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NINTH DAY

Thursday, January 17, 2019

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 16, 2019, 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. 2362, Relating to procedures for voting an emergency absentee ballot by qualified voters,

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

Com. Sub. for H. B. 2362 - "A Bill to amend and reenact §3-3-5c of the Code of West Virginia, 1931, as amended, relating to procedures for voting an emergency absentee ballot by qualified voters; and providing a mechanism to allow a qualified voter who is confined to a specific location within the county other than a hospital or other duly licensed health care facility or a nursing home and is prevented from travelling to a polling place and voting in person because of illness, injury or other medical reason, or a physical disability or immobility due to extreme advanced age,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2008, Relating to nonpartisan election of justices of the Supreme Court of Appeals,

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

Com. Sub. for H. B. 2008 - "A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended, relating to nonpartisan election of justices of the Supreme Court of Appeals; and providing that when no candidate receives at least forty percent of the total votes cast in a division for that office, that a runoff election for that seat is to be held concurrent with the general election, which shall include only those two candidates receiving the highest and second highest number of votes cast in that election held concurrently with the primary election,"

With the recommendation that the committee substitute do pass.

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. 2005, Broadband Expansion Act of 2019,

And reports the same back with the recommendation that it do pass, 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. 2005) 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. 2193, Providing a specific escheat of US savings bonds,

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

Com. Sub. for H. B. 2193 - "A Bill to amend and reenact §36-8-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §36-8-2a, all relating to providing for the specific escheat of United States savings bonds and all rights and legal title thereto; and defining terms,"

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

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

S. B. 10 - "A Bill to amend and reenact §17B-7-5 and §17B-7-9 of the Code of West Virginia, 1931, as amended, all relating to the Second Chance Driver's License Program; providing that court's accounting of amounts due for crime victim restitution be separately identified; providing that any moneys for restitution that are not submitted in the accounting by the court may not be waived by the participant's completion of the program; and providing that amounts of court costs collected under the Second Chance Driver's License Program attributable to crime victim restitution are not subject to the five percent offset for use by the Director of the Division of Justice and Community Services in the administration of the program"; which was referred to the Committee on Technology and Infrastructure then Finance.

A message from the Senate, by

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

S. B. 24 - "A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to employees of local boards of health; making legislative findings; requiring the

Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees; limiting Department of Health and Human Resources from using provided funds for any other purpose; requiring annual funding to continue pay raises; and prohibiting Department of Health and Human Resources from placing additional restrictions or obligations on provided funds”; which was referred to the Committee on Political Subdivisions then Finance.

A message from the Senate, by

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

S. B. 27 - “A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to removing restrictions on where certain traditional lottery games may be played”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 28 - “A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to removing the limitation on the amount collected by the county via the hotel occupancy tax that may be used for medical care and emergency services”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2019, and requested the concurrence of the House of Delegates in the passage, of

S. B. 36 - “A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees receiving pensions from defined benefit pension plans that have been terminated with a consequent reduced benefit; and reinstating the effective period of the allowed adjustment”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2019, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 106 - “A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; alleviating double taxation on foreign income at the state level; and sunseting the credit for income tax paid on foreign income in 2069”; which was referred to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

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

S. B. 177 - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 190 - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to employment procedures"; which was referred to the Committee on Technology and Infrastructure then the Judiciary.

Resolutions Introduced

Delegates Higginbotham, J. Kelly, Harshbarger, Maynard, Linville, Summers, Kessinger, Cowles, J. Jeffries and Mandt offered the following resolution which was ordered to the Committee on Energy then Rules:

H. R. 6 - "Recognizing the importance of West Virginia's energy resources and critical energy infrastructure to support economic development and national security."

Whereas, West Virginia's natural gas and energy reserves and production have increased significantly in recent years due to the exploration occurring in the Utica and Marcellus Shale formations; and

Whereas, West Virginia is now the ninth-largest natural gas producing state in the nation, providing five percent of our country's total energy; and

Whereas, The natural gas and oil industry supported over 70,000 jobs both directly and indirectly and added \$8 billion to the West Virginian economy; and

Whereas, Pipelines and transmission lines serve a critical role in delivering natural gas, petroleum, and electricity in order to meet our growing energy needs; and

Whereas, Denying the expansion and construction of existing and new pipeline projects would stop the significant revitalization of communities and manufacturing industries in West Virginia; and

Whereas, The U. S. Department of Energy has identified the benefits that West Virginia can accrue with the establishment of an ethane storage and distribution hub to promote diversity of supply and geography, alleviating the strategic risk our country faces as a result of a lack of redundancy and flexibility; and

Whereas, West Virginia is business friendly and welcomes investments in the state and local economy; and

Whereas, West Virginia's neighbors, including Ohio and Pennsylvania, have benefitted from using natural gas to attract industry; and

Whereas, The natural gas intensive industry sector in Ohio has an output of \$160 billion and Pennsylvania has an output of \$156 billion in comparison to West Virginia's output of \$18 billion; and

Whereas, Ohio and Pennsylvania have over 300,000 jobs in natural gas intensive industry sector while West Virginia has over 30,000 jobs in the natural gas intensive industry sector; therefore, be it

Resolved by the House of Delegates:

That we, the members of the House of Delegates of the 84th Legislature of the State of West Virginia, support the ongoing and continued development of West Virginia's energy resources, pipeline, and energy infrastructure in the State of West Virginia; and, be it

Further Resolved, That we, the members of the House of Delegates of the 84th Legislature of the State of West Virginia, support ongoing economic development efforts to attract end-users of electricity and natural gas to expand our state's economy and create family sustaining jobs; and, be it

Further Resolved, That the Clerk transmit duly authenticated copies of this resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the members of the West Virginia Congressional delegation, and the news media of West Virginia.

Delegates Kump, Bibby, Wilson, Householder and Hardy offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 8 - "Requesting the Division of Highways to update the previous preliminary engineering study on the costs and benefits of extending West Virginia Route 9 westward from Martinsburg to Berkeley Springs, in the form of a four-lane highway, bypassing the town of Hedgesville."

