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TWENTY-SEVENTH DAY

Monday, February 3, 2020

TWENTY-SEVENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Friday, January 31, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 2605, Relating to the regular election of officers on state general election day,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2605) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 4352, Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making,

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

Com. Sub. for H. B. 4352 - "A Bill to amend and reenact §29-3B-4 and §29-3B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3C-4 of said code; and to amend and reenact §29-3D-2 and §29-3D-6 of said code, all relating to licenses issued by the Fire Marshal; removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making; creating a rational nexus requirement between prior criminal conduct and initial licensure or certification in decision making; providing criteria for the State Fire Marshal as licensing or certification authority to determine whether a criminal conviction has a rational nexus to an occupation; limiting licensure disqualification; authorizing persons to petition the State Fire Marshal as to whether a person's criminal records precludes licensure; and reducing the number of necessary hours as a qualification for licensure as a journeyman sprinkler fitter or sprinkler fitter in training,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 4380, Updating the regulatory board review schedule,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 4509, Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support,

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

Com. Sub. for H. B. 4509 - "A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating to transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support; removing the residency requirements pertaining to counties; removing the work substitution or qualification to serve on the board; specifying the powers and duties of the chairperson; setting forth the process for selecting a vice chairperson; specifying the powers and duties of the vice chairperson; clarifying how a vacancy occurs on the board; creating a temporary or substitute board member list; and clarifying how moneys for the board should be appropriated,"

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 449 - "A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Commerce to promulgate a legislative rule relating to small business innovation research and small business technology transfer matching funds program; authorizing the Division of Labor to promulgate a legislative rule relating to supervision of plumbing work; authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations—licensing; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations—logger certification; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to substance abuse screening, standards, and procedures; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules governing the certification, recertification, and training of EMT-miners and the certification of EMT-M instructors; authorizing the Division of Natural

Resources to promulgate a legislative rule relating to commercial whitewater outfitters; authorizing the Division of Natural Resources to promulgate a legislative rule relating to transporting and selling wildlife pelts and parts; authorizing the Division of Natural Resources to promulgate a legislative rule relating to boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating rules; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special requirements concerning boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to public use of campgrounds in West Virginia State Parks and State Forests and campsites in State Rail Trails under the Division of Natural Resources; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special projects and grants for the West Virginia State Parks, State Forests, and State Rail Trails under the Division of Natural Resources; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining terms used in all hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing rule; authorizing the Division of Natural Resources to promulgate a legislative rule relating to catching and selling bait fish; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to falconry"; 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. 550 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5j; and to amend and reenact §20-2-16 of said code, all relating to hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; and amending protocol for dogs hunting or chasing deer"; which was referred to the Committee on Agriculture and Natural Resources.

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. 642 - "A Bill to amend and reenact §46A-1-105 of the Code of West Virginia, 1931, as amended, relating to correcting an incorrect code citation in the West Virginia Consumer Credit and Protection Act"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Nelson, Byrd, Capito, Skaff, Robinson, Campbell and Lavender-Bowe offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 53 - "Requesting the Division of Highways name bridge number 13-60-34.93 (13A114), locally known as Caldwell Bridge, carrying U. S. Route 60 over the Greenbrier River in Greenbrier County, the 'U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge'."

Whereas, Ralph H. Ray graduated from Frankford High School early at the age of 17 in 1940; and

Whereas, Ralph H. Ray left his home in West Virginia to complete his enlisted physical for the United States Army Air Corps on January 7, 1943, and subsequently earned the rank of Technical Sergeant; and

Whereas, T SGT Ray earned his airplane mechanic diploma at the Ford Factory in Michigan the spring of 1943 and then completed gunnery school in Laredo, Texas; and

Whereas, T SGT Ray was assigned to a top-notch flight crew with whom he trained for three months; and

Whereas, T SGT Ray and his crew traveled to Trinidad, Brazil, Africa, Morocco, and Wales before reaching the Tibenham Base in East England; and

Whereas, While serving as flight engineer, T SGT Ray and his crew flew 30 successful missions before returning to the United States; and

Whereas, T SGT Ray spent the last 10 months of his enlistment at Air Transport Corps in Miami, Florida; and

Whereas, After his release from the United States Army Air Corps, T SGT Ray worked as an airplane mechanic for Bollinger Airport in Davis Creek, West Virginia, and there he earned his civilian pilot's license; and

Whereas, T SGT Ray began working as a chemical technician for Westvaco in South Charleston, West Virginia in 1948; and

Whereas, T SGT Ray married his wife Mary Madeline Hudson (now deceased) on April 16, 1948, established a beautiful and loving family with four daughters: Valerie Ann Lyons, Angela Sue Ray, Verna Ray-Breaux, and Anita Ray-Kirk; and

Whereas, T SGT Ray retired in 1984 and passed on August 8, 2019; and

Whereas, It is fitting that an enduring monument be established to commemorate Technical Sergeant Ralph H. Ray and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 13-60-34.93 (13A114), locally known as Caldwell Bridge, carrying U. S. Route 60 over the Greenbrier River in Greenbrier County, the "U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the "U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge"; and, be it

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

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

H. C. R. 54 - "Requesting the Division of Highways name bridge number 12-042/06-003.19 (12A128), locally known as Possum Hollow Bridge, carrying County Route 42/6 over North Fork Lunice Creek in Grant County, West Virginia, the 'PFC Marvin K. "Sonny" Sherman Memorial Bridge'."

