

Com. Sub. for S. B. 487 - Providing exception that all DNR payments be deposited within 24 hours (ATKINSON) (REGULAR)

Com. Sub. for S. B. 500 - Relating to Class Y special crossbow hunting permit (AGRICULTURE AND NATURAL RESOURCES COMMITTEE AMENDMENT PENDING) (ATKINSON) (REGULAR)

Com. Sub. for S. B. 501 - Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR (AGRICULTURE AND NATURAL RESOURCES COMMITTEE AMENDMENT PENDING) (ATKINSON) (REGULAR)

- Com. Sub. for H. B. 4083 - Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4361 - Relating to insurance law violations (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4444 - Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4453 - Expanding the eligibility requirements for private investigator and security guard licensure (HOWELL) (REGULAR)
- H. B. 4466 - Certificates of Insurance Act (SHOTT) (REGULAR)
- H. B. 4477 - West Virginia Mutual to Mutual Insurance Holding Company Act (SHOTT) (REGULAR)
- H. B. 4502 - Relating to insurance adjusters (SHOTT) (REGULAR)
- H. B. 4515 - Relating to wildlife resources, eligibility for license or permit application (ATKINSON) (REGULAR)
- H. B. 4585 - Providing immunity from civil or criminal liability for making good faith reports of suspected or known instances of child abuse or neglect (SHOTT) (REGULAR)
- H. B. 4607 - Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services (HOWELL) (REGULAR)
- H. B. 4664 - Clarifying the offense of driving under the influence of alcohol, controlled substances, or drugs (SHOTT) (REGULAR)
- H. B. 4691 - Relating to employment in areas of critical need in public education (ELLINGTON) (EFFECTIVE FROM PASSAGE)

## FIRST READING

- S. B. 321 - Relating to collection of tax and priority of distribution of estate or property in receivership (SHOTT) (REGULAR)
- Com. Sub. for S. B. 532 - Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary (PENSIONS AND RETIREMENT COMMITTEE AMENDMENT PENDING) (GRAVES) (REGULAR)
- H. B. 2527 - Relating to forgery and other crimes concerning lottery tickets (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4003 - Relating to telehealth insurance requirements (HILL) (REGULAR)
- Com. Sub. for H. B. 4061 - Health Benefit Plan Network Access and Adequacy Act (SHOTT) (REGULAR)
- H. B. 4455 - Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure (HOUSEHOLDER) (REGULAR)
- H. B. 4524 - Making the entire state "wet" or permitting the sale of alcoholic liquors for off-premises consumption (SHOTT) (REGULAR)
- H. B. 4582 - Declaring certain claims against agencies of the state to be moral obligations of the state (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4611 - Relating to fireworks (HOUSEHOLDER) (REGULAR)
- H. B. 4618 - Relating to deadly weapons for sale or hire (SHOTT) (REGULAR)
- H. B. 4661 - Relating to the powers of the Public Service Commission and the regulation of natural gas utilities (ANDERSON) (REGULAR)





## **HOUSE CALENDAR**

**Thursday, February 6, 2020**

**30<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

### **THIRD READING**

Com. Sub. for H. B. 4001 - Creating West Virginia Impact Fund (HOUSEHOLD) (EFFECTIVE FROM PASSAGE) (AMENDMENT PENDING BY DELEGATES HOUSEHOLDER AND BATES) [RIGHT TO AMEND]

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**

H. J. R. 102 - Providing the West Virginia Legislature rulemaking oversight of the board of education (SHOTT)

Com. Sub. for H. B. 4059 - Increasing access to long acting reversible contraception (HILL) (REGULAR)

Com. Sub. for H. B. 4198 - Permitting a person to obtain a 12-month supply of contraceptive drugs (HILL) (REGULAR)

## **FIRST READING**

Com. Sub. for H. B. 4388 - Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising (HOWELL) (REGULAR)

**WEST VIRGINIA  
HOUSE OF DELEGATES**

---

**THURSDAY, FEBRUARY 6, 2020**

---

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

---

**COMMITTEE ON THE JUDICIARY  
9:00 A.M. – ROOM 410 M**

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

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

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

**POLITICAL SUBDIVISIONS  
1:00 P.M. – ROOM 410 M**

**COMMITTEE ON ENERGY  
3:00 P.M. – ROOM 410 M**

**COMMITTEE ON EDUCATION  
5:00 P.M. – ROOM 434 M**

---

**MONDAY, FEBRUARY 10, 2020**

---

**PUBLIC HEARING  
COMMITTEE ON THE JUDICIARY  
8:30 A.M. – HOUSE CHAMBER**

**H. B. 4615, WEST VIRGINIA CRITICAL INFRASTRUCTURE PROTECTION ACT.**

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