Whereas, Increased intrastate travel will promote tourism, reduce traffic congestion, increase safety and promote economic growth within the state, therefore, be it

Resolved by the Legislature of West Virginia:

That the Commissioner of the Division of Highways is hereby requested to update the previous preliminary engineering study on the costs and benefits of extending West Virginia Route 9 westward from Martinsburg to Berkeley Springs, in the form of a four-lane highway, bypassing the town of Hedgesville; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to report to each house of the Legislature on its findings, conclusions and recommendations, no later than January 1, 2020.

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

H. C. R. 9 - "Requesting the Division of Highways rename bridge number 25-64/1-0.04 (25A106), locally known as Kingmont Road Overpass, carrying Route 64 over Interstate 79 in Marion County, as the 'Kingmont Veterans Bridge PVT Jarrett Springer, U. S. Army WWII, PFC Benjamin "Benny" Hamrick, USMC Vietnam'".

Whereas, Jarrett Lee Springer, born July 24, 1924, and Benjamin "Benny" Hamrick, born September 5, 1990, both hailed from Kingmont; and

Whereas, Jarrett Lee Springer enlisted in the United States Army during World War II and Benjamin Hamrick enlisted in the United States Marine Corps during the Vietnam War; and

Whereas, Jarrett Springer gave his life in combat in 1944 during World War II and Benjamin Hamrick was killed in action in Quang Tri Province, Vietnam, on August 8, 1966; and

Whereas, It is fitting that an enduring memorial be established to commemorate PRVT Jarrett Springer and PFC Benjamin "Benny" Hamrick and each of 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 rename bridge number 25-64/1-0.04 (25A106), locally known as Kingmont Road Overpass, carrying Route 64 over Interstate 79 in Marion County, as the "Kingmont Veterans Bridge PVT Jarrett Springer, U. S. Army WWII, PFC Benjamin "Benny" Hamrick, USMC Vietnam Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Kingmont Veterans Bridge U. S. Army PVT Jarrett Springer and USMC PFC Benjamin "Benny" Hamrick Memorial Bridge"; and, be it

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

Delegate Westfall offered the following resolution, which was read by its title and referred to the Committee on Veterans' Affairs and Homeland Security then Rules:

H. C. R. 10 - "Designating September 1st through September 7th, 2019, as Resiliency Week in West Virginia."

Whereas, Hazard mitigation is the effort to reduce loss of life and property by lessening the impact of disasters; and

Whereas, Hazard mitigation is most effective when implemented under a comprehensive, long-term mitigation plan; and

Whereas, The Pre-Disaster Mitigation Grant Program, administered by the Federal Emergency Management Agency, is designed to assist states and local communities in implementing a sustained pre-disaster natural hazard mitigation program; and

Whereas, Federal legislation recently signed into law, the Disaster Recovery Reform Act, makes available new dollars for states and communities to undertake pre-disaster mitigation measures and creates new incentives for states to build resiliently; and

Whereas, Since 1908, natural disasters have cost the country more than \$1 trillion; and

Whereas, Disasters affect the local and state economies in lost payrolls, lost sales and income tax, and increased disaster recovery times; and

Whereas, According to a FEMA commissioned study conducted by the National Institute of Building Sciences, every \$1 spent on hazard mitigation provides the nation with \$6 in future benefits; and

Whereas, Twenty-five percent of small businesses that are impacted by a natural disaster never reopen their doors; and

Whereas, September is National Preparedness Month and West Virginia Preparedness Month in recognition of the need for all Americans to prepare and plan for recovery after a disaster; and

Whereas, Mitigation planning is a key process used to break the cycle of disaster damage, reconstruction, and repeated damage; and

Whereas, Effective pre-disaster mitigation reduces the demand for relief services on volunteer organizations such as disaster rescue and recovery teams, along with food banks and homeless shelters who serve our communities by changing their operations to provide additional services to those affected by disaster; and

Whereas, This body honors the brave men and women who, as first responders, selflessly provide aid in a disaster to safeguard West Virginia's citizens; and

Whereas, This body encourages West Virginia communities to build resiliently and develop long-range mitigation strategies for protecting people and property from future hazard events; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby designates the week of September 1st through September 7th, 2019, as Resiliency Week in West Virginia to raise public awareness about the continuing need to plan for future disasters by instituting a pre-disaster mitigation strategy.

Delegates Summers, Hamrick, Waxman, Queen, Miley, Sypolt and Jennings offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 11 - "Requesting the Division of Highways name bridge number 46-50-16.56 (46A040) (39.34488, -79.94344), locally known as Thornton Bridge, carrying U. S. Route 50 over Three Fork Creek & CSX Railroad in Taylor County, the 'U. S. Army Command Sergeant Major Timothy Allen Bolyard Memorial Bridge'."

Whereas, Timothy Allen Bolyard was born January 15, 1976, in Morgantown, West Virginia, a son of Marvin D. and Sandra Jo (Isner) Bolyard. He was killed in the line of duty in Logar Province of Afghanistan, September 3, 2018. He is survived by his wife, Amy J. (Lynn) Bolyard, Fort, Benning, Georgia, three children, Preston A. Bolyard, Colorado Springs, Colorado, Casey L. Settle (Leanna), Maricopa, Arizona, and Melanie Rose Bryan-Brown (Richard), Montgomery, Alabama, a sister, grandchildren and other relatives; and

Whereas, Timothy graduated from Grafton High School with the Class of 1994 where he was known as "Caveman". He enjoyed the outdoors including hiking, fishing, hunting, and was a "grill master". Immediately following graduation from Grafton High School he joined the United States Army. He entered OSUT training in 1994 at Fort Knox, Kentucky where he was awarded the MOS of 19D, Cavalry Scout. He served in a variety of positions including Dismounted Scout, Driver, Gunner, Team Leader, Squad Leader, Section Leader, Platoon Sergeant, First Sergeant, Armor Branch Sergeant Major at Human Resources Command (HRC), Operations Sergeant Major at the Squadron, Brigade Combat Team and Division Level, and Squadron Command Sergeant Major. U. S. Army Command Sergeant Major Timothy A. Bolyard, was the highest enlisted soldier for 1st Squadron, 38th Cavalry Regiment, a unit that makes up 3rd Squadron, 1st Security Force Assistance Brigade (SFAB) out of Fort Benning, Georgia. He was on his 13th deployment overseas, eight of which were combat deployments. For his service, the command sergeant major was awarded the Bronze Star—the nation's fourth highest military decoration—on six different occasions. Two of Bolyard's Bronze Stars were given with valor, a device that denotes heroism in combat; Command Sergeant Major Bolyard's awards and decorations include the Bronze Star Medal with Valor (1 OLC), Bronze Star Medal (3 OLCs), Meritorious Service Medal (3 OLC), Army Commendation Medal (5 OLCs), Army

Achievement Medal (8 OLCs), Good Conduct Medal (7th award), National Defense Service Medal (with star device), Armed Forces Expeditionary Medal, Kosovo Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Humanitarian Service Medal, Armed Forces Service Medal, NCO Professional Development Ribbon (with 4 device), Army Service Ribbon, Overseas Service Medal, United Nations Medal, NATO Medal (with star device), the Combat Action Badge, Drivers Badge Wheel, The Order of Saint George Bronze Award and also a member of the Sergeant Audie Murphy Club. Command Sergeant Major Bolyard was a graduate of the Combat Lifesaver Course, Small Arms Maintenance Course, Primary Leadership Development Course, HAZMAT Storage and Transportation Course, Master Fitness Trainer Course, 19D Basic Noncommissioned Officers Course, Scout Leader Course, 19D Advanced Noncommissioned Officers Course, and the Sergeants Major Course Class 63. He earned a bachelor's degree in business administration from Excelsior College in New York; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army Command Sergeant Major Timothy Allen Bolyard and his contributions to our state and the supreme sacrifice for his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Commissioner of the Division of Highways is hereby requested to bridge number 46-50-16.56 (46A040) (39.34488, -79.94344), locally known as Thornton bridge, carrying U. S. Route 50 over Three Fork Creek & CSX Railroad in Taylor County, the "U. S. Army Command Sergeant Major Timothy Allen Bolyard Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge, containing bold and prominent letters, proclaiming the bridge as the "U. S. Army Command Sergeant Major Timothy Allen Bolyard Memorial Bridge"; and, be it

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

Delegates Cooper, Cadle, and Pack offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 12 - "Requesting the Division of Highways name bridge number 13-60-19.90 (13A110), locally known in Lewisburg, West Virginia, as the Johnson Bridge, carrying U. S. Route 60 over Interstate 64, the 'Lee H. Johnson Bridge'."

Whereas, Lee Henry Johnson is a lifelong resident of Greenbrier County, West Virginia, where he has donated thousands of hours of community service; and

Whereas, Staff Sergeant Lee Henry Johnson served with distinction with the United States Army in the Korean War, earning the Bronze Star Medal with V for Valor, the Combat Medical Badge, Korean Service Medal with two Battle Stars, the Purple Heart Medal, the Sharpshooter's Badge, the U. S. Presidential Unit Citation Award, the Korean President Syngman Rhee Citation Ribbon, the National Defense Service Medal, the United Nations Service Medal, and the Army Good Conduct Medal; and

Whereas, Upon discharge from the U. S. Army, Lee H. Johnson started a trucking company and purchased a rock quarry while operating a 100-plus acre cattle farm, employing 60 persons in Greenbrier County with monthly payrolls of over \$100,000; and

Whereas, Lee H. Johnson is a 1954 charter member of the Clintonville Ruritan Club where he continues to be an integral member, and is a lifelong member of the James Chapel United Methodist Church at Clintonville where he has served as lay speaker, Sunday School Superintendent, Finance Committee Chairperson, and a member of the Believer's vocal quartet; and

Whereas, Lee H. Johnson and his wife Jean have been married for 67 years and are the proud parents of three children, five grandchildren, six great-grandchildren, two step-great grandchildren, and one step-great, great-grandchild; therefore, be it

Resolved by the Legislature of West Virginia:

That the Commissioner of the Division of Highways is hereby requested to name bridge number 13-60-19.90 (13A110), locally known in Lewisburg, West Virginia, as the Johnson Bridge, carrying US Route 60 over Interstate 64, the "Lee H. Johnson Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and placed signs identifying that bridge as the "Lee H. Johnson Bridge"; and, be it

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

Delegates Howell, Cadle, Hanna, Hill, Hott, Linville, Pack, Phillips, Staggers, Steele, Wilson and Worrell 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 West Virginia State Route 46 in Keyser, Mineral County, West Virginia, from the intersection of WV 46 (Piedmont Street) and US 220 (Mineral Street) west to the Keyser city limit where Route 46 leaves the city as part of Carroll Avenue, the 'Chief Robert Edward Dorsey Memorial Highway'."

Whereas, Robert Edward Dorsey was born June 11, 1920, in Keyser, WV, the son of the late John and Helen (Fleming) Dorsey; and

Whereas, Robert Edward Dorsey served with honor in the U. S. Army in World War II, and saw action in Normandy, the Rhineland, the Ardennes, Northern France and Central Europe; and

Whereas, Robert Edward Dorsey was formerly employed as the Chief of Police for the City of Keyser, Sheriff of Mineral County, shop foreman at Smith Ford Sales and as a funeral assistant with Smith Funeral Home. He retired as the Clerk of the Circuit Court for Mineral County; and

Whereas, Robert Edward Dorsey was a member and Past Commander of Queen's Point Memorial Post # 6775, VFW, McCoole, Maryland and Boyce-Houser Post # 41, American Legion, Keyser; and

Whereas, Robert Edward Dorsey was a longtime member of the Church of the Assumption, Keyser, Assumption Council 10545, Knights of Columbus, and Burlington Ruritan Club, where he served as Past President; and