Whereas, Private First Class Marvin Kenneth “Sonny” Sherman was born on August 22, 1923, in Grant County, the son of Holmes Sherman and Vera Sherman of Arthur, West Virginia; and

Whereas, PFC Sherman was drafted into the service of the United States Army and left Grant County on August 4, 1944, for infantry training at Camp Atterbury, Indiana and Fort McClellan, Alabama. PFC Sherman last visited his parents in December 1944, after which he left for Camp Meade and was shipped to England after the first of the year; and

Whereas, PFC Sherman’s last letter received at home was written on April 11, 1945, and on April 25, 1945, he sent a money order to the American Red Cross for flowers for his mother for Mother’s Day, writing her a letter on April 26, 1945, that would never be mailed; and

Whereas, On April 26, 1945, at about 3:00 p.m., PFC Sherman was sent forward with a patrol to cross the Elbe River in Germany in a small boat. During the crossing, the boat in which he was riding capsized and PFC Sherman drowned before help could reach him; and

Whereas, PFC Sherman’s funeral service was held in the United Brethren Church, Lahmansville, West Virginia, Rev. F.A. Frazier officiating, with burial in the Lahmansville Cemetery, full military rites accorded by Grant Post No. 78, American Legion; and

Whereas, PFC Sherman was survived by his parents, Holmes Sherman and Vera Sherman, of Arthur, West Virginia, and two brothers, Boyd Sherman, who served as a Merchant Marine, and Clifton Sherman, who served in the Navy; and

Whereas, The sacrifice of this courageous son of Grant County, West Virginia, requires that we honor Private First Class Marvin Kenneth “Sonny” Sherman by ensuring that future generations are aware of his sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 12-042/06-003.19 (12A128), locally known as Possum Hollow Bridge, carrying County Route 42/6 over North Fork Lunice Creek in Grant County, West Virginia, the “PFC Marvin K. ‘Sonny’ Sherman Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the “PFC Marvin K. ‘Sonny’ Sherman Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a certified copy of this resolution to the Secretary of Transportation, Commissioner of the Division of Highways, and the family of PFC Marvin Kenneth Sherman.

Delegates Hott, Rowan, D. Kelly, C. Thompson, Sponaugle, Toney, Fast, Howell, Cadle, C. Martin and P. Martin offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 55 - “Requesting the Division of Highways name bridge number 36-009/00-00.13 (36A146), locally known as Riverton Truss, carrying County Route 9 over the North Fork of the South Branch of the Potomac River in Pendleton County, the ‘Pendleton County Veterans Killed in Action Memorial Bridge’.”

Whereas, Pendleton County would like to honor its veterans killed in action during various combat times throughout the United States' history; and

Whereas, Veterans of this state bravely serve their country and state to protect the citizens; and

Whereas, It is fitting that an enduring memorial be established to commemorate all Pendleton County Veterans and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 36-009/00-00.13 (36A146), locally known as Riverton Truss, carrying County Route 9 over the North Fork of the South Branch of the Potomac River in Pendleton County, the "Pendleton County Veterans Killed in Action Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the "Pendleton County Veterans Killed in Action Memorial Bridge"; and, be it

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

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 56 - "Requesting the Division of Highways name bridge number: 44-11-9.29 (44A181), (38.84367, -81.22103) locally known as Rocksdale Bridge, carrying CR 11 over West Fork of the Little Kanawha River in Roane County, the 'U.S. Marine Corps Lance Corporal Eddie Dean Starcher Memorial Bridge'."

Whereas, Eddie Dean Starcher was born August 11, 1944, as the son of Denvil and Bertie Louise Short Starcher, and was a resident of Henry's Fork, and

Whereas, Eddie Dean Starcher enlisted in the Marine Corps where he entered via Reserve Military and served during the Vietnam War. He had the rank of Lance Corporal and was a rifleman. He served with 1st Marine Division, 2nd Battalion, H Company; and

Whereas, Lance Corporal Starcher, at age 22 years, was killed on November 15, 1966, by sniper fire during an attack on American soldiers at the Da Nang Province in Vietnam during the Vietnam War; and

Whereas, It is fitting that an enduring memorial be established to commemorate "U.S. Marine Corps Lance Corporal Eddie Dean Starcher" "U.S. Marine Corps Lance Corporal Eddie Dean Starcher and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 44-11-9.29 (44A181), (38.84367, -81.22103) locally known as Rocksdale Bridge, carrying CR 11 over West Fork of the Little Kanawha River in Roane County, the "U.S. Marine Corps Lance Corporal Eddie Dean Starcher Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the "U.S. Marine Corps Lance Corporal Eddie Dean Starcher Memorial Bridge"; and, be it

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

Delegates J. Jeffries, Angelucci, Atkinson, Barnhart, Bartlett, Bates, Bibby, Cowles, Criss, Dean, Ellington, Fast, Hanna, Higginbotham, Hill, Hott, Howell, Jennings, D. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Little, Maynard, McGeehan, Miller, Pack, Phillips, Rohrbach, Rowan, Staggars, Storch, Sypolt, Toney, Walker, Waxman, Wilson and Worrell offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 57 - "Proclaiming and making the fiddle the official musical instrument of the State of West Virginia."

Whereas, The fiddle arrived in Appalachia in the 18th century with immigrants from the British Isles, bringing with them the musical traditions of their countries. These traditions consisted primarily of English and Scottish ballads, which were essentially unaccompanied narratives, and dance music, such as Irish reels which were accompanied by a fiddle. The fiddle soon became a staple of life in West Virginia, being played in churches, in logging and mining camps, at weddings and summer picnics and in the homes and on porches of many West Virginians. It has remained so ever since, being showcased in music festivals around the state, from the Augusta Festival in Elkins, the Vandalia Gathering held on the grounds at the State Capitol and the Appalachian String Band Festival at Camp Washington-Carver in Clifftop, just to name a few. West Virginia has also produced some of the finest fiddlers in the nation, and continues to do so; and

Whereas, Fiddler Blind Alfred Reed was born on June 15, 1880, and was one of the artists who recorded at the Bristol Sessions in 1927, along with Jimmie Rogers and the Carter Family, which are the first recordings of traditional country music. He was raised in a very conservative family and acquired a violin at a young age. Later, he began performing at county fairs, in country schoolhouses, for political rallies and in churches. He even played on street corners for tips. He used to sell printed copies of his compositions for ten cents each. After the Bristol Sessions, Mr. Reed recorded his most famous song, that is still being sung today, "How Can a Poor Man Stand Such Times and Live". After 1929, he stopped recording, but continued to perform locally until 1937 when a law was passed prohibiting blind street musicians. He is buried in Elgood and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Edwin "Edden" Hammons was born in 1874 and is considered by many to have been one of the finest traditional West Virginia fiddlers of all time, and tales of his musical exploits and eccentric lifestyle flourish among the inhabitants of mountainous east central West Virginia. Mr. Hammons was the youngest of four brothers and three sisters, and his musical abilities were soon recognized to be superior to that of his siblings. Family tradition holds that his ability was recognized and encouraged at an early age and that the boy was spared his share of the burdens of frontier living as a result. Mr. Hammons's first attempt in music was with a fiddle made from a gourd. He soon progressed and he secured a store-bought fiddle and there was no dispute that he could draw out exquisite harmonies from the instrument. Whether because of immaturity or musical passion, Mr. Hammons refused to lay his fiddle down "like most men did" as he grew older and was faced with supporting a family. Mr. Hammons three-week marriage to Caroline Riddle in 1892 came to a head when Caroline demanded that Edden either quit playing fiddle and go to work or she would leave. Given the ultimatum, Mr. Hammons chose the fiddle. When he was older, Mr. Hammons participated

in five to ten fiddle contests each year, and rarely came away with less than first prize. Perhaps Mr. Hammons most distinguished contest adversary was Lewis "Jack" McElwain, regarded by many others at the time to be the premier fiddler in the State of West Virginia. Mr. McElwain's accomplishments included a first-place finish at the 1893 World's Fair in Chicago. At a contest in Marlinton in 1909, Mr. McElwain and Mr. Hammons tied for top honors. Later, there were disagreements about the selection of judges, and Mr. Hammons insisted that the judging be left to the attendees. Mr. Hammons usually won; and

Whereas, Fiddler Melvin Wine was born in Burnsville in 1909. At the age of nine he began to play his first fiddle tunes by sneaking out his father's prized possession, the fiddle. Mr. Wine eventually gained the courage to inform his mother of the progress he had made with his father's fiddle. One evening his mother bravely shared this with his father. At the time, Mr. Wine believed he might receive a whipping for sneaking out the fiddle. But instead, from this point on, his father supported the young boys efforts. Mr. Wines father learned the fiddle tunes that he passed on to Melvin from his father, Nels, Mr. Wines' grandfather. Mr. Wine passed away in 2003; and

Whereas, Mr. Clark Kessinger was born in Lincoln County on July 27, 1896. Mr. Kessinger began playing the banjo when he was five years old and two years later he performed at local saloons with his father. He switched to fiddle and began performing at country dances. After serving in the Navy, Mr. Kessinger's reputation as a fiddler increased and he visited many local fiddling contests. He teamed up with his nephew Luches "Luke" Kessinger performing at various locations. In 1927 Mr. Kessinger and Luches Kessinger had their own radio show at the newly opened station WOBV in Charleston. On February 11, 1928, the Kessingers recorded twelve sides for the Brunswick-Balke-Collender recording company. In the late 1920s, the Kessingers records were best sellers, including "Wednesday Night Waltz", "Turkey in the Straw", "Hell Among Yearlings", "Tugboat" and "Salt River". Mr. Kessinger was also greatly influenced by classical violin players such as Fritz Kreisler, Joseph Szigeti and Jascha Heifetz. Following his last recording session on September 20, 1930, Mr. Kessinger retired as a recording artist. But in 1963 he was rediscovered and soon was competing at several fiddling contests. In August 1964, Mr. Kessinger formed a string band in Galax, Virginia, winning first prize in the string band category. In April 1971, he won the World's Champion Fiddle Prize at the 47th Old-time Fiddler's Convention in Union Grove, North Carolina. Three more albums followed on Kanawha Records. His albums were later reissued on Folkways and Country Roads. In 1971 Mr. Kessinger recorded 12 tracks for the newly formed Rounder Records. The record company had plans to record many albums with Kessinger but before they could initiate what they had planned, Mr. Kessinger had a stroke and collapsed on the scene at a fiddler's convention in Virginia. His left hand became numb, and he was unable to play the fiddle for the remainder of his life. Rounder released his recordings as "Clark Kessinger: Old-time Music with Fiddle and Guitar". He died in 1975 and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Ed Haley was born in 1885 and was one of the best-known fiddlers in his region of Appalachia. He traveled frequently and performed in a variety of venues and played over WLW in Cincinnati. He also made occasional studio recordings for friends, such as for Doc Holbrook in Greenup, Kentucky. He seldom recorded commercially because he was worried that record companies would take advantage of a blind man. Late in life, he made recordings for the family on a Wilcox-Gay disc-cutting machine brought home from the service by his stepson, Ralph. The recording featured Ed, Ella, Ralph (on guitar) and daughter Mona (vocals). Ralph eventually distributed the recordings among his five siblings. Eventually about one third to one half of those recordings were released to Rounder Records, but it is estimated that two thirds of Mr. Haley's recordings are still missing. Beginning in 1990, legendary bluegrass, folk musician and songwriter John Hartford began researching the story of Mr. Haley's life and music. Generally, Mr. Hartford spent the last years of his life promoting Mr. Haley and his significance in the world of music. He learned a number of Haley's tunes and recorded them on the Grammy-nominated album, "Wild Hog in the Red Brush" and "Speed

of the Old Long Bow: A Tribute to Ed Haley". Mr. Hartford and Brandon Kirk, a Harts-area historian and genealogist, collaborated on a Haley book project from 1995 until Hartford's death in 2001. In March 2000, the "Smithsonian" magazine featured a story about their research. In October 2015, Ed Haley was inducted into the West Virginia Music Hall of Fame; and

Whereas, Tim O'Brien was born on March 16, 1954, in Wheeling and plays guitar, fiddle, mandolin, banjo, bouzouki and mandocello. He has released more than ten studio albums in addition to charting a duet with Kathy Mattea entitled, "The Battle Hymn of Love", a No. 9 hit on the Billboard Hot Country charts in 1990. He eventually moved to Boulder, Colorado, in the 1970s and became part of the music scene there. In Colorado, he met guitarist Charles Sawtelle, banjoist Pete Wernick and bassist/vocalist Nick Forster with whom he formed Hot Rize in 1978. Over the next twelve years, the quartet earned recognition as one of America's most innovative and entertaining bluegrass bands. In 2005, O'Brien won a Grammy Award for Best Traditional Folk Album for "Fiddler's Green". In 1993 and 2006, O'Brien was honored with the International Bluegrass Music Association's (IBMA)'s Male Vocalist of the Year award. His band Hot Rize was the IBMA's first Entertainer of the Year in 1990. In November 2013 he was inducted into the West Virginia Music Hall of Fame; and

Whereas, Glenville resident Buddy Griffin was born at Richwood on September 22, 1948, and recalling his Nicholas County childhood has said "Everybody in the family played music. It was never expected, it was never forced on us. Nobody ever handed us an instrument and said, 'You have to play this'. It was just trying to be part of what was going on, "cause there was always music at the house." Mr. Griffin was a part of his family's music from an early age. "The first instrument I ever touched was a bass fiddle. They kept it leaned up behind the couch. I'd stand up on the couch when I was about five, maybe six. I couldn't note it, but I could play the strings. So if they'd play some old fiddle tune, I'd have all three chords to go with it. I'd stand there and just play the strings." He soon learned to play the guitar, mandolin, fiddle and banjo. His parents were good singers especially in the style of the Carter Family, and they taught their children the older country music. The Griffin children, however, tended toward the faster, more modern bluegrass. Erma played the guitar and bass and sang harmony. Richard played guitar and fiddle, along with other instruments, and sang the lead. Richard's father, Joe Griffin, born in 1883, played the old claw hammer style of banjo. Joe traveled to logging camps in Roane, Lincoln and Calhoun counties and played dances on Saturday nights with some of the local fiddlers, mostly Enoch Camp. Parts of Mr. Griffin's family tree can be traced to Revolutionary War times; some of his ancestors reportedly received land grants from General Washington. Mr. Griffin later became a staff musician at WVVA's Jamboree USA in Wheeling, played more than 200 times on the Grand Ole Opry, toured the country for more than 30 years with some of the biggest names in country and bluegrass music, appeared on more than 150 record albums, and established the world's first college degree program in bluegrass music at Glenville State College. In May 2011, he received the coveted Vandalia Award, recognizing his lifetime of devotion to entertainment and education; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature of West Virginia hereby proclaims and makes the fiddle the official musical instrument of the State of West Virginia; and, be it

Further Resolved, That the Legislature of West Virginia recognizes the importance and significance of the fiddle in West Virginia's history, traditions, and culture; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to Buddy Griffin; Tim O'Brien; Clark Kessinger's daughter; Frances Goad; the descendants of West Virginia's other great fiddle players, Blind Alfred Reed, Edwin Hammons, Melvin Wine, and Ed Haley;

the West Virginia Music Hall of Fame; the Friends of Old Time Music and Dance (FOOTMAD) and Stan Bumgardner, Editor of “Goldenseal”, the official state magazine of West Virginia traditional life.

And,

Delegates Hanshaw (Mr. Speaker), Householder, Anderson, Criss, J. Kelly, D. Kelly, Kessinger and Hill offered the following resolution, which was read by its title and referred to the Committee on Finance:

H. C. R. 58 - “Requesting the Joint Standing Committee on Finance study the state Tax Commissioner’s methodology for valuing and assessing active and reserve coal properties for the purpose of *ad valorem* taxes.”

Whereas, Article X, Section 1 of the West Virginia Constitution states that: “Taxation shall be equal and uniform throughout the state, and all property, both real and personal, shall be taxed in proportion to its value to be ascertained as directed by law”;

Whereas, The right to equal protection of the laws is guaranteed by the United States and West Virginia Constitutions;

Whereas, State law, §11-6K-1(a) of this code, requires that properties be assessed at their “true and actual value” and states that: “All industrial property and natural resources property shall be assessed annually as of the assessment date at 60 percent of its true and actual value”;

Whereas, The Legislature expressed its intent for the state statutory taxation scheme by stating in §11-1C-1(a) of this code that: “The Legislature hereby finds and declares that all property in this state should be fairly and equitably valued wherever it is situated so that all citizens will be treated fairly and no individual species or class of property will be overvalued or undervalued in relation to all other similar property within each county and throughout the state”;

Whereas, §11-1C-10 of this code directs that the Tax Commissioner shall develop a plan for the valuation of natural resources property, and to “maintain accurate values for all such property”;

Whereas, The regulations for valuation of active and reserve coal properties for *ad valorem* tax purposes are contained in the Code of States Rules §110-11-1 *et seq.*, and expressly provide that the rule: “clarifies and implements state law as it relates to the appraisal at market value of active and reserve coal properties”;

Whereas, In the absence of legislative direction as to what elements are to be considered by an agency in promulgating a rule, there is a presumption that the Legislature is entrusting the decision as to what to consider in the hands of the agency in deference to agency experts;

Whereas, In a 2019 decision of the Supreme Court of Appeals in West Virginia, the court determined that the regulations governing the method of valuing active and reserve coal properties, a technical and complex process that utilizes the historical trailing or rolling three-year average of actual sales, are a rational and necessary means to establish true and actual value for purposes of *ad valorem* taxes; and

Whereas, In that same decision, the court recognized that other methods of calculating the taxable interest in coal resources exist and encouraged the ongoing evaluation of these methodologies by the Tax Commissioner, the Legislature and stakeholders; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Standing Committee on Finance is hereby requested to study the state Tax Commissioner's methodology for valuing and assessing active and reserve coal properties for the purpose of calculating *ad valorem* taxes; and, be it

Further Resolved, That the Joint Standing Committee on Finance report to the regular session of the Legislature, 2021, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Standing Committee on Finance.

Bills Introduced

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

By Delegates Householder, Barrett, Criss and Bates:

H. B. 4645 - "A Bill to amend and reenact §4-2-1 and §4-2-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §4-2-6a; and to amend and reenact §4-3-3c of said code, all relating to the establishment of the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; clarifying the duties of the Legislative Auditor; creating the Office of Regulatory and Fiscal Affairs as an advisory body to the Legislature; establishing processes for the conduct of fiscal notes and economic impact analysis; requiring state agencies to provide information to the Office of Regulatory and Fiscal Affairs upon request; authorizing certain members of the Legislature to request an economic impact analysis of the rules of the state; permitting the Chairs of the Joint Committee on Government and Finance to request certain performance reviews and analysis of existing statutes; and clarifying the organization of joint legislative agencies"; to the Committee on Government Organization.

By Delegates Byrd, Nelson, Skaff and Capito:

H. B. 4646 - "A Bill directing the West Virginia Higher Education Policy Commission to sell 258.17 acres of land, together with any improvements thereon, situated in the City of South Charleston, Union Carbide Corporation Tech Center Property, located on 3200 Kanawha Turnpike, City of South Charleston, Kanawha County, to the City of South Charleston"; to the Committee on Finance.

By Delegates Shott, Espinosa, Queen, Westfall, Hamrick, Howell, Householder, Barrett, Bates and Miller:

H. B. 4647 - "A Bill to amend and reenact §29-22B-1107 of the Code of West Virginia, 1931, as amended, relating to limited video lottery permit holders; and giving current permit holders a priority preference to reacquire permits they have, at the minimum stated bid price, before those permits are made available to other applicants"; to the Committee on the Judiciary.

By Delegates Foster and Summers:

H. B. 4648 - "A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c, and §48-1-239d; to amend and reenact §48-9-102, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-401, §48-9-403, and §48-9-601 of said code; to amend said code by adding thereto a new section, designated §48-9-204a, all relating to 'The Parenting Fairness Act of 2020'; defining 'shared legal custody', 'shared physical custody', 'sole legal custody', and 'sole physical custody'; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical

custody of children, in cases of divorce is presumed to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans and modifications to parenting plans consider the presumption of shared legal and physical custody is in the best interests of a child; require court to consider presumption when making determination as to which parent has significant decision making responsibility; and establish both parents' rights to school and medical records of child"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Lavender-Bowe, Zukoff, Dean, Rowan, Higginbotham, Evans, C. Thompson, R. Thompson, Doyle, Ellington and Robinson:

H. B. 4649 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to implementation of trauma-informed practices in schools; providing for an effective date; providing for training; providing definition of trauma-informed practices; providing for disciplinary considerations in light of trauma-informed practices; providing for a culture of acceptance among educational professionals relating to trauma-informed practices within the school; and providing for rulemaking"; to the Committee on Education.

By Delegate J. Jeffries:

H. B. 4650 - "A Bill to amend and reenact §11-17-3 of the Code of West Virginia, 1931, as amended, relating to lowering the excise tax on cigarettes"; to the Committee on Finance.

By Delegate Butler:

H. B. 4651 - "A Bill to amend and reenact §17-2A-17 of the Code of West Virginia, 1931, as amended, relating to clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes to include depth as well as width; and updating antiquated language"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Rohrbach:

H. B. 4652 - "A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-9A-6, all relating to tobacco usage restrictions; modifying legislative intent; modifying definitions; prohibiting persons under the age of 21 from purchasing tobacco products, tobacco derived products, or alternative nicotine products; making it a misdemeanor to use tobacco products, tobacco derived products, or alternative nicotine products in a building used for school instruction; prohibiting sales of tobacco products, tobacco derived products, or alternative nicotine products by firm, corporation, or entity to person under age 21; providing criminal penalties for sales of tobacco products, tobacco derived products, or alternative nicotine products; providing employer authority to terminate employment of employee who violates section; making the sale of tobacco products, tobacco derived products, or alternative nicotine products permissible reason for dismissal of employee; establishing that an employee's sale of tobacco products, tobacco derived products, or alternative nicotine products to persons under 21 be considered gross misconduct for purposes of unemployment compensation; designating the Bureau for Behavioral Health of the Department of Health and Human Resources as the entity responsible to enforce tobacco laws and conduct compliance inspections; and prohibit sales of tobacco products, tobacco derived products, or alternative nicotine products in a display independently accessible by individuals under the age of 21"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources then the Judiciary.

By Delegate Pack:

H. B. 4653 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, relating to the disclosure of nonpublic personal information required in employment cases; and providing a civil penalty"; to the Committee on the Judiciary.

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

H. B. 4654 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-56, relating to establishing a class of employees within the West Virginia Public Employees Retirement System consisting of 911 staff; providing for lower retirement age and increased pension payments"; to the Committee on Pensions and Retirement then Finance.

By Delegates Howell, Hott, Summers, Maynard, C. Martin, Jennings, Staggers, Angelucci, Ellington, Hamrick and Fast:

H. B. 4655 - "A Bill to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating to automatic certification as an emergency medical technician-paramedic or emergency medical technician-basic upon application; providing that an applicant may have previously served in any branch of the United States military, National Guard, or Coast Guard; providing that an applicant must have been honorably discharged within two years of application; providing for similar military job titles that bear a rational nexus to the training and education required by the commissioner to be certified as a paramedic or emergency medical technician; providing that the commissioner must issue a license upon review of the application; and providing that if an individual permits a certification to expire the commissioner may require examination as a condition of recertification"; to the Committee on Government Organization.

By Delegates Howell, Hott, C. Martin, Ellington, Higginbotham, Fast, Graves, Storch and Shott:

H. B. 4656 - "A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring that, in order to graduate from high school or obtain a General Educational Development (GED) diploma, a pupil must correctly answer at least 60 of the 100 questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services; and requiring a school to document on the pupil's transcript that the pupil has passed the test"; to the Committee on Education.

By Delegates Cadle, Cooper, Paynter, Hott, Butler, Phillips, Foster, Householder, Criss, Azinger and Jennings:

H. B. 4657 - "A Bill to amend and reenact §24A-2-2b of the Code of West Virginia, 1931, as amended, relating to the elimination of the sunset and legislative review provisions"; to the Committee on Government Organization.

By Delegates Linville, Maynard, Worrell, Rohrbach, Lovejoy and Barnhart:

H. B. 4658 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-2-5d; and to amend and reenact §29B-1-2, §29B-1-3, and §29B-1-4; and to amend said code by adding thereto two new sections designated §29B-1-3b and §29B-1-6a; all relating to complaints against public agencies to obtain records through the Freedom of Information Act; providing that any person may file a complaint with the Ethics Commission under certain conditions; providing that the commission use a certain standard of evidence; providing for a complete defense for public agencies acting in good faith; providing for criteria for the commission to use when determining the validity of a complaint; providing for definitions of electronic records; providing that a public agency may respond to a request for documents with an anticipated time frame the requestor may expect to receive documents; providing that electronic records are more cumbersome for public agencies to review for public information; providing that a public agency may establish a fee schedule for production of electronic records; providing criteria to establish a fee schedule; providing for criteria for a public agency to deny a request for documentation; providing for exemption of disclosure of personally identifiable information under certain circumstances; and providing for the Ethics Commission the authority to investigate complaints and render penalties"; to the Committee on the Judiciary.

By Delegates Linville, Maynard, Barnhart, J. Jeffries and Graves:

H. B. 4659 - "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; requiring Legislative Auditor to conduct a performance audit of the commission; authorizing the inspection of records and examination of personnel; permitting subsequent performance audits to be conducted at reasonable and prudent intervals; and removing redundant wording"; to the Committee on Education then Government Organization.

By Delegates Wilson, D. Jeffries, C. Martin, Phillips, P. Martin, Steele, Dean, Bibby, Hardy, Foster and J. Jeffries:

H. B. 4660 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-24, relating to requiring each state government agency to maintain updated records of all financial transactions in an updated, publicly accessible, searchable website"; to the Committee on Government Organization.

By Delegates Anderson, J. Kelly, Maynard, Storch, Azinger, Pethel, Hartman, Miller, Paynter, P. Martin and C. Martin:

H. B. 4661 - "A Bill to amend and reenact §24-2-4c of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-3-7 of said code, all relating to the powers of the Public Service Commission and the regulation of natural gas utilities; permitting natural gas utilities to seek proposals for drilling new natural gas wells and proposals for increasing production from existing natural gas wells; permitting natural gas utilities to create a process for identifying the cost to procure dependable supplies of natural gas to serve certain gas utility customers when dependable, lower-priced supplies of natural gas are not readily available to serve those customers; allowing natural gas utilities to petition the commission for approval of the related costs to serve such customers; providing that the commission may approve the petition the commission finds that: (1) The process of determining the costs and expected additional natural gas supply is reasonable; (2) the expected additional supply is dependable; and (3) the costs of the additional supply are reasonable and not contrary to the public interest; providing that natural gas utilities shall recover those costs pursuant to its annual purchased gas costs adjustment filings with the commission; allowing natural gas utilities to defer reasonable and prudent actual expenses attributable to converting each customer, incurred after the test year for the utility's last rate case proceeding, which are not included in the utility's current base rates; providing that natural gas utilities shall recover reasonable and prudent deferred customer conversion expenses in future base rate cases through recovery of deferred expenses amortized over a reasonable period of time, as determined by the commission; providing that such recovery will be allowed only to the extent that the commission determines, based on evidence presented by the utility, that deferred amounts did not contribute to base rate earnings in excess of the utility's last authorized return on equity calculated since the effective date of base rates from the utility's last rate case proceeding; and adding lettering of subsections to an existing section of code"; to the Committee on Energy.

By Delegates C. Martin, Steele, Foster, P. Martin, Fast, Bibby, Hanna, Cowles, Shott and Hanshaw (Mr. Speaker):

H. B. 4662 - "A Bill to amend and reenact §8-12-4 of the Code of West Virginia, 1931, as amended, relating to providing a process by which a city may hold an election to recall an ordinance"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Howell, C. Martin, Pushkin, Hamrick and Hott:

H. B. 4663 - "A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to eliminating payments to the Alcohol Beverage Control Commissioner from distilleries and mini-distilleries that the commissioner distributes to market zone retailers"; to the Committee on Government Organization then Finance.

Special Calendar**Third Reading**

Com. Sub. for H. B. 3049, Improving dissemination of boiled water advisories to affected communities; 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. 74**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Espinosa, Hamrick, Hardy 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. 3049) 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. 4484, Relating to the Hazardous Waste Management 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. 75**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Capito, Hamrick, Hardy 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. 4484) 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. 4600, Relating to the definition of the term member regarding distributing premium tax proceeds; on third reading, coming up in regular order, was, read a third time.

In the absence of objection, the bill was placed at the foot of all bills on the calendar.

H. B. 4601, Relating to distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds; on third reading, coming up in regular order, was, reported by the Clerk.

In the absence of objection, the bill was placed at the foot of all bills on the calendar.

Second Reading

H. B. 2164, Clarifying that appeals to the Supreme Court are a matter of right; 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. 2892, Including digital and virtual information in the definition of property that can be searched and seized by a warrant; 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. 4001, Creating West Virginia Impact Fund; 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 an amendment pending and the general right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

Com. Sub. for H. B. 4102, Relating to opioid antagonists; 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. 4137, Allowing counties to store and maintain voter registration records in a digital format; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4356, Relating to the administration of anesthetics; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hill, the bill was amended on page one, line twenty, by striking out the word “surgeon” and inserting the word “physician”.

The bill was then ordered to engrossment and third reading.

H. B. 4412, Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard; 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. 4434, West Virginia health care workforce sustainability study; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hill, the bill was amended on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“(a) As used in this section, the following words and terms have the following meanings:

(1) ‘Continuum of Care’ means the following health care providers or facilities, singularly or consecutively, that provide care for an individual:

(A) Assisted Living residence, as regulated and defined by §16-5D-1 et seq. of this code;

(B) Behavioral Health service, as defined by §16-2D-2(7) of this code;

(C) Hospice, as regulated and defined by §16-5I-1 et seq. of this code;

(D) Hospitals, as regulated and defined by §16-5B-1 et seq. of this code;

(E) Home Health agency, as regulated and defined by §16-2C-1 et seq. of this code; and

(F) Skilled Nursing Facility/Nursing Home, as regulated and defined by §16-5C-1 et seq. of this code.

(2) 'Department' means the Department of Commerce, including any and all agencies 11 within the Department of Commerce.

(3) 'Direct-care status' means healthcare providers that for the majority of time deliver care or services to individuals in such a manner that the provider could be personally identifiable by the recipient of services.

(4) 'Entity' means an individual, partnership, corporation, or other legal entity that employs or plans to employ skilled workers.

(5) 'Government agency' means any state, county, municipal, or local public agency, board, committee, or division, including educational, vocational, and technical schools.

(6) 'Health care facility' means a publicly or privately owned facility, agency, or entity that offers or provides health services, whether a for-profit or nonprofit entity and whether or not licensed, or required to be licensed, in whole or in part.

(7) 'Health care provider' means a person authorized by law to provide professional health services in this state to an individual.

(8) 'Health services' means clinically related preventive, diagnostic, treatment, or rehabilitative services.

(9) 'Indirect-care status' means healthcare providers that for the majority of time perform managerial or administrative functions and are not in direct contact with consumers of care.

(10) 'New graduate employee' means a healthcare provider within 18 months of graduation from a program qualifying the individual as a healthcare provider.

(11) 'Private third-party' means an individual, partnership, corporation, or other legal entity that employs or plans to employ skilled workers in the workforce or that teaches, trains, certifies, or provides licensure for individuals in the workforce.

(12) 'Report' means the report required to be completed and issued by the Secretary pursuant to this article.

(13) 'Secretary' means the Secretary of the Department of Commerce.

(14) 'Separations' means the number of full-time or part-time employees leaving an entity voluntarily or involuntarily excluding per-diem, contract, agency, or traveling healthcare professionals.

(15) 'Workforce' means an individual employed by an entity within the continuum of care.

(b) On or before February 1, 2021, the secretary shall research, survey, study, and issue a public report on the existing workforce in the continuum of care, as well as the anticipated future workforce needs over the next 15 years.

(c) In addition to being made publicly available, the completed report shall be provided to the Legislative Oversight Commission on Health and Human Resources Accountability (LOCHHRA), created pursuant to §16-29E-1 *et seq.* of this code.

(d) In order to create the report required in this section in the most cost-effective and efficient manner, the secretary may seek or obtain grants to facilitate the research, survey, and study; may

enter into agreements with other governmental agencies, committees, research divisions, including educational institutions, for the collection and analysis of information; and may contract with private persons or companies: *Provided*, That any and all agreements, grants, or contracts for the assistance or sharing of information shall include confidentiality provisions consistent with the provisions of this section.

(e) The findings in the report shall summarize the data collected utilizing the categories and professions contained in this section. In presenting the findings, the report shall also breakdown its summaries on a statewide, regional, and county basis.

(f) The report, or any other disclosure of collected data, shall not identify specific entities, providers, or facilities, nor make specific correlation between an entity, provider, or facility and the workforce numbers at that entity, provider, or facility.

(g) To facilitate the timely collection and accuracy of data, the department is expressly authorized to seek, and specifically request, information from any entity, government agency, health care provider, health care facility, or private third-party: *Provided*, That the department shall only request information reasonably designed to elicit the information that is sought by this section, and in a manner intended to minimize obstruction to the requested entities providing necessary health services. Any entity, government agency, health care provider, health care facility, or private third-party in receipt of a survey or request for information from the department shall comply with the request and provide any and all requested information pertinent to the research, survey, and study.

(h) The department shall research, survey, and study the following aspects of the continuum of care workforce:

(1) The number of individuals employed;

(2) The number of full-time and part-time individuals so employed;

(3) The number of contract, agency, or traveling nurse or specialists utilized;

(4) The number of vacancies;

(5) The number of employee separations;

(6) The number of new graduate employee separations;

(7) The average number of patients/residents treated at each entity;

(8) The overall number of individuals licensed, certified, or registered by the state to work in the health care continuum;

(9) The current rate of licensure, certification, or registration by the state to work in the health care continuum;

(10) The anticipated growth in the number of individuals that will be licensed, certified, or registered in the state to work in the continuum of care over the next 15 years;

(11) The availability of classes or courses offered by secondary, vocational, technical, community, and higher education schools or institutions to train those necessitating licensure, certification, or registration to work in the health care continuum; and

(12) The average number of graduates per year in those classes or courses offered to train those necessitating licensure, certification, or registration to work in the health care continuum.

(i) In collecting and reporting the data, the department shall utilize, at a minimum, the following categories and professions within the continuum of care:

(1) Categories of entities:

(i) Assisted Living;

(ii) Behavioral Health;

(iii) Hospice;

(iv) Hospital;

(v) Home Health; and

(vi) Skilled Nursing Facility/Nursing Home.

(2) Job Professions delineated by direct-care or indirect-care status:

(i) Physician (M.D./D.O.) by specialty;

(ii) Physician Assistant;

(iii) Advanced Practice Registered Nurse by role and certification;

(iv) Registered Nurse;

(v) Licensed Professional Nurse;

(vi) Nurse Aide;

(vii) Medical Assistant;

(viii) Dietician;

(ix) Social Worker;

(x) Physical Therapist;

(xi) Physical Therapy Assistant;

(xii) Occupational Therapist;

(xiii) Occupational Therapy Assistant;

(xiv) Speech Therapist;

(xv) Respiratory Therapist;

(xvi) Psychologist;

(xvii) MDS/coding specialist;

(xviii) Pharmacist; and

(xix) Pharmacy Technician.

(i) Any material, data or other writing made or received by the department for the purpose of conducting the research, survey, study, or report, is deemed to be confidential trade secrets which are exempt from disclosure under the provisions of §29B-1-4 of this code.”

The bill was then ordered to engrossment and third reading.

First Reading

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

Com. Sub. for S. B. 311, Relating to court-ordered community service,

Com. Sub. