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February 26, 2019  
FORTY-NINTH DAY



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Tuesday, February 26, 2019

**FORTY-NINTH DAY**

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 9:00 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 Monday, February 25, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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:

**S. B. 10**, Relating to Second Chance Driver's License Program,

**S. B. 153**, Providing greater flexibility for making infrastructure project grants,

And,

**S. B. 542**, Relating to registration fees for military-related special registration plates,

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

In accordance with the former direction of the Speaker, the bills (S. B. 10, S. B. 153 and S. B. 542) were each referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

**S. B. 190**, DOH rule relating to employment procedures,

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 (S. B. 190) was referred to the Committee on the Judiciary.

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:

**Com. Sub. for S. B. 3**, Establishing WV Small Wireless Facilities Deployment Act,

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 (Com. Sub. for S. B. 3) was referred to the Committee on the Judiciary.

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. C. R. 14**, U. S. Army CPT Benjamin Ronk Memorial Bridge,

**H. C. R. 20**, PFC Charles Everett Hurd Memorial Bridge,

**H. C. R. 36**, SPEC 5 Garry Monzel 'Michael' Shannon Memorial Bridge,

**H. C. R. 47**, U. S. Army PFC Arnold Miller Memorial Bridge,

**H. C. R. 54**, U. S. Navy AOAN David 'Wayne' Cornell Memorial Bridge,

**H. C. R. 62**, U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge,

**H. C. R. 63**, U. S. Army SSG Boggs G. Collins Memorial Road,

**H. C. R. 65**, Vietnam Veterans Memorial Highway,

**H. C. R. 66**, U. S. Army SPC Thurman 'Duwayne' Young Memorial Bridge,

**H. C. R. 68**, Bluefield Police Lt. Aaron L. Crook Memorial Road,

**H. C. R. 73**, U. S. Army SGT Matthew T. Miller Memorial Bridge,

**H. C. R. 74**, U. S. Army PFC James Leslie Pridemore Memorial Road,

And,

**S. C. R. 12**, US Army CPL Lee Roy Young Memorial Bridge,

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

In accordance with the former direction of the Speaker, the resolutions ( H. C. R. 14, H. C. R. 20, H. C. R. 36, H. C. R. 47, H. C. R. 54, H. C. R. 62, H. C. R. 63, H. C. R. 65, H. C. R. 66, H. C. R. 68, H. C. R. 73, H. C. R. 74 and S. C. R. 12) were each referred to the Committee on Rules.

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. C. R. 6**, U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders Jr. Memorial Bridge,

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

**Com. Sub. for H. C. R. 6** - "Requesting the Division of Highways to name bridge number 04-5/6-7.33 (O4A193), locally known as the Riffle Box Beam Bridge, carrying County Route 5/6 over Perkins Fork of Cedar Creek in Braxton County, the 'U. S. Army CPL Jerry Lee Noble Memorial Bridge',"

**H. C. R. 9**, Kingmont Veterans Bridge PVT Jarrett Springer, U. S. Army WWII, PFC Benjamin "Benny" Hamrick, USMC Vietnam,

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

**Com. Sub. for 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',"

**H. C. R. 17**, U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge,

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

**Com. Sub. for H. C. R. 17** - "Requesting the Division of Highways name bridge number 20-73/5-0.55, locally known as Point Lick Bridge, carrying Route 73/5 over Campbells Creek in Kanawha County, the 'U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge',"

**H. C. R. 37**, SSGT Thomas Gavin Hess Memorial Bridge,

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

**Com. Sub. for H. C. R. 37** - "Requesting the Division of Highways name bridge number 42-21-13.39, locally known as the Spillway Bridge, near Elkins in Randolph County, crossing the Tygart Valley River on Georgetown Road, the 'SSGT Thomas Gavin Hess Memorial Bridge',"

**H. C. R. 40**, U. S. Army CAPT William H. Denney, Jr. Memorial Bridge,

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

**Com. Sub. for H. C. R. 40** - "Requesting the Division of Highways name bridge number 16-55-11.40 (16A136), locally known as U. S. 220 Connector Bridge, carrying West Virginia Route 55 over South Valley Branch Railroad and Dumpling Run in Hardy County, the 'U. S. Army CAPT William H. Denney, Jr. Memorial Bridge',"

**H. C. R. 42**, U. S. Navy Petty Officer 2d Class Joseph Allen Ashley Memorial Bridge,

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

**Com. Sub. for H. C. R. 42** - "Requesting the Division of Highways name bridge number :44-7-3.42 (44A015), locally known as Grace Bridge, carrying County Route 7 over Spring Creek in Roane County, the 'U. S. Navy Petty Officer 2d Class Joseph Allen Ashley Memorial Bridge',"

**H. C. R. 58**, U.S. Army SGT Tommy Meadows Memorial Road,

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

**Com. Sub. for H. C. R. 58** - "Requesting Division of Highways to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the 'U. S. Army SGT Tommy Meadows Memorial Road',"

**H. C. R. 64**, U. S. Army CPL Jerry Lee Noble Memorial Bridge,

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

**Com. Sub. for H. C. R. 64** - "Requesting the Division of Highways to name bridge number 04-5/6-7.33 (O4A193), locally known as the Riffle Box Beam Bridge, carrying County Route 5/6 over Perkins Fork of Cedar Creek in Braxton County, the 'U. S. Army CPL Jerry Lee Noble Memorial Bridge',"

**H. C. R. 72**, U. S. Army PFC Harold Paul Cottle Memorial Highway,

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

**Com. Sub. for H. C. R. 72** - "Requesting the Division of Highways name that portion of County Route 14 in Roane, West Virginia, north of Spencer, from its intersection with County Route 9 (Spring Creek Road) to Route 14/12 (Hospital Drive), the 'U. S. Army PFC Harold Paul Cottle Memorial Highway',"

And,

**H. C. R. 78**, U. S. Air Force Amn Kenneth Wayne Hammar Memorial Bridge,

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

**Com. Sub. for H. C. R. 78** - "Requesting the Division of Highways name bridge number 20-61/7-0.56 (20A185), locally known as Pratt Pony Truss, carrying County Route 61/7 over Paint Creek in Kanawha County, the 'U. S. Air Force Amn Kenneth Wayne Hammar Memorial Bridge',"

With the recommendation that the committee substitutes each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for H. C. R. 6, Com. Sub. for H. C. R. 9, Com. Sub. for H. C. R. 17, Com. Sub. for H. C. R. 37, Com. Sub. for H. C. R. 40, Com. Sub. for H. C. R. 42, Com. Sub. for H. C. R. 58, Com. Sub. for H. C. R. 64, Com. Sub. for H. C. R. 72 and Com. Sub. for H. C. R. 78) were each referred to the Committee on Rules.

### **Messages from the Executive**

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 25, 2019, he approved **Com. Sub. for S. B. 18**, **Com. Sub. for S. B. 323**, **Com. Sub. for H. B. 2191** and **Com. Sub. for H. B. 2446**.

### **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. 2036**, Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park.

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:

**Com. Sub. for H. B. 2821**, Updating provisions for command, clerical and other pay.

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. 238** - "A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to increasing certain penalties for illegally passing a stopped school bus; increasing driver's license suspension periods for violators; and requiring forward and rear-facing exterior cameras on all county school buses purchased after July 1, 2019"; 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. 316** - "A Bill to amend and reenact §8-22-27a of the Code of West Virginia, 1931, as amended, relating to municipal options to recalculate or preserve previously approved pensions awarded through the state Municipal Policemen's or Municipal Firemen's Pension and Relief Funds prior to effective date of §8-22-27a as enacted during the regular legislative session of 2017"; 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 and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 400** - "A Bill to amend and reenact §30-4-3, §30-4-8, and §30-4-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-4-8a, all relating generally to dentistry; permitting the West Virginia Board of Dentistry to create specialty licenses; setting forth those specialty licenses; changing the specific examination an applicant must pass before being issued a license to practice dentistry; changing the type of exam an applicant must pass before being issued a license to practice dental hygiene; and defining terms"; which was referred to the Committee on Government Organization.