Whereas, Robert Edward Dorsey was a life member and oldest active member of the Keyser Volunteer Fire Department, the Cumberland Valley Fireman's Association, Mineral County Firefighters Association and the West Virginia Fireman's Association; and

Whereas, Robert Edward Dorsey died September 19, 2018, at the age of 98; and

Whereas, It is fitting that an enduring memorial be established in the community where he contributed so much; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name West Virginia State Route 46 in Keyser, Mineral County, West Virginia, from the intersection of WV 46 (Piedmont Street) and US 220 (Mineral Street) west to the Keyser city limit where Route 46 leaves the city as part of Carroll Ave, the "Chief Robert Edward Dorsey Memorial Highway"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to have made and be placed signs identifying that portion of the highway as the "Chief Robert Edward Dorsey Memorial Highway"; and, be it

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

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

By Delegates Pack, Steele, Foster, Campbell, J. Jeffries, Phillips, Worrell, Mandt, Toney, Linville and Higginbotham:

H. J. R. 14 - "Applying to and urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States and to limit the terms of office that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a Member of the United States Senate"; to the Committee on the Judiciary then Rules.

By Delegates Kump, Paynter, Wilson and McGeehan:

H. J. R. 15 - "Proposing an amendment to the Constitution of the State of West Virginia amending section three, article VI thereof, relating to imposing a limit of eight consecutive years that a legislator may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

By Delegates Pack and Cooper:

H. J. R. 16 - "Proposing an amendment to the Constitution of the State of West Virginia amending section three, article VI thereof, all relating to limiting the number of years Senators and Delegates may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

By Delegates Householder, Anderson, Jennings, Waxman, Nelson, Steele, D. Jeffries, Foster, Criss, Wilson and Fast:

H. J. R. 17 - "Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated one-d, relating to ad valorem property taxation; providing that the valuation, assessment value, and exemption from ad valorem property taxation, fully or in part, of tangible inventory, machinery and equipment personal property, or any kind thereof, directly used in business activity shall be determined exclusively as provided by law; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

Bills Introduced

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

By Delegates Kessinger, Ellington, Hill, Summers, Pack, Storch, Rowan, Sypolt, Harshbarger, Phillips and Capito:

H. B. 2010 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27; to amend and reenact §49-1-206 of said code; to amend and reenact §49-2-10, §49-2-113, and §49-2-708 of said code; to amend said code by adding thereto a new section, designated §49-2-111A; and to amend and reenact §49-4-108, §49-4-406, §49-4-413, §49-4-604, §49-4-608, §49-4-711, §49-4-714 and §49-4-724 of said code, all relating to foster care"; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

By Delegates Foster, Kessinger, Waxman, Storch, Dean, Fast, Miller, Hamrick, Hanna, Hornbuckle and Higginbotham:

H. B. 2470 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4 and §21-1E-5; and to amend said code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeship programs and employer-sponsored training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor and by licensing boards and commissions; providing for creation of lists of existing apprenticeships, certifications and other credentials that reflect existing workforce needs and for dissemination to high school students; and requiring Commissioner of Labor rule to include guidelines for collection and dissemination in manner easily accessible to both students and their parents"; to the Committee on Industry and Labor then Education.

By Delegates Steele, Pack, Harshbarger, Mandt, J. Jeffries, Graves, Howell, Wilson, Foster and Kessinger:

H. B. 2471 - "A Bill to amend and reenact §61-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing criminal penalties for impersonation of law-enforcement officers or officials"; to the Committee on the Judiciary.

By Delegates Linville, Householder, Lovejoy, Graves, Higginbotham, Summers, Skaff, Maynard, J. Jeffries, Hornbuckle and Jennings:

H. B. 2472 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate for pollinators; and establishing a fee"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Pushkin and Hornbuckle:

H. B. 2473 - "A Bill to amend and reenact §25-5-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting the private ownership or operation of a prison in West Virginia"; to the Committee on the Judiciary.

By Delegates Westfall, Azinger, Criss, D. Jeffries, Hamrick, Mandt and Nelson:

H. B. 2474 - "A Bill to amend and reenact §33-7-9 of the Code of West Virginia, 1931, as amended, relating to a reserving methodology for health insurance and annuity contracts; describing how the calendar year statutory valuation interest rate should be calculated regarding certain annuities and guaranteed interest contracts; and prescribing the minimum standard of valuation for health insurance contracts"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Westfall, Queen, D. Jeffries, Hott, Graves, Nelson, Malcolm, Atkinson, Cooper, Higginbotham and Sypolt:

H. B. 2475 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e; and to amend and reenact §19-12A-6a of said code, all relating to establishing and funding a special revenue fund to be known as the 'Department of Agriculture Capital Improvements Fund'; creating the fund; providing for administration by Department of Agriculture; identifying sources of moneys for said fund; identifying expenditures that may be made from said fund; providing for funds to remain at end of each fiscal year; eliminating certain deposits in the General Revenue Account; permitting deposits into certain funds; and making technical corrections"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Westfall, Azinger, Hott, D. Jeffries, Graves, Jennings, Criss, Mandt and Nelson:

H. B. 2476 - "A Bill to amend and reenact §33-6-33 of the Code of West Virginia, 1931, as amended, relating to the valuation of a motor vehicle involved in an insurance claim; deleting the requirement that a cash settlement value involving a claim for motor vehicle loss include an amount equal to the excise tax imposed by statute; and requiring that the cash settlement value include an amount equal to the consumers sales tax applied to the sale of motor vehicles"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Steele, Pack, Shott, D. Kelly and Householder:

H. B. 2477 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-17-3a, relating to establishing different rates of taxation for tobacco products for certain border counties"; to the Committee on Health and Human Resources then the Judiciary then Finance.

By Delegates Steele and Pack:

H. B. 2478 - "A Bill to amend and reenact §47-11A-6 and §47-11A-9 of the Code of West Virginia, 1931, as amended, all related to costs and damages under the Fair Trade Practices Act"; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegates D. Jeffries, Westfall, Hott, Azinger, Graves, Sypolt, Criss, Mandt and Nelson:

H. B. 2479 - "A Bill to amend and reenact §33-33-2, §33-33-12 and §33-33-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-33-12a; and to amend said code by adding thereto a new article, designated §33-52-1, §33-52-2, §33-52-3, §33-52-4, §33-52-5, §33-52-6, §33-52-7, §33-52-8, and §33-52-9, all relating to the corporate governance practices of an insurance company or a group of insurers; defining internal audit function; making an insurer's audit committee responsible for overseeing the insurer's internal audit function; providing that an insurer must establish an internal audit function with respect to the insurer's governance, risk management, and internal controls; requiring the head of an insurer's internal audit function to annually report to the insurer's audit committee about the periodic audit plan; exempting certain insurers from the internal audit function requirements; stating purpose of Corporate Governance Annual Disclosure Act; defining terms; requiring an insurer to annually submit to the insurance commissioner a corporate governance annual disclosure; describing the contents of the corporate governance annual disclosure; requiring that the corporate governance annual disclosure include a signature of the insurer's chief executive officer or corporate secretary; permitting the insurer to choose the corporate level that the corporate governance annual disclosure is applicable, depending upon how the insurer has structured its corporate governance system; allowing the insurer to comply with the corporate governance annual disclosure requirements by attaching other documents or referencing documents already in the possession of the insurance commissioner; requiring that documents and other information related to the corporate governance annual disclosure be confidential and privileged; permitting the insurance commissioner to share or receive, with the

National Association of Insurance Commissioners and other regulatory bodies, the corporate governance annual disclosure and related documents; providing that the insurance commissioner may retain third-party consultants to assist the commissioner in reviewing the corporate governance annual disclosure and related information; subjecting such third-party consultants and the National Association of Insurance Commissioners to the same confidentiality standards as the insurance commissioner; setting forth the penalty for an insurer that fails to timely provide a corporate governance annual disclosure to the insurance commissioner; and providing for effective dates”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Hott, Westfall, Azinger, D. Jeffries, Graves, Jennings, Criss, Mandt and Nelson:

H. B. 2480 - “A Bill to amend and reenact §33-27-2 and §33-27-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-27-6b, all relating to the regulation of an internationally active insurance group; defining group-wide supervisor and internationally active insurance group; providing authority for the insurance commissioner to act as a group-wide supervisor for an internationally active insurance group; permitting the insurance commissioner to acknowledge another regulatory official as the group-wide supervisor for an internationally active insurance group under certain criteria; requiring insurance companies to submit information necessary for the insurance commissioner to determine whether he or she may act as the group-wide supervisor for an internationally active insurance group; authorizing specific regulatory actions when the insurance commissioner is acting as a group-wide supervisor for an internationally active insurance group; allowing the insurance commissioner to enter into agreements with insurers regarding his or her role as group-wide supervisor for an internationally active insurance group; permitting the promulgation of rules; making insurers liable for the reasonable expenses of the insurance commissioner’s participation as a group-wide supervisor for an internationally active insurance group; and rendering information provided by insurers to the insurance commissioner in connection with the commissioner’s role as a group-wide supervisor for an internationally active insurance group as confidential and privileged”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Steele, Foster and Kessinger:

H. B. 2481 - “A Bill to amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended, relating to permitting retail liquor licensees to sell alcoholic beverages from 10 a.m. to 10 p.m. on Sundays”; to the Committee on the Judiciary.

**By Delegates Hanshaw (Mr. Speaker) and Miley
[By Request of the Executive]:**

H. B. 2482 - “A Bill to repeal §15-5-4 and §15-5-25 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; to amend and reenact §15-1J-2 and §15-1J-4 of said code; to amend and reenact §15-5-1, §15-5-2, §15-5-3, §15-5-4b, §15-5-4c, §15-5-13, §15-5-24, and §15-5-26 of said code; and to amend and reenact §29-31-2, §29-31-3 and §29-31-4 of said code, all relating to the reorganization of state agencies involved in emergency and disaster planning, response, recovery, and resiliency; providing legislative findings; modifying the powers and duties of the West Virginia Military Authority; designating a special revenue account to receive funding; creating the position of director of the Military Authority and providing qualifications; modifying definitions; reorganizing the Division of Homeland Security and Emergency Management (DHSEM) within the Adjutant General’s Department; authorizing the DHSEM director to be appointed to serve in a dual capacity as the director of the Military Authority; modifying membership of the West Virginia Disaster Recovery Board; reorganizing the State Resiliency Office within the Adjutant General’s Department; creating the position of director of the State Resiliency Office; eliminating the State Resiliency Office Board; and modifying the authority and duties of the State Resiliency Office”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

By Delegates Hanshaw (Mr. Speaker) and Miley**[By Request of the Executive]:**

H. B. 2483 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2d, relating to incentives for mathematics teachers; acknowledging the importance of math instruction and the lack of certified educators to provide such instruction; requiring the Department of Education to develop or approve specialized mathematics courses, directing that the specialized mathematics courses be available to classroom teachers; directing that classroom teachers who complete the specialized mathematics courses receive a one-time \$2,000 payment; clarifying that teachers completing the specialized math courses after May 1 will receive the one-time \$2,000 payment in the following fiscal year; directing that the payment be made from the Mathematics Incentive Program line item; clarifying that payment is contingent upon legislative appropriations; directing the Department of Education to request a supplemental appropriation when the Mathematics Incentive Program line item is insufficient and how funds are to be distributed in instances when funds are insufficient to compensate all applicable teachers; clarifying that the payment is not to be counted as part of the teacher's final average salary for the purpose of calculating retirement; clarifying that no retirement contribution will be withheld from the incentive; limiting the payment to classroom teachers providing math instruction in the teacher's certified area of study for at least 60 percent of time the teacher is providing instruction; and exempting elementary teachers from the 60 percent limitation"; to the Committee on Education then Finance.

By Delegates Fleischauer, Pethel, Williams, Pyles, Hansen, Walker, Jennings, Sypolt, Phillips, Miley and Hamrick:

H. B. 2484 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, and §20-14A-12, all relating to establishing the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; providing definitions; establishing the Mountaineer Trail Network Recreation Authority; providing for a method of appointment to the board of the authority; prescribing the terms of appointment; describing the powers and duties of the board for the authority; providing for financial oversight; describing the powers and duties of the authority; establishing prohibited acts and creating a criminal penalty; limiting the liability of landowners; setting forth purchasing and bidding procedures and creating a criminal penalty; providing for conflicts of interest and creating a criminal penalty; providing civil remedies; and providing for severability"; to the Committee on Political Subdivisions then Government Organization.

By Delegates Pushkin, Miller, Kump, Rowe, Caputo, Byrd, McGeehan, Queen, Canestraro, Paynter and Wilson:

H. B. 2485 - "A Bill to repeal §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4 and 61-11B-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-11-26 of said code, all relating to expungement of criminal convictions; allowing expungement for nonviolent felonies; providing various time periods for eligibility of expungement based on type of crime; specifying types of crimes ineligible for expungement; revising procedures for criminal expungements; providing procedures for preliminary and final orders for expungement; providing conditions for sealing, access and disclosures of records; allowing persons with expunged records to deny records existence; providing that sealed records are not to appear in criminal history record checks; defining terms; and providing for expiration of existing law reducing criminal status from felony to misdemeanor for certain crimes repealed in favor of these revised expungement requirements"; to the Committee on the Judiciary.

By Delegate Shott:

H. B. 2486 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to using records of criminal conviction to disqualify a

person from receiving a license for a profession or occupation; requiring criminal offenses that can be used as a basis for disqualifying a person from receiving a license to bear a rational nexus to duties and responsibilities of the profession or occupation; limiting time of disqualification for criminal offense; providing exceptions; providing petition process for individual with a criminal record to obtain determination of effect of a criminal record on ability to obtain a license; and requiring boards and licensing authorities to update legislative rules”; to the Committee on the Judiciary.

By Delegate Williams:

H. B. 2487 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8e, relating to requiring the Commissioner of Highways to develop an app and a map that permits individuals to report, and keep track of, potholes on the roads and streets of the state”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Williams:

H. B. 2488 - “A Bill to amend and reenact §46A-6L-101 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §46A-6L-104a, all relating to the theft of consumer identity protections; including protection for theft of identity information of persons 60 years of age or older or individuals under 18 years of age; adding definitions; providing that a report to law-enforcement agency is prima facie evidence of identity theft; and providing both misdemeanor and felony penalties for violations”; to the Committee on the Judiciary.

By Delegates Anderson, Higginbotham, J. Kelly, Miley, Cadle, Evans, Azinger, Harshbarger, Pethtel, Boggs and Nelson:

H. B. 2489 - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, relating to the removal of the severance tax on oil and gas produced from low producing oil and natural gas wells below a specified production level”; to the Committee on Energy then Finance.

By Delegates Howell, Pack, Hott, Rowan, Hamrick, Dean, Graves, Ellington, Staggers, Steele and Higginbotham:

H. B. 2490 - “A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to preventing the secretary of the Department of Health and Human Resources from proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades, renovations, or repairs to the facility”; to the Committee on Health and Human Resources.

By Delegates Fleischauer, Pyles, Walker, Hansen, Pethtel, Williams, Caputo, Sypolt, Jennings, Angelucci and Miley:

H. B. 2491 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4c, relating to providing certain employees of the Highways increases in annual pay; providing legislative findings; providing funding sources; providing that pay rates and employment requirements are not subject to procedures for state employees’ grievances; providing for primacy of section; limiting private causes of action; and, providing that if employee will make more than the maximum allowable by the Division of Personnel for the pay grade, this salary increase shall still take effect, and that employee shall make more than the pay grade maximum”; to the Committee on Finance.

By Delegates Ellington, Hill, Summers, Pack, Atkinson, Wilson, Worrell, D. Jeffries, Hollen and Butler:

H. B. 2492 - “A Bill to amend and reenact §9-6-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-2-809 of said code, all relating to mandatory reporting

procedures of abuse and neglect of adults and children”; to the Committee on Health and Human Resources.

By Delegates Rowan, Lovejoy, Fast, Kessinger, Pack, Sypolt and Butler:

H. B. 2493 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, and §16-54-4, all relating to creating the Nondiscrimination in Involuntary Denial of Treatment Act; requiring the provision of medical treatment under certain circumstances; requiring the disclosure of policies related to the life-preserving treatment a patient may receive or be denied; and requiring the Department of Health and Human Resources to maintain and report on certain information”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Steele, Kessinger, Pack and Howell:

H. B. 2494 - “A Bill to amend and reenact §62-11B-6 of the Code of West Virginia, 1931, as amended, relating to the ineligibility for home incarceration for offenders convicted of two or more prior, unrelated felonies not a part of the same criminal transaction”; to the Committee on the Judiciary.

By Delegates Kump, Bibby and Wilson:

H. B. 2495 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §51-3-19 relating to authorizing certain West Virginia courthouse security officers to carry concealed firearms; setting forth requirements; granting courthouse security officers arrest powers under certain circumstances; and, stating legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act”; to the Committee on the Judiciary.

By Delegate Kump:

H. B. 2496 - “A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended, to amend and reenact §22-16-4 of said code, all relating to shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities”; to the Committee on Political Subdivisions then Finance.

By Delegate Kump:

H. B. 2497 - “A Bill to amend and reenact §6C-1-3, §6C-1-4, and §6C-1-7 of the Code of West Virginia, 1931, as amended, all relating to the whistle-blower law; protecting promotion or increase in compensation; allowing the use of grievance procedure; protecting use of other right or legal action; and protecting rights related to political activity and membership in employee organizations”; to the Committee on the Judiciary.

By Delegates Pack, Hollen, Graves, Householder, Byrd, Kessinger, Steele and Summers:

H. B. 2498 - “A Bill to amend and reenact §8-22-19 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to prepay their annual contributions to the policemen(s) or firemen(s) pension and relief fund”; to the Committee on Pensions and Retirement then Finance.

By Delegate Capito:

H. B. 2499 - “A Bill to amend and reenact §3-4A-15 of the Code of West Virginia, 1931, as amended, relating to the publication of sample ballots for electronic voting machines; clarifying that in counties where an electronic voting system has been adopted, the legal ballot advertisements are to consist of a facsimile of the absentee ballot or a facsimile of each of the electronic voting system screens with the names of the candidates and the offices for which they are running shown in their proper positions”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Byrd, Lavender-Bowe, S. Brown, Longstreth, Estep-Burton, Walker and Fleischauer:

H. B. 2500 - "A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §11-15-9q, relating to the exemption of certain hygiene products from sales tax"; to the Committee on Finance.

By Delegates Byrd, Skaff and Caputo:

H. B. 2501 - "A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to authorizing municipal fire departments specialized license plates"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Steele, Pack, Harshbarger, Mandt, Graves, Wilson, Foster and Kessinger:

H. B. 2502 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-12-11, relating to prohibiting registered sex offenders from participating in Halloween activities; requiring certain signage; and establishing criminal penalties"; to the Committee on the Judiciary.

By Delegates Steele, Pack, Harshbarger, Mandt, J. Jeffries, Graves, Wilson, Foster and Kessinger:

H. B. 2503 - "A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to court actions; procedures in child neglect or abuse cases; requiring a petition to include an accusatory statement; when a court may and may not appoint counsel; and removing provision permitting copetitioners each to have counsel"; to the Committee on the Judiciary.

By Delegates Atkinson, Westfall, Anderson, Hill, Criss, C. Martin, J. Kelly, Higginbotham, P. Martin, Nelson and Harshbarger:

H. B. 2504 - "A Bill to amend and reenact §11-16-6b of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-16-11a of said code, all relating to permitting licensed brewpubs, Class A retail dealers, Class B retail dealers, private clubs, Class A retail licensees and Class B retail licensees to serve complimentary samples of nonintoxicating beer or nonintoxicating craft beer manufactured in the State of West Virginia; and removing restrictions on Class A retail licensees' ability to serve complimentary nonintoxicating beer samples to customers"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegate Steele:

H. B. 2505 - "A Bill to amend and reenact §62-12-19 of the Code of West Virginia, 1931, as amended, relating to the ineligibility for probation of certain defendants convicted of two or more prior, unrelated felonies"; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 2506 - "A Bill to amend and reenact §4-1-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-21-9 of said code, all relating to providing that attorneys-at-law may not be involuntarily appointed as counsel in any judicial matter; and that members of the Legislature who are attorneys-at-law may not be involuntarily appointed as counsel in any judicial matter, regardless of whether the Legislature is in session or out of session, except that a lawyer may voluntarily request to receive court appointments"; to the Committee on the Judiciary.

By Delegates Steele, Pack, Harshbarger, Mandt, J. Jeffries, Graves, Howell, Wilson, Foster and Kessinger:

H. B. 2507 - "A Bill to amend and reenact §15A-4-17 of the Code of West Virginia, 1931, as amended, relating to eliminating good time credit for inmates who have been convicted on a prior

occasion of another felony offense in an unrelated matter that was not part of the same criminal transaction as the current conviction”; to the Committee on the Judiciary.

By Delegates Steele, Paynter, Harshbarger, Mandt, J. Jeffries, Graves, Howell, Wilson, Foster and Kessinger:

H. B. 2508 - “A Bill to amend and reenact §62-12-2 of the Code of West Virginia, 1931, as amended, relating to making certain defendants who have been convicted of two or more prior unrelated felonies not a part of the same criminal transaction ineligible for probation; and establishing a procedure”; to the Committee on the Judiciary.

By Delegates Pack, Dean, Wilson and Rohrbach:

H. B. 2509 - “A Bill to amend and reenact §60A-4-403 of the Code of West Virginia, 1931, as amended, relating to clarifying that theft of a controlled substance is a felony”; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2028, Limiting supervision of laying of lines on state rights-of-way; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 3**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Doyle.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2028) passed.

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

Com. Sub. for H. B. 2028 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts’ laying of water lines, sewer lines, utilities or pipelines on state rights-of-way; limiting the onsite time required supervision by a state engineer; and requiring payment and performance bonds to cover a reasonable length of time for defects to be discovered.”

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. 2038, Relating to the procedure to determine if an occupation or profession should be regulated; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 4**), and there were—yeas 60, nays 39, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks,

Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2038) 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. 2128, Allowing state employees to take paid leave to attend parent-teacher conference for their 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. 5**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Foster and Wilson.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2128) 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. 2183, Clarifying where a charge of DUI may be brought against an individual; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 6**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Porterfield and Rowe.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2183) 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

H. B. 2185, Relating to the removal of animals left unattended in motor vehicles; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-19. Cruelty to animals; penalties; exclusions.

(a)(1) For the purposes of this section ‘agent’ means any:

(A) Emergency Medical Service Personnel as defined in §16-4C-1 et seq. of this code;

(B) Humane officer as defined in §7-10-1 et seq. of this code;

(C) Law-enforcement officer, or chief executive law enforcement officer, as defined in §30-29-1 et seq. of this code; and

(D) Member of a paid or volunteer local fire department.

(2) For purposes of this section an agent does not include members of the general public.

~~(a)(1)~~ (b) (1) It is unlawful for any person to intentionally, knowingly or recklessly,

(A) Mistreat an animal in cruel manner;

(B) Abandon an animal;

(C) Withhold;

(i) Proper sustenance, including food or water;

(ii) Shelter that protects from the elements of weather; or

(iii) Medical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal;

(D) Abandon an animal to die;

(E) Leave an animal unattended and confined in a motor vehicle when physical injury to, or death of, the animal is likely to result. The conditions which may cause physical injury or death shall include, but are not limited to, exposure to extreme heat or cold and insufficient ventilation.

(i) An agent may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal’s health, safety, or wellbeing appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering, physical injury, or death.

(ii) An agent acting in their official capacity may enter the motor vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.

(iii) An agent who removes or otherwise retrieves an animal pursuant to this section shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer’s

name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal have been paid, or suitable arrangements for payment have been made.

(iv) An agent who removes or otherwise retrieves an animal from a motor vehicle pursuant to this article, and the agency or municipality that employs the agent shall be immune from criminal or civil liability that might otherwise result from the removal of the animal.

(F) Ride an animal when it is physically unfit;

(G) Bait or harass an animal for the purpose of making it perform for a person's amusement;

(H) Cruelly chain or tether an animal; or

(I) Use, train or possess a domesticated animal for the purpose of seizing, detaining or mistreating any other domesticated animal.

(2) Any person in violation of subdivision (1) of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 nor more than \$2,000 or confined in jail not more than six months, or both.

~~(b)~~ (c) A person who intentionally tortures, or mutilates or maliciously kills an animal, or causes, procures or authorizes any other person to torture, mutilate or maliciously kill an animal, is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility not less than one nor more than five years and be fined not less than \$1,000 nor more than \$5,000. For the purposes of this subsection, 'torture' means an action taken for the primary purpose of inflicting pain.

~~(e)~~ (d) A person, other than a licensed veterinarian or a person acting under the direction or with the approval of a licensed veterinarian, who knowingly and willfully administers or causes to be administered to any animal participating in any contest any controlled substance or any other drug for the purpose of altering or otherwise affecting said animal's performance is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$2,000.

~~(d)~~ (e) Any person convicted of a violation of this section forfeits his or her interest in any animal and all interest in the animal vests in the humane society or county pound of the county in which the conviction was rendered and the person is, in addition to any fine imposed, liable for any costs incurred or to be incurred by the humane society or county pound as a result.

~~(e)~~ (f) For the purpose of this section, the term 'controlled substance' has the same meaning ascribed to it by §60A-1-101(d) of this code.

~~(f)~~ (g) The provisions of this section do not apply to lawful acts of hunting, fishing, trapping or animal training or farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game farms if kept and maintained according to usual and accepted standards of livestock, poultry, gaming fowl or wildlife or game farm production and management, nor to humane use of animals or activities regulated under and in conformity with the provisions of 7 U.S.C. §2131, *et seq.*, and the regulations promulgated thereunder, as both statutes and regulations are in effect on the effective date of this section.

~~(g)~~ (h) Notwithstanding the provisions of subsection ~~(a)~~ (b) of this section, any person convicted of a second or subsequent violation of subsection ~~(a)~~ (b) is guilty of a misdemeanor and, shall be confined in jail for a period of not less than 90 days nor more than one year, fined not less than \$500

nor more than \$3,000, or both fined and confined. The incarceration set forth in this subsection is mandatory unless the provisions of subsection ~~(h)~~ (i) of this section are complied with.

~~(h)(1)~~ (i) (1) Notwithstanding any provision of this code to the contrary, at the discretion of the judicial officer, no person who has been convicted of a violation of the provisions of subsection ~~(a)~~ (b) or (c) of this section may be granted probation until the defendant has undergone a complete psychiatric or psychological evaluation and the court has reviewed the evaluation. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the evaluation.

(2) For any person convicted of a violation of subsection ~~(a)~~ (b) or (c) of this section, the court may, in addition to the penalties provided in this section, impose a requirement that he or she complete a program of anger management intervention for perpetrators of animal cruelty. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the program.

~~(i)~~ (j) In addition to any other penalty which can be imposed for a violation of this section, a court shall may prohibit any person so convicted from possessing, owning or residing with any animal or type of animal for a period of five years following entry of a misdemeanor conviction and 15 years following entry of a felony conviction. A violation under this subsection is a misdemeanor punishable by a fine not exceeding \$2,000 and forfeiture of the animal.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2307, Relating to creating a provisional license for practicing barbering and cosmetology; 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 H. B. 2190, Modifying bail requirements,

And,

H. B. 2311, Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired.

Leaves of Absence

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

Miscellaneous Business

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

- Delegates Barrett, Byrd, Fluharty, Hornbuckle, Lavender-Bowe, Pushkin, Robinson, Sponaугle and Williams for H. B. 2331

- Delegate Harshbarger for H. B. 2438
- Delegate Lovejoy for H. B. 2445 and H. B. 2460
- Delegate Sponaugle for H. B. 2169
- Delegate Pushkin for H. B. 2324
- Delegate Westfall for H. B. 2378
- Delegate Wilson for H. B. 2074 and H. B. 2147

At 12:01 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 18, 2019.

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

SPECIAL CALENDAR

Friday, January 18, 2019

10th Day

11:00 A. M.

THIRD READING

- H. B. 2185 - Relating to the removal of animals left unattended in motor vehicles (SHOTT) (REGULAR) (JUDICIARY COMMITTEE TITLE AMENDMENT PENDING)
- Com. Sub. for H. B. 2307 - Relating to creating a provisional license for practicing barbering and cosmetology (HOWELL) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2190 - Modifying bail requirements (SHOTT) (REGULAR)
- H. B. 2311 - Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2008 - Relating to nonpartisan election of justices of the Supreme Court of Appeals (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2193 - Providing a specific escheat of US savings bonds (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2362 - Relating to procedures for voting an emergency absentee ballot by qualified voters (SHOTT) (REGULAR)

House Calendar
Friday, January 18, 2019

10th Day

11:00 A. M.

NO BILLS

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, JANUARY 18, 2019

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON FINANCE
9:00 A.M. – ROOM 464M**

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

**COMMITTEE ON EDUCATION
9:00 A.M. – ROOM 432M**

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

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