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. 421** - "A Bill to amend and reenact §5B-2E-10 of the Code of West Virginia, 1931, as amended, relating to annual legislative review of the economic development tax credit"; 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. 432** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, §16-56-5, §16-56-6, §16-56-7, §16-56-8, §16-56-9, §16-56-10, §16-56-11, §16-56-12, §16-56-13, §16-56-14, and §16-56-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the compact with all jurisdictions also enacting the compact; stating purpose of compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by compact; setting conditions for home state's license to authorize practice in a remote state under the compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state's laws; authorizing remote states to take action against individual's privilege to practice within that state under certain circumstances; providing effect of restrictions on license on compact privileges; setting conditions of practicing in remote state under compact terms; defining relationship of compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas; authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing commission prescribe bylaws and/or rules to govern conduct; granting certain powers to commission; providing for financing for the commission; making validity of annual assessment against state contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring commission defend certain persons for actions arising out of actions occurring within the scope of duties related to the commission; requiring commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rule-making commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by the commission; providing that commission rules are not binding on the State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of compact and rules promulgated pursuant to compact; providing procedures for the commission to follow if member state has defaulted; authorizing member state be terminated from the compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between commission and member state; authorizing enforcement of the compact by the commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for the compact; making any state joining after implementation subject to rules



as they exist when the compact is adopted; authorizing member state withdraw from the compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of the compact; providing for liberal construction; providing for severability of the compact if it is found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of the commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from the compact”; which was referred to the Committee on Government Organization.

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. 441** - “A Bill to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended, relating to campus police officers of state institutions of higher learning; and allowing governing boards of state institutions of higher learning to appoint all qualified individuals to serve as campus police officers”; which was referred to the Committee on Education.

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. 511** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §60-1-5c; to amend and reenact §60-4-3b of said code; to amend and reenact §60-8-3 and §60-8-17 of said code; and to amend said code by adding thereto two new sections, designated §60-8-3a and §60-8-6b, all relating to wine production and wine sales generally; creating alternating wine proprietorships for wineries and farm wineries and setting forth requirements for the proprietorships; authorizing farm entities in proprietorships to manufacture and sell wine; authorizing certain groceries to sell wine through mobile applications and web-based internet sales with at-store pickup; clarifying tasting, sampling, and sale procedures and requirements for wineries and farm wineries; permitting wineries or farm wineries to sell wine for on-premises and off-premises consumption at festivals and fairs; establishing a wine club license for festivals and fairs and setting forth requirements; permitting certain charitable events to auction wine bottles for off-premises consumption; defining terms; limiting number of charitable auction licenses; permitting the sale of wine in Division II and III college stadiums; authorizing wine specialty shops to obtain an additional license privilege to deliver wine with gift baskets and setting forth requirements; providing a 30-day requirement to issue or deny a completed license application; creating a reactivation fee for licensees that fail to timely file their renewal applications and pay their license fees; and authorizing the commissioner to propose rules for promulgation”; which was referred to the Committee on Government Organization.

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. 535** - “A Bill setting the date of collections of a municipal sales and service tax and use tax enacted by the City of Buckhannon pursuant to the amendment to its Municipal Home Rule Plan approved by the Municipal Home Rule Board on January 16, 2019”; 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 from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 538** - "A Bill to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating generally to the West Virginia Highway Design-Build Pilot Program; modifying monetary project limits of the program and terminology; and allowing use of program with limits for projects financed with bonds"; 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

**Com. Sub. for S. B. 539** - "A Bill to amend and reenact §15-2A-6 of the Code of West Virginia, 1931, as amended, relating to the accrued benefit of retirees in the West Virginia State Police Retirement System Plan B"; 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. 544** - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing salaries for members of the West Virginia State Police over a three-year period; increasing the annual interval salary increase; and setting effective dates"; 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

**Com. Sub. for S. B. 547** - "A Bill to amend and reenact §19-25-2, §19-25-3, §19-25-4, §19-25-5, and §19-25-6 of the Code of West Virginia, 1931, as amended, all relating generally to limiting landowner liability for injuries to, or caused by, persons entering or going upon land for noncommercial recreational purposes, wildlife propagation purposes, military training purposes, law-enforcement training purposes, or homeland defense training purposes; clarifying that limitation on liability and duty to warn applies only to landowner permitting the general public to enter or go upon such land for recreational or wildlife propagation purposes; providing that a landowner is not liable for, and has no duty to warn of, dangerous or hazardous wild animals on the land; deleting obsolete language providing that a landowner does not confer invitee or licensee status on persons invited or permitted upon land; substituting the term 'fee' for the term 'charge'; defining the term 'fee'; providing that for the purposes of limiting landowner liability, a fee does not include a fee for an annual event or occurrence, if the total of such fees in a year do not exceed \$25 per individual; providing that for the purposes of limiting landowner liability, a fee does not include voluntary donations to certain charitable entities; amending the term 'land' to include premises; amending the definition of the term 'owner of land' to specifically include any person holding legal possession, ownership, or partial ownership of an interest in land or a person sponsoring land or premises for volunteer improvement or maintenance purposes; amending the definition of the term 'recreational purposes' to specifically include parking on or traversing land to engage in recreational activities and maintaining, or making improvements to, land for the purpose of making recreational activities accessible; naming the activities of rock climbing, bouldering, and kayaking as being activities within the definition of 'recreational purposes'; and making numerous technical corrections"; 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. 554** - "A Bill to amend and reenact §29-18-4a of the Code of West Virginia, 1931, as amended, relating to aligning the salary of the Director of the State Rail Authority with similar positions in state government; and providing that the Secretary of Transportation set the salary with the consent of the authority"; 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. 592** - "A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to municipal or county taxation of hotel rooms booked through a market facilitator; defining terms; providing for collection and remittance of the tax imposed by any municipality or county; requiring the marketplace facilitator separately state the tax on all bills, invoices, accounts, books of account, and records relating to occupancy or use of a hotel room; and deeming all taxes collected be held in trust by the marketplace facilitator until remitted"; which was referred to the Committee on Government Organization 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. 596** - "A Bill to amend and reenact §17A-2-12a of the Code of West Virginia, 1931, as amended, relating to including voluntary donations to the Department of Veterans Assistance on forms created by the Division of Motor Vehicles"; 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

**Com. Sub. for S. B. 597** - "A Bill to amend and reenact §30-38A-7, §30-38A-12, and §30-38A-17 of the Code of West Virginia, 1931, as amended, all relating to conforming the state law to the federal law for appraisal management companies' registration; expanding certification requirements; changing requirements for removing appraiser from panel; and imposing disciplinary action reporting requirement"; which was referred to the Committee on Government Organization.

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. 603** - "A Bill to amend and reenact §32A-2-3 of the Code of West Virginia, 1931, as amended, relating to persons engaged in the business of currency exchange, transportation, or transmission; and adding exemptions"; 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. 627** - "A Bill to amend and reenact §19-1-11 of the Code of West Virginia, 1931, as amended, relating generally to the Rural Rehabilitation Loan Program; authorizing the Commissioner of Agriculture to utilize other governmental entities, in addition to the State Treasurer, to service the loan program; and exempting the loan program from having to utilize the State Agency for Surplus Property to dispose of repossessed items"; 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

**Com. Sub. for S. B. 654** - "A Bill to amend and reenact §31-17A-2 of the Code of West Virginia, 1931, as amended, relating to amending an exception under the definition of "mortgage loan originator" related to retailers of manufactured or modular homes"; 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 July 1, 2019, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 656** - "A Bill to amend and reenact §11-10-5t and §11-10-5z of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13V-7 of said code, all relating to electronic filing of tax returns and electronic funds transfers in payment of taxes; and raising to \$50,000 the tax liability threshold amount at which taxpayers must file returns electronically or pay by electronic funds transfers"; 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 from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 665** - "A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing for expedited oil and gas well permitting and expedited oil and gas well permit modifications upon the payment of applicable expedited fees; designating the proceeds of such expedited fees; providing for the daily pro rata refund of the expedited fees if the permit is not approved between day 45 and day 60 after the submission of a permit application; providing for the daily pro rata refund of one half of the modification fees between day 10 and day 20 after the submission of a permit modification application; and relating generally to horizontal well oil and gas permitting"; which was referred to the Committee on Energy.

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. 666** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, and §11-28-5, all relating to creating the West Virginia Motorsports Entertainment Complex Investment Act"; 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. 667** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-17, relating to creating the West Virginia Motorsport Committee; setting forth who serves on the committee; setting forth its duties; requiring meetings and hearings; and requiring reports"; which was referred to the Committee on Government Organization.

### Resolutions Introduced

Delegates Caputo, Angelucci, S. Brown, Barrett, Bates, Boggs, N. Brown, Campbell, Canestraro, Cooper, Dean, Diserio, Ellington, Hartman, Hill, D. Jeffries, J. Jeffries, Jennings, Lavender-Bowe,

Lovejoy, C. Martin, Maynard, McGeehan, Miley, Paynter, Pethtel, Robinson, Rohrbach, Sponaugle, Stagers, Steele, Storch, Swartzmiller, Sypolt, C. Thompson, Walker, Worrell and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

**H. R. 16** - "Recognizing the recent rise in Black Lung, particularly Progressive Massive Fibrosis, the most-deadly form of Black Lung in West Virginia."

Whereas, It has been established that many individuals during the course of their lives, and in pursuit of their livelihoods in order to raise their families in West Virginia, have been exposed to the hazard of inhaling minute particles of coal dust and silica and as a result have sustained chronic respiratory disabilities; and

Whereas, Occupational pneumoconiosis, also known as Black Lung, in these affected miners have resulted in loss of employment opportunities, increased medical costs, and considerable pain and suffering to them and their families; and

Whereas, In a recent study from the American Journal of Public Health in September, 2018, found that over 20 percent of miners with 25 years or more of tenure have Black Lung; and

Whereas, Half of the 4,679 Black Lung cases determined by the U.S. Department of Labor between 1970 and 2016 have occurred since the year 2000; and

Whereas, 2,000 cases of Progressive Massive Fibrosis have been discovered since 2010; and

Whereas, Most miners with Progressive Massive Fibrosis last worked in West Virginia; and

Whereas, West Virginia has seen an 11 percent increase in Progressive Massive Fibrosis since 1972; and

Whereas, Nationally the percentage of miners diagnosed with Black Lung increased from zero percent in 1972 to 8.3 in 2014; and

Whereas, There has been 62 Black Lung related lung transplants in the United States, 79 percent of which have occurred in the last decade; therefore, be it

*Resolved by the House of Delegates of West Virginia:*

That the State of West Virginia is hereby requested to renew its resolve to do whatever it takes to eradicate this terrible disease; and, be it

*Further Resolved,* That the State of West Virginia work with all interested parties to protecting miners from contracting this disease and supporting miners who have already been affected by this disease by any means necessary.

Delegates C. Thompson, Hartman, Boggs, S. Brown, Angelucci, Sponaugle, Estep-Burton, Rodighiero, Zukoff, Rohrbach, Campbell, Bates, N. Brown, Doyle, Evans, Hornbuckle, Lavender-Bowe and R. Thompson offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 79** - "Requesting the Division of Highways name bridge number 42-25-0.04 (42A185), locally known as Glenmore Bridge, carrying County Route 25 over Isner Creek in Randolph County, the 'U. S. Army PFC Homer Jacob Day Memorial Bridge'."

Whereas, U. S. Army Private First Class Homer Jacob Day, son of Isaac Cecil Day and Ourtilla May Mallow Day, was born April 10, 1922, in Whitmer, Randolph County, West Virginia. He was raised on the family farm at the head of Moyer Hollow Road and attended the Glenmore School at Glenmore. Before his induction, Private Day worked on the family farm; and

Whereas, Private Day was 20 years old when he was inducted into the military service on October 12, 1942, at Fort Hayes, Ohio. He was sent overseas on April 6, 1944, where he served his country in various engagements in the European theatre of operations. Private Day was killed in action while serving with Company I, 330th Infantry Regiment, 83rd Infantry in Normandy, France; and

Whereas, Private Day's body was returned home from overseas where funeral services were conducted by the Reverend Mr. Ross, of the Church of the Nazarene, at the family home in Glenmore. At the time of his death he was survived by his mother, and his brothers and sisters: Mrs. Masel Everhart, Mrs. Dallas White, Earl Day who was serving in the U. S. Army in Panama, as well as Rosa, Geraldine, Betty, Nevin, Leonard, Gerald and David who were living at home; and

Whereas, Private Day's body was interred by F. E. Runner in the IOOF Cemetery. Military rites were conducted by the H. W. Daniels Post of the American Legion and the Tygart Valley Veterans of Foreign Post. Honorary pall bearers were Marian Bell, Gussie Bender, Willa Jean, Maxine Moyer, Doris Moyer, Betty Moyer, Bernice Swecker and Beatrice Swecker; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army Private First Class Homer Jacob Day 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 name bridge number 42-25-0.04 (42A185), locally known as Glenmore Bridge, carrying County Route 25 over Isner Creek in Randolph County, the "U. S. Army PFC Homer Jacob Day 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 PFC Homer Jacob Day Memorial Bridge"; and, be it

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

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

**H. C. R. 80** - "Requesting the Division of Highways name bridge number 02-7-5.94 (02A015), locally known as Elk Branch Bridge, carrying County Route 7 over Elk Branch in Berkeley County, the 'Norman A. Silver Memorial Bridge'."

Whereas, Norman A. Silver was born in 1913, married his childhood sweetheart, Carrie G. Shriver, and together they had 13 children. Norman and Carrie Silver farmed over 1,800 acres of land and, with their children, operated a local sawmill; and

Whereas, Mr. Silver was a long-time resident of Berkeley County, dedicating his life to the ministry, and donating land for churches and rescue missions. He also donated land to the State of

West Virginia on Back Creek Valley Road in Hedgesville, West Virginia, to make the road and bridge safer, turning it from a one lane to a two-lane bridge; and

Whereas, It is fitting that an enduring memorial be established to commemorate Norman A. Silver for his service to his ministry, his community and the State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 02-7-5.94 (02A015), locally known as Elk Branch Bridge, carrying County Route 7 over Elk Branch in Berkeley County, the "Norman A. Silver Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Norman A. Silver 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 Maynard, Robinson, Capito, Angelucci, Atkinson, Azinger, Barrett, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Campbell, Canestraro, Cooper, Criss, Dean, Diserio, Doyle, Ellington, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Graves, Hamrick, Hanna, Hansen, Harshbarger, Hartman, Hicks, Hill, Hollen, Hornbuckle, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, J. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Longstreth, Malcolm, C. Martin, Miley, Miller, Pack, Paynter, Pethel, Phillips, Porterfield, Pyles, Queen, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaule, Staggers, Steele, Storch, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 81** - "Requesting the Capitol Building Commission to create a subcommittee to raise private funds sufficient to erect a statue of Charles Elwood 'Chuck' Yeager on the State Capitol Complex grounds wherein the end of Washington Street East intersects California Avenue."

Whereas, Charles Elwood "Chuck" Yeager was born February 13, 1923, in Myra, West Virginia to Albert Hal and Susie Mae Yeager; and

Whereas, From a young age, Charles Elwood "Chuck" Yeager would assist his father in repairing and troubleshooting natural gas drilling equipment and his father's trucks; and

Whereas, Charles Elwood "Chuck" Yeager's interest and skill in machinery work grew rapidly as he became a teenager; and

Whereas, Charles Elwood "Chuck" Yeager graduated from Hamlin High School in Hamlin, West Virginia in June 1941; and

Whereas, Charles Elwood "Chuck" Yeager enlisted in the Army Air Corps in September 1941 at the age of eighteen; and

Whereas, Charles Elwood "Chuck" Yeager earned his pilot's wings with Class 43-C on March 10, 1943, and shortly thereafter joined the 363<sup>rd</sup> Fighter Squadron, 357<sup>th</sup> Fighter Group; and

Whereas, Charles Elwood "Chuck" Yeager flew several successful missions before being shot down on March 5, 1944; and

Whereas, Charles Elwood “Chuck” Yeager evaded capture with the help of the French underground and reunited with his unit in England; and

Whereas, Charles Elwood “Chuck” Yeager completed his final flight on January 15, 1945, totaling 64 combat missions during his career; and

Whereas, In January 1946, Charles Elwood “Chuck” Yeager was handpicked by Colonel Albert Boyd to attend the Air Force Flight Test Center at Edwards AFB; and

Whereas, Colonel Albert Boyd selected Charles Elwood “Chuck” Yeager to be the first person to surpass the speed of sound; and

Whereas, On October 14, 1947, Charles Elwood “Chuck” Yeager became the first person to fly faster than the speed of sound with a top speed of Mach 1.06; and

Whereas, Charles Elwood “Chuck” Yeager continued to test planes until 1954 when he took over command of the 417<sup>th</sup> Fighter Bomber Squadron, and later took command of the 1<sup>st</sup> Fighter Day Squadron at George AFB in 1957; and

Whereas, After being promoted to Colonel, Charles Elwood “Chuck” Yeager took command of the USAF Aerospace Research Pilot School; and

Whereas, on February 25, 1975, Charles Elwood “Chuck” Yeager retired from active duty; and

Whereas, Charles Elwood “Chuck” Yeager has remained a beloved figure nationally, but holds a special place in the heart of West Virginians; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Capitol Building Commission is hereby requested to create a subcommittee of five members to design and raise private funds sufficient to erect a statue of Charles Elwood “Chuck” Yeager on the State Capitol Complex grounds wherein the end of Washington Street East intersects California Avenue; and, be it

*Further Resolved*, That the subcommittee report its progress in raising private funds to the Regular Session of the Legislature annually on February 13<sup>th</sup> until sufficient funds are raised.

Delegates Boggs, Robinson, Estep-Burton, Rowe, C. Thompson, Sponaugle and S. Brown offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 82** - “Requesting the Division of Highways to name bridge number 20-60-22.55 EB & WB (20A346, 20A680), locally known as Campbells Creek Overpass EB & WB, carrying US 60 (EB & WB) over Port Amherst Drive and Railroad in Kanawha County, the ‘U. S. Navy Veteran Samuel H. Slack, Jr. Memorial Bridge’.”

Whereas, Samuel H. Slack, Jr., son of Samuel H. Slack, Sr. and Ida Mae Slack, was born October 25, 1925; and

Whereas Samuel H. Slack, Jr. was a Naval Veteran who served in WWII, Korea, and Vietnam; and



Whereas, Mr. Slack, was a member of the Ammen, whose crew was honored by the Taiwanese Government in 1998 for their participation in the artillery Battle of Quemog in 1958 during the Korean War to “liberate” Taiwan from the Chinese Nationalist Party; and

Whereas, Mr. Slack served on the USS Longbeach at a time in history when the US Navy launched its first nuclear fleet of ships; and

Whereas, This member of the “Greatest Generation” should be honored for his outstanding service to the US Navy, his state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-60-22.55 EB & WB (20A346, 20A680), locally known as Campbells Creek Overpass EB & WB, carrying US 60 (EB & WB) over Port Amherst Drive and Railroad in Kanawha County, the “U. S. Navy Veteran Samuel H. Slack, Jr. Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the “U. S. Navy Veteran Samuel H. Slack, Jr. 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 Hanshaw (Mr. Speaker) offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 83** - “Requesting the creation of the West Virginia Distressed Water and Wastewater Utility Systems Viability Study Committee to conduct a study regarding the state’s distressed water and wastewater infrastructure and submit a written report of findings and recommendations to the Joint Committee on Government and Finance.”

Whereas, The provision of clean water and the collection and treatment of wastewater, made possible through infrastructure development, has resulted in a drastic reduction in the incidence of disease, increase in life expectancy, and other major public health advancements; and

Whereas, The development of water and wastewater infrastructure has also advanced economic development through increased production and productivity within West Virginia’s economic sectors and commercial expansion geographically throughout the state; and

Whereas, A substantial portion of the state’s water or wastewater infrastructure has reached or will soon reach the end of its useful life, potentially endangering the viability of certain water and wastewater systems and the ability of utilities to maintain regulatory compliance; and

Whereas, West Virginia water and wastewater utilities face substantial capital investment needs to maintain and replace aging infrastructure; and

Whereas, For some water and wastewater utilities, adequately addressing infrastructure needs may adversely affect their ability to maintain reasonable rates; and

Whereas, Many water and wastewater utilities have experienced a loss of customers resulting from the decline in populations served which has created additional rate burden on the remaining population; and

Whereas, Failing to timely address infrastructure needs will inevitably result in the inability of water and wastewater utilities to adequately serve customers and maintain regulatory compliance, threatening human health and hindering economic growth; and

Whereas, Infrastructure needs cannot be met through reliance on government grant and loan programs alone and instead require a comprehensive plan to confront the financial, organizational, and regulatory challenges that contribute to infrastructure investment limitations; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature of West Virginia hereby establish the West Virginia Distressed Water and Wastewater Utility Systems Viability Study Committee will conduct a study and submit a written report to the Joint Committee on Government and Finance no later than October 1, 2019, with recommendations regarding:

“(a) The ability of the state’s water and wastewater infrastructure to adequately serve residents and allow utilities to comply with regulatory requirements;

(b) The use of criteria for classifying a water or wastewater system as ‘distressed’, and remedies to assist distressed water and wastewater systems including methods to:

(1) Encourage the transfer, regionalization, or sale of distressed systems with or to non-distressed systems;

(2) Ensure the most prudent uses of grant funding and low-cost loans in assisting distressed systems;

(3) Mitigate the rate shock in assisting distressed systems;

(4) Encourage private investment in distressed systems; and

(5) Ensure a reasonable balance between expanding service to unserved areas of the state and assisting distressed systems; and, be it

*Further Resolved,* That the committee consider data regarding noncompliance and deficiencies of the state’s water and wastewater utilities compiled, summarized, or analyzed by the United States Environmental Protection Agency, the West Virginia Department of Environmental Protection, the West Virginia Department of Health and Human Resources Bureau for Public Health, and the Public Service Commission of West Virginia; and, be it

*Further Resolved,* That the committee undertake all other actions necessary to complete its study, including reviewing funding of West Virginia Infrastructure and Jobs Development Council projects, examining laws and regulations of other jurisdictions, touring water and wastewater facilities, and consulting with experts; and, be it

*Further Resolved,* That the committee shall include the following members:

(a) The Secretary of the West Virginia Department of Environmental Protection or designee;

(b) The Secretary of the West Virginia Department of Health and Human Resources Bureau for Public Health or designee;

(c) A representative from the Rural Water Association;

- (d) The Chairman of the Public Service Commission of West Virginia or designee;
- (e) A representative from the West Virginia Infrastructure and Jobs Development Council;
- (f) A representative from the West Virginia Association of Regional Planning and Development Council;
- (g) A representative from the West Virginia Municipal League;
- (h) A representative from the state's largest private water and wastewater utility;
- (i) A representative from a professional engineering firm experienced in the design and construction of water and wastewater systems in West Virginia, to be selected by the Governor;
- (j) The Speaker of the House of Delegates or designee; and
- (k) The President of the West Virginia Senate or designee; and, be it

*Further Resolved*, That the committee shall meet bi-weekly, or as otherwise necessary, submit a written report that presents the study's findings and conclusions, including a summary and analysis of the data and materials reviewed, and recommendations for legislation not later than October 1, 2019; and, be it

*Further Resolved*, That members of the committee shall serve without compensation; and, be it

*Further Resolved*, That the Governor, or designee, shall be responsible for designating staff to assist the committee in performing its duties and, by June 1, 2019, convening the committee for its meeting, at which the committee shall adopt rules of procedures, a work schedule, and any additional preliminary measures that it deems necessary for the timely performance of its duties; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Governor, who shall be responsible for transmitting a copy to each person who is to serve on the committee or his or her designee.

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

**H. C. R. 84** - "Requesting the Division of Highways name bridge number 42-39-0.67 (42A092), locally known as Mill Creek Box Beam Bridge, carrying County Route 39 over the Tygart Valley River in Randolph County, the 'U. S. Army SGT Robert R. "Bob" Defibaugh Memorial Bridge'."

Whereas, Sergeant Defibaugh was born on August 31, 1936, in Elkins, West Virginia. He was a lifelong resident of Randolph County and attended Tygarts Valley High School; and

Whereas, Sergeant Defibaugh served in the 82<sup>nd</sup> and 101<sup>st</sup> Airborne Division in the United States Army; and

Whereas, Upon returning home from military service, Sergeant Defibaugh began farming, and on February 18, 1956, he married Shirley Scott. On April 29, 1968, they started a small restaurant business called the Mill Creek Drive Inn. Soon thereafter they opened two more small businesses in Mill Creek called Bob's Mini Mart and Valley View Motel. These businesses have been passed down and have been family owned and operated for over 50 years; and

Whereas, Sergeant Defibaugh also served his community as a Mill Creek Town Councilman for several terms. He loved dirt track racing and raced on several dirt tracks around the state. Sergeant and Mrs. Defibaugh opened a dirt track in 1986 in Mill Creek called the Upper Valley Raceway. He was inducted into the Elkins Raceway Wall of Legends in 2018; and

Whereas, Sergeant and Mrs. Defibaugh had 6 children, 13 grandchildren, and 23 great-grandchildren. He retired from the Randolph County school system as a bus driver, and routinely drove his bus across this very bridge to pick up students. Sergeant Defibaugh's life and legacy reflects hard work, love, and service to not only his family but his community and country. He passed away on August 21, 2000; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Sergeant Defibaugh; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 42-39-0.67 (42A092), locally known as Mill Creek Box Beam Bridge, carrying County Route 39 over the Tygart Valley River in Randolph County, the "U. S. Army SGT Robert R. "Bob" Defibaugh Memorial Bridge"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "U. S. Army SGT Robert R. "Bob" Defibaugh 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.

## **Special Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2011**, Road Maintenance Program; 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. 307**), and there were—yeas 83, nays 15, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Boggs, S. Brown, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Longstreth, Miller, Pushkin, Robinson, Rodighiero, Rowe and R. Thompson.

Absent and Not Voting: Bates and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2011) passed.

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 308**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Estep-Burton, Robinson and Rodighiero.

Absent and Not Voting: Bates and Kessinger.

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 H. B. 2011) takes effect July 1, 2019.

*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. 2014**, West Virginia Intellectual Property and Trade Secrets Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 309**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fleischauer.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2014) 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. 2049**, Relating to a prime contractor's responsibility for wages and benefits; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Shott asked and obtained unanimous consent to amend the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

On motion of Delegate Shott, the bill was amended on page one, section seven, line eleven, after the semicolon by inserting the word "and".

And,

On page one, section seven, line thirteen, after the word "benefits", by striking out the semicolon and the word "and", and inserting a period in lieu thereof.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 310**), and there were—yeas 58, nays 41, 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, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Steele, Storch, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2049) passed.

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

**Com. Sub. for H. B. 2049** - "A Bill to amend and reenact §21-5-7 of the Code of West Virginia, 1931, as amended, relating to a prime contractor's responsibility for wages and benefits of employees of a subcontractor; requiring notice to prime contractor within 100 days of the missing wages becoming payable; instituting a one year statute of limitations; and requiring employee to provide verifiable proof to substantiate missing wages."

*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. 2378**, Relating generally to grounds for revocation of a teaching certificate; 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. 311**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2378) 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. 2396**, West Virginia Fresh Food Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 312**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Porterfield.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2396) 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. 2397**, Requiring county school boards to provide adequate mental health and counseling services; on third reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

**H. B. 2497**, Relating to the whistle-blower law; 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. 313**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2497) 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. 2535**, Relating to purchasing exemptions and procedures; 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. 314**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2535) 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. 2617**, Relating to the form for making offer of optional uninsured and underinsured coverage by insurers; 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. 315**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Pyles, Robinson and Rowe.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2617) 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. 2662**, Relating to certificates or employment of school personnel; 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. 316**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2662) 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. 2665**, Supplemental appropriation for PEIA Rainy Day Fee; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 317**), 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: Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2665) passed.

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

On this question, the yeas and nays were taken (**Roll No. 318**), 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: Kessinger.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2665) takes effect from its passage.

*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. 2670**, Relating to damages for medical monitoring; 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. 319**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2670) 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. 2703**, Relating to refunds of excise taxes collected from dealers of petroleum products; 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. 320**), 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: Kessinger.



So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2703) 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. 2760**, Relating to performance reviews of state agencies and regulatory boards; 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. 321**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Robinson.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2760) 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. 2802**, Uniform Partition of Heirs Property Act; on third reading, coming up in regular order, was read a third time.

Delegate Capito requested to be excused from voting on the passage of Com. Sub. for H. B. 2802 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. 322**), and there were—yeas 86, nays 13, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd, Capito, Fleischauer, Foster, Lavender-Bowe, Miley, Paynter, Porterfield, Rowe, Sponaule, Steele, C. Thompson and Walker.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2802) 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. 2831**, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state; on third reading, coming up in regular order, was read a third time.

Delegates Fast and Byrd requested to be excused from voting on Com. Sub. for H. B. 2831 under the provisions of House Rule 49.

Based upon the facts provided by the Delegates, the Speaker excused both Members from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 323**), and there were—yeas 91, nays 6, excused 2, absent and not voting 1, with the nays, excused and absent and not voting being as follows:

Nays: Capito, Mandt, C. Martin, P. Martin, Nelson and Paynter.

Excused: Byrd and Fast.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2831) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 324**), and there were—yeas 96, nays 1, excused 2, absent and not voting 1, with the nays, excused and absent and not voting being as follows:

Nays: Nelson.

Excused: Byrd and Fast.

Absent and Not Voting: Kessinger.

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 H. B. 2831) takes effect from passage.

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

**H. B. 2850**, Relating to qualifications for commercial driver's license; 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. 325**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2850) 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. 2853**, Establishing the West Virginia Program for Open Education Resources; 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. 326**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2853) passed.

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

**H. B. 2853** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-14a, relating to establishing the West Virginia Program for Open Education Resources; defining open education resource materials; providing duties of Library Commission; and requiring annual report.”

*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. 2866**, Relating to the termination, expiration, or cancellation of oil or natural gas leases; on third reading, coming up in regular order, was read a third time.

Delegates Harshbarger and Capito requested to be excused from voting on the passage of Com. Sub. for H. B. 2866 under the provisions of House Rule 49.

The Speaker replied that the Delegates were a member 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. 327**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Capito, Foster, Steele and Wilson.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2866) passed.

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

At 10:53 a.m., the House of Delegates recessed for ten minutes.

\* \* \* \* \*

**Morning Session**

\* \* \* \* \*

-continued-

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

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

-continued-

**Com. Sub. for H. B. 2895**, Allowing victims of certain crimes to get a restraining order; 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. 328**), 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: Kessinger and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2895) 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. 2931**, Clarifying that the State Lottery Commission has no authority over nonlottery games; on second reading, coming up in regular order, was reported by the Clerk.

Delegate Summers asked unanimous consent to postpone the bill one day, which consent was not given, objection being heard.

Delegate Summers then so moved, which motion prevailed.

**Com. Sub. for H. B. 2943**, Relating to deliveries by wine specialty shop; 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. 329**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast, Hollen, D. Jeffries, Kump, Porterfield, Toney and Worrell.

Absent and Not Voting: Kessinger and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2943) 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. 2945**, Relating to vendors paying a single annual fee for a permit issued by a local health department; 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. 330**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2945) 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. 2974**, Exempting businesses relating to transporting certain used tires to storage, disposal, or recycling locations from provisions of chapter; 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. 331**), and there were—yeas 59, nays 40, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, N. Brown, S. Brown, Butler, Byrd, Cadle, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hanna, Hill, J. Kelly, Kump, Lavender-Bowe, Longstreth, C. Martin, P. Martin, Miley, Paynter, Pushkin, Pyles, Robinson, Rodighiero, Skaff, Sponaule, Staggers, Swartzmiller, Sypolt, C. Thompson, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2974) 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. 2991**, Relating to the Ryan Brown Addiction Prevention and Recovery Fund; 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. 332**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Graves, Malcolm, McGeehan and Wilson.

Absent and Not Voting: Kessinger and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2991) 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. 3016**, Relating to the State Aeronautics Commission; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 333**), 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: Kessinger and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3016) 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. 3020**, Relating to sole source contracts for goods and services with nonprofit corporations affiliated with the respective education institutions; 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. 334**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kump, Robinson and Rowe.

Absent and Not Voting: Hicks and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3020) 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. 3021**, Relating to the disposition of permit fees, registration fees and civil penalties imposed against thoroughbred horse racing licensees; 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. 335**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Atkinson, Azinger, Fast, Hollen, D. Jeffries, J. Kelly, Kump, Porterfield and Toney.

Absent and Not Voting: Hicks and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3021) 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. 3024**, West Virginia Business Ready Sites Program; 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. 336**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3024) passed.

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

On this question, the yeas and nays were taken (**Roll No. 337**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Kessinger.

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 H. B. 3024) takes effect from its passage.

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

**H. B. 3044**, Requiring the Commissioner of Highways to develop a formula for allocating road funds; 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. 338**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3044) 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. 3054**, Relating to the state agency for surplus property; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 339**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Cadle.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3054) 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. 3057**, Relating to the Adult Drug Court Participation Fund; 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. 340**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3057) 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. 3095**, Establishing a minimum monthly retirement annuity for certain retirants; 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. 341**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3095) 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. 3102**, Creating alternating wine proprietorships for wineries and farm wineries; 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. 342**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Hollen, D. Jeffries, Porterfield and Worrell.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3102) 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. 3105**, Permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement; on third reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Summers, the bill was postponed one day.



**Com. Sub. for H. B. 3131**, Relating to providing salary adjustments to employees of the Department of Health and Human Resources; 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. 343**), and there were—yeas 87, nays 12, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Caputo, Diserio, Estep-Burton, Fleischauer, Kump, Lavender-Bowe, Longstreth, Pushkin, Pyles, Robinson and Walker.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3131) 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. 3136**, Relating to the Centers for Medicare and Medicaid Services; on third reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

**H. B. 3137**, Relating to the personal income tax fund; on third reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

**H. B. 3139**, Relating to funding of the Public Employees Health Insurance Program; 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. 344**), and there were—yeas 93, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Cowles, Estep-Burton, Miller, Pyles, Rowe and Westfall.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3139) passed.

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

On this question, the yeas and nays were taken (**Roll No. 345**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Cowles, Longstreth, Pyles and Rowe.

Absent and Not Voting: Kessinger.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3139) takes effect from its passage.

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

**H. B. 3140**, Relating to the Division of Natural Resources Infrastructure; 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. 346**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3140) passed.

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

**H. B. 3140** - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, and to amend and reenact §20-5-4 of said code, all related to the ability of the Director of the Division of Natural Resources to authorize repair, renovation and rehabilitation for existing facilities, buildings, amenities, and infrastructure and exempting these certain Division of Natural Resource’s purchases from review and approval of the Division of Purchasing; and adding state forests to the definition of recreational facilities.”

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

On this question, the yeas and nays were taken (**Roll No. 347**), 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: Kessinger.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3140) takes effect from its passage.

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

**H. B. 3141**, Requiring capitol building commission authorization for certain renovations; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Capito asked and obtained unanimous consent to amend the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

On motion of Delegate Capito, the bill was amended on page one, section four, line thirteen, by striking out the words “the public” and inserting in lieu thereof the word “all”.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 348**), 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: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3141) 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. 3143**, Relating to requirements for consumer loans in West Virginia; 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. 349**), and there were—yeas 75, nays 24, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, N. Brown, S. Brown, Canestraro, Caputo, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Kump, Lavender-Bowe, Lovejoy, Miley, Pushkin, Robinson, Rodighiero, Rowe, Sponaugle, C. Thompson, Walker and Zukoff.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3143) 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. 3145**, Relating to student financial aid resources; 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. 350**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3145) 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. 3146**, Relating to retail licensees; on third reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

At 12:41 p.m., the House of Delegates recessed until 3:00 p.m.

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### Afternoon Session

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

## Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred Com. Sub. for S. B. 529, S. B. 593, Com. Sub. for H. B. 2597 and H. B. 2732, on Second Reading, Special Calendar, to the House Calendar; and Com. Sub. for H. B. 2079, Com. Sub. for H. B. 2595, H. B. 2729, Com. Sub. for H. B. 2843, H. B. 2932, Com. Sub. for H. B. 2941 and Com. Sub. for H. B. 2951, on Second Reading, House Calendar to the Special Calendar,

### Special Calendar

#### Second Reading

**Com. Sub. for H. B. 2079**, Removing certain limitations on medical cannabis grower, processor and dispensary licenses; on second reading, coming up in regular order, was, in the absence of objection, placed at the foot of bills on second reading.

**Com. Sub. for H. B. 2519**, The Campus Self Defense Act; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with amendments pending, and the rule was suspended to permit the consideration of amendments on that reading.

**Com. Sub. for H. B. 2595**, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with the general right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

**H. B. 2729**, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; 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. 2843**, Creating an Office for Federal Surplus Property; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2882**, Creating a health professionals' student loan programs; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2932**, Transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards; 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. 2941**, Reinstating the film investment tax credit; 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. 2951**, Placing the regulation of non-medical professions and occupations in a new chapter of the code; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2966**, County Budget Flexibility Act; 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. 2967**, Permitting a county to retain the excise taxes for the privilege of transferring title of real estate; on second reading, coming up in regular order, was read a second time.

Delegates Hardy, Cowles, Bates and Barrett moved to amend the bill on page one, section two, line six, by striking out “ten” and inserting in lieu thereof “twenty”

And,

On page one, section two, line eight, by striking out “in every year thereafter, and additional ten” and inserting in lieu thereof “for the next four years thereafter, an additional twenty”.

On the adoption of the amendment, Delegate Hardy demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 351**), and there were—yeas 42, nays 57, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Azinger, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Caputo, Cowles, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hanna, Hansen, Hardy, Hartman, Hicks, Hornbuckle, Howell, Lavender-Bowe, Longstreth, P. Martin, McGeehan, Miley, Paynter, Phillips, Pushkin, Robinson, Skaff, Sponaule, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Walker and Williams.

Absent and Not Voting: Kessinger.

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. 3127**, Relating to the Secondary School Activities Commission and participation by home schooled students; on second reading, coming up in regular order, was read a second time.

Delegate Hamrick moved to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

#### **“ARTICLE 5. COUNTY BOARD OF EDUCATION.**

##### **§18-5-15. Ages of persons to whom schools are open; enrollment for less than full-time and for extracurricular participation; conditions; enrollment of suspended or expelled student.**

(a) The public schools shall be open for the full instructional term to all persons who have attained the entrance age as stated in ~~section five, article two and section eighteen, article five, chapter eighteen~~ §18-5-44 and §18-8-1a of this code. ~~Provided, That~~ A public school may not deny the enrollment in any curricular or extracurricular course, program or activity of any person to whom the schools are open who meets the student health, safety, conduct and residence conditions established for any other student, subject to the following:

(1) Persons enrolling for less than full-time shall enroll on or before the first day of the instructional term;

(2) Persons enrolled for less than full-time shall be included in the county's net enrollment for the purposes of §18-9A-1 et seq. of this code on a full-time-equivalent basis in accordance with guidelines established by the department of education;

(3) Persons enrolling only for participation in an extracurricular activity may only enroll in the school in whose attendance zone the primary residence of the student is established;

(4) Persons enrolled in a non-public school may not enroll in a public school for participation in an extracurricular activity that is offered at the non-public school;

(5) Persons enrolled only for participation extracurricular activities shall be included in the county's net enrollment for the purposes of §18-9A-1 et seq. of this code as a one-tenth full-time-equivalent student;

(6) County boards shall provide methods for evaluation of the subject matter competency of persons enrolling who have previously been instructed through nonaccredited sources to determine: (i) Academic placement and course credits for competency attained for persons enrolling on a full-time basis; (ii) Sufficient competency prerequisite for enrollment in course or courses for persons enrolling for less than full-time; and (iii) For persons enrolling for less than full-time to participate in extracurricular activities, academic performance at a level sufficient for eligibility when required of all other students; and

(7) Any student suspended or expelled from public or private school shall only be permitted to enroll in public school upon the approval of the superintendent of the county where the student seeks enrollment: *Provided, however,* That in making such decision, the principal of the school in which the student may enroll shall be consulted by the superintendent and the principal may make a recommendation to the superintendent concerning the student's enrollment in his or her new school: *Provided further however,* That if enrollment to public school is denied by the superintendent, the student may petition the board of education where the student seeks enrollment.

(b) Persons over the age of 21 may enter only those programs or classes authorized by the State Board of Education and deemed appropriate by the county board of education conducting any such program or class: *Provided,* That authorization for such programs or classes shall in no way serve to affect or eliminate programs or classes offered by county boards of education at the adult level for which fees are charged to support such programs or classes."

Delegates Longstreth and Caputo moved to amend the amendment on page one, section fifteen, line seventeen, by striking out the word "one-tenth" and inserting in lieu thereof the word "one-half".

Delegate Angelucci asked and obtained unanimous consent to be added as cosponsor of the amendment offered by Delegates Longstreth and Caputo.

Delegate Walker requested to be excused from voting on H. B. 3127 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 to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 352**), and there were—yeas 52, nays 47, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Bibby, Butler, Cadle, Capito, Cooper, Cowles, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham, Hill, Hollen, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kump, Linville, Malcolm, C. Martin, P. Martin, Maynard, McGeehan, Nelson, Pack, Phillips, Porterfield, Rowan, Shott, Steele, Summers, Sypolt, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Kessinger.

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

On the question of the adoption of the amendment, as amended, the yeas and nays, were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 353**), and there were—yeas 69, nays 30, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Cooper, Criss, Diserio, Evans, Foster, Hansen, Hartman, Householder, J. Jeffries, Lavender-Bowe, Malcolm, C. Martin, P. Martin, Miller, Nelson, Pethtel, Porterfield, Rodighiero, Sponaugle, Steele, Summers, Swartzmiller, C. Thompson and Tomblin.

Absent and Not Voting: Kessinger.

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

The bill was then ordered to engrossment and third reading.

**H. B. 3142**, Relating to reducing the severance tax on thermal or steam coal; on second reading, coming up in regular order, was read a second time.

Delegates Nelson and Shott moved to amend the bill on page one, section three, line twelve, by striking out the word “three” and inserting in lieu thereof the word “four”.

And,

On page one, section three, line twelve, after the word percent and the period, by adding the following:

*“Provided, however, That effective July 1, 2020, the tax rate imposed by this subsection on the gross value of thermal or steam coal produced shall be reduced to three percent.”*

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. 354**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett and McGeehan.

Absent and Not Voting: Kessinger.

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

The bill was then ordered to engrossment and third reading.

**H. B. 3144**, North Central Appalachian Coal Severance Tax Rebate Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Bates, Rowe and Longstreth, the bill was amended on page fifteen, section seven, line three, following the words “of this code”, by inserting “and any local, state or federal tax or fee” and the comma.

On page fourteen, section seven, line six, following the words “of this state”, by inserting “or of the appropriate federal agency or court” and the comma.

And,

On page fourteen, section seven, line seven, following the words “plan agreement”, by inserting a period and striking out the words “with the Tax Commissioner” and the period.

The bill was then ordered to engrossment and third reading.

**H. B. 3148**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3149**, Relating to manufacturing and producing hard cider in West Virginia; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **Second Reading**

-continued-

**Com. Sub. for H. B. 2079**, Removing certain limitations on medical cannabis grower, processor and dispensary licenses; on second reading, having been placed at the foot of bills on second reading in earlier proceedings, was, read a second time.

Delegates Fluharty, Byrd, Westfall and Hornbuckle, moved to amend the bill on page one, prior to section three, by inserting §16A-2-1 as follows:

#### **“§16A-2-1. Definitions.**

(a) The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) ‘Act’ means the West Virginia Medical Cannabis Act and the provisions contained in chapter sixty-a of this code.

(2) ‘Advisory board’ means the advisory board established under article eleven of this chapter.



(3) 'Bureau' mean the Bureau for Public Health within the West Virginia Department of Health and Human Resources.

(4) 'Caregiver' means the individual designated by a patient or, if the patient is under eighteen years of age, an individual under article five, to deliver medical cannabis.

(5) 'Certified medical use' means the acquisition, possession, use or transportation of medical cannabis by a patient, or the acquisition, possession, delivery, transportation or administration of medical cannabis by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized in a certification under this act, including enabling the patient to tolerate treatment for the serious medical condition.

(6) 'Change in control' means the acquisition by a person or group of persons acting in concert of a controlling interest in an applicant or permittee either all at one time or over the span of a 12-consecutive-month period.

(7) 'Commissioner' means the Commissioner of the Bureau for Public Health.

(8) 'Continuing care' means treating a patient ~~for at least six months~~, in the course of which the practitioner has completed a full assessment of the patient's medical history and current medical condition, including an in-person consultation with the patient, and is able to document and make a medical diagnosis based upon the substantive treatment of the patient.

(9) 'Controlling interest' means:

(A) For a publicly traded entity, voting rights that entitle a person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of five percent or more of the securities of the publicly traded entity.

(B) For a privately held entity, the ownership of any security in the entity.

(10) 'Dispensary' means a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the bureau to dispense medical cannabis. The term does not include a health care medical cannabis organization under article thirteen of this chapter.

(11) 'Family or household member' means the same as defined in section two hundred four, article twenty-seven, chapter forty-eight of this code.

(12) 'Financial backer' means an investor, mortgagee, bondholder, note holder or other source of equity, capital or other assets, other than a financial institution.

(13) 'Financial institution' means a bank, a national banking association, a bank and trust company, a trust company, a savings and loan association, a building and loan association, a mutual savings bank, a credit union or a savings bank.

(14) 'Form of medical cannabis' means the characteristics of the medical cannabis recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical cannabis or particular active ingredient.

(15) 'Fund' means the Medical Cannabis Program Fund established in section two, article nine of this chapter.

(16) 'Grower' means a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the bureau under this act to grow medical cannabis. The term does not include a health care medical cannabis organization under article thirteen of this chapter.

(17) 'Grower/processor' means either a grower or a processor.

(18) 'Identification card' means a document issued under article five of this chapter that authorizes access to medical cannabis under this act.

(19) 'Individual dose' means a single measure of medical cannabis.

(20) 'Medical cannabis' means cannabis for certified medical use as set forth in this act.

(21) 'Medical cannabis organization' means a dispensary, grower or processor. The term does not include a health care medical cannabis organization under article thirteen of this chapter.

(22) 'Patient' means an individual who:

(A) has a serious medical condition;

(B) has met the requirements for certification under this act; and

(C) is a resident of this state.

(23) 'Permit' means an authorization issued by the bureau to a medical cannabis organization to conduct activities under this act.

(24) 'Physician' means a doctor of allopathic or osteopathic medicine who is fully licensed pursuant to the provisions of either article three or article fourteen, chapter thirty of this code to practice medicine and surgery in this state.

(25) 'Post-traumatic stress disorder' means a diagnosis made as part of continuing care of a patient by a medical doctor, licensed counselor or psychologist.

(26) 'Practitioner' means a physician who is registered with the bureau under article four of this chapter.

(27) 'Prescription drug monitoring program' means the West Virginia Controlled Substances Monitoring program under article nine, chapter sixty-a of this code.

(28) 'Principal' means an officer, director or person who directly owns a beneficial interest in or ownership of the securities of an applicant or permittee, a person who has a controlling interest in an applicant or permittee or who has the ability to elect the majority of the board of directors of an applicant or permittee or otherwise control an applicant or permittee, other than a financial institution.

(29) 'Processor' means a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the bureau under this act to process medical cannabis. The term does not include a health care medical cannabis organization under article thirteen of this chapter.

(30) 'Registry' means the registry established by the bureau for practitioners.

(31) 'Serious medical condition' means any of the following, as has been diagnosed as part of a patient's continuing care:

(A) Cancer.

(B) Positive status for human immunodeficiency virus or acquired immune deficiency syndrome.

(C) Amyotrophic lateral sclerosis.

(D) Parkinson's disease.

(E) Multiple sclerosis.

(F) Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.

(G) Epilepsy.

(H) Neuropathies.

(I) Huntington's disease.

(J) Crohn's disease.

(K) Post-traumatic stress disorder.

(L) Intractable seizures.

(M) Sickle cell anemia.

(N) Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or has proved ineffective as determined as part of continuing care.

(O) Terminally ill.

(32) 'Terminally ill' means a medical prognosis of life expectancy of approximately one year or less if the illness runs its normal course."

Delegate Shott arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the amendment was germane to the purpose of the bill.

On the adoption of the amendment, Delegate Fluharty demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 355**), and there were—yeas 63, nays 35, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Atkinson, Azinger, Butler, Cadle, Cooper, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hanna, Hardy, Hill, Hollen, Hott, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Malcolm, C. Martin, P. Martin, Pack, Phillips, Porterfield, Rohrbach, Rowan, Shott, Summers, Toney, Waxman, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cowles and Kessinger.

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

On motion of Delegates Byrd, Hornbuckle, Westfall and Fluharty, the bill was amended on page four, after section thirteen, by inserting §16A-8-1 with the language amended and restated as follows:

**“§16A-8-1. Dispensing to patients and caregivers.**

(a) *General rule.* — A dispensary that has been issued a permit under article six of this chapter may lawfully dispense medical cannabis to a patient or caregiver upon presentation to the dispensary of a valid identification card for that patient or caregiver. The dispensary shall provide to the patient or caregiver a receipt, as appropriate. The receipt shall include all of the following:

- (1) The name, address and any identification number assigned to the dispensary by the bureau.
- (2) The name and address of the patient and caregiver.
- (3) The date the medical cannabis was dispensed.
- (4) Any requirement or limitation by the practitioner as to the form of medical cannabis for the patient.
- (5) The form and the quantity of medical cannabis dispensed.

~~(b) *Requirements.* — A dispensary shall have a physician or a pharmacist onsite at all times during the hours the dispensary is open to receive patients and caregivers. A physician or a pharmacist shall, prior to assuming duties under this paragraph, successfully complete the course established in subsection (a), section one, article three of this chapter. A physician may not issue a certification to authorize patients to receive medical cannabis or otherwise treat patients at the dispensary.~~

(c) *Filing with bureau.* — Prior to dispensing medical cannabis to a patient or caregiver, the dispensary shall file the receipt information with the bureau utilizing the electronic tracking system. When filing receipts under this subsection, the dispensary shall dispose of any electronically recorded certification information as provided by rule.

(d) *Limitations.* — No dispensary may dispense to a patient or caregiver:

- (1) A quantity of medical cannabis greater than that which the patient or caregiver is permitted to possess under the certification; or
- (2) A form of medical cannabis prohibited by this act.

(e) *Supply.* — When dispensing medical cannabis to a patient or caregiver, the dispensary may not dispense an amount greater than a 30-day supply until the patient has exhausted all but a seven-day supply provided pursuant to section five, article four of this chapter.

(f) *Verification.* — Prior to dispensing medical cannabis to a patient or caregiver, the dispensary shall verify the information in subsections (e) and (g) of this section by consulting the electronic tracking system included in the bureau’s electronic database established under section one, article

three of this chapter and the dispensary tracking system under section one, article seven of this chapter.

(g) *Form of medical cannabis.* — Medical cannabis dispensed to a patient or caregiver by a dispensary shall conform to any requirement or limitation set by the practitioner as to the form of medical cannabis for the patient.

(h) *Safety insert.* — When a dispensary dispenses medical cannabis to a patient or caregiver, the dispensary shall provide to that patient or caregiver, as appropriate, a safety insert. The insert shall be developed and approved by the bureau. The insert shall provide the following information:

(1) Lawful methods for administering medical cannabis in individual doses.

(2) Any potential dangers stemming from the use of medical cannabis.

(3) How to recognize what may be problematic usage of medical cannabis and how to obtain appropriate services or treatment for problematic usage.

(4) How to prevent or deter the misuse of medical cannabis by minors or others.

(5) Any other information as determined by the bureau.

(i) *Sealed and labeled package.* — Medical cannabis shall be dispensed by a dispensary to a patient or caregiver in a sealed, properly labeled and child-resistant package. The labeling shall contain the following:

(1) The information required to be included in the receipt provided to the patient or caregiver, as appropriate, by the dispensary.

(2) The packaging date.

(3) Any applicable date by which the medical cannabis should be used.

(4) A warning stating:

‘This product is for medicinal use only. Women should not consume during pregnancy or while breastfeeding except on the advice of the practitioner who issued the certification and, in the case of breastfeeding, the infant’s pediatrician. This product might impair the ability to drive or operate heavy machinery. Keep out of reach of children.’

(5) The amount of individual doses contained within the package and the species and percentage of tetrahydrocannabinol and cannabidiol.

(6) A warning that the medical cannabis must be kept in the original container in which it was dispensed.

(7) A warning that unauthorized use is unlawful and will subject the person to criminal penalties.

(8) Any other information required by the bureau.”

On motion of Delegate Ellington, the bill was amended on page three, section thirteen, line three, by reinserting the stricken word “ten”, and removing the underlined number, “50”.

On page three, section thirteen, line five, by reinserting the stricken word, "ten" and removing the underlined number, "50".

And,

On page three, section thirteen, line eight, by striking out the word, "two" and inserting the word, "ten".

There being no further amendments, the bill was 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. 157**, Authorizing Department of Administration promulgate legislative rules,

**Com. Sub. for S. B. 295**, Relating to crimes against public justice,

**S. B. 440**, Relating to Antihazing Law,

**S. B. 453**, Relating to background checks of certain financial institutions,

And,

**Com. Sub. for S. B. 510**, Relating to medical professional liability.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Bates noted to the Clerk that he was absent on today when the votes were taken on Roll Nos. 307 and 308, and had he been present, he should have voted "Yea" thereon.

Delegate Storch noted to the Clerk that she was absent on today when the votes were taken on Roll Nos. 332 and 333, and had she been present, she would have voted "Yea" thereon.

At 4:24 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 27, 2019.

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

## **SPECIAL CALENDAR**

**Wednesday, February 27, 2019**

**50<sup>th</sup> Day**

**11:00 A. M.**

### **THIRD READING**

- Com. Sub. for H. B. 2079 - Removing certain limitations on medical cannabis grower, processor and dispensary licenses (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2397 - Requiring county school boards to provide adequate mental health and counseling services (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2519 - The Campus Self Defense Act [AMENDMENTS PENDING] (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2595 - Establishing the West Virginia Division of Natural Resources Police Officer Retirement System [RIGHT TO AMEND] (HOUSEHOLDER) (REGULAR)
- H. B. 2729 - Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2843 - Creating an Office for Federal Surplus Property (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2882 - Creating a health professionals' student loan programs (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2931 - Clarifying that the State Lottery Commission has no authority over nonlottery games (SHOTT) (REGULAR)
- H. B. 2932 - Transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2941 - Reinstating the film investment tax credit (GRAVES) (REGULAR)
- Com. Sub. for H. B. 2951 - Placing the regulation of non-medical professions and occupations in a new chapter of the code (HOWELL) (REGULAR)
- H. B. 2966 - County Budget Flexibility Act (HOUSEHOLDER) (REGULAR)

- Com. Sub. for H. B. 2967 - Permitting a county to retain the excise taxes for the privilege of transferring title of real estate (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 3105 - Permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement (HOWELL) (REGULAR)
- H. B. 3127 - Relating to the Secondary School Activities Commission and participation by home schooled students (HAMRICK) (REGULAR)
- H. B. 3136 - Relating to the Centers for Medicare and Medicaid Services (HOUSEHOLDER) (REGULAR)
- H. B. 3137 - Relating to the personal income tax fund (HOUSEHOLDER) (REGULAR)
- H. B. 3142 - Relating to reducing the severance tax on thermal or steam coal (HOUSEHOLDER) (REGULAR)
- H. B. 3144 - North Central Appalachian Coal Severance Tax Rebate Act (HOUSEHOLDER) (REGULAR)
- H. B. 3146 - Relating to retail licensees (HOWELL) (REGULAR)
- H. B. 3148 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3149 - Relating to manufacturing and producing hard cider in West Virginia (HOUSEHOLDER) (REGULAR)

### **SECOND READING**

- Com. Sub. for S. B. 157 - Authorizing Department of Administration promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 295 - Relating to crimes against public justice (SHOTT) (REGULAR)
- S. B. 440 - Relating to Antihazing Law (SHOTT) (REGULAR)
- S. B. 453 - Relating to background checks of certain financial institutions (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 510 - Relating to medical professional liability (SHOTT) (REGULAR)



## HOUSE CALENDAR

Wednesday, February 27, 2019

50<sup>th</sup> Day

11:00 A. M.

### THIRD READING

Com. Sub. for H. B. 2718 - Requiring purchasers of roundwood to collect and maintain certain information (SHOTT) (REGULAR)

### SECOND READING

Com. Sub. for S. B. 408 - Determining indigency for public defender services (SHOTT) (REGULAR)

Com. Sub. for S. B. 518 - Restricting sale and trade of dextromethorphan (HEALTH AND HUMAN RESOURCES AMENDMENT PENDING) (ELLINGTON) (REGULAR)

Com. Sub. for S. B. 529 - Clarifying provisions of Nonintoxicating Beer Act (SHOTT) (REGULAR)

S. B. 545 - Relating to HIV testing (HEALTH AND HUMAN RESOURCES AMENDMENT PENDING) (ELLINGTON) (EFFECTIVE FROM PASSAGE)

S. B. 593 - Permitting critical access hospital become community outpatient medical center (ELLINGTON) (REGULAR)

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. 2433 - Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day (HAMRICK) (REGULAR)

Com. Sub. for H. B. 2441 - Removing certain requirements related to wages for construction of public improvements (SHOTT) (REGULAR)

Com. Sub. for H. B. 2597 - Creating a hunting permit to safely accommodate visually impaired hunters (SHOTT) (REGULAR)

H. B. 2692 - Relating to primary elections and procedures (HOWELL) (REGULAR)

H. B. 2732 - Defend the Guard Act (MCGEEHAN) (REGULAR)

- H. B. 2819 - Relating generally to contractors (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- H. B. 2953 - Permitting a critical access hospital to become a community outpatient medical center (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2976 - Economic Diversification Act of 2019 (CRISS) (REGULAR)
- Com. Sub. for H. B. 2980 - Mine Trespass Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3100 - Clarifying certain provisions of the Nonintoxicating Beer Act (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3103 - Authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3116 - Removing current limitations on sales of nonintoxicating beer and nonintoxicating craft beer growlers (HOWELL) (REGULAR)
- H. B. 3147 - Requiring the Board of Insurance and Risk Management purchase life insurance products from state resident agents (HOWELL) (REGULAR)

#### **FIRST READING**

- Com. Sub. for H. B. 2179 - Allowing nonmembers of a political party to request that party's partisan ballot at a primary election (SHOTT) (REGULAR)

# **WEST VIRGINIA HOUSE OF DELEGATES**

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**WEDNESDAY, FEBRUARY 27, 2019**

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**COMMITTEE ON FINANCE  
9:00 A.M. – ROOM 460M**

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

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

**COMMITTEE ON EDUCATION  
3:00 P.M. – ROOM 432M**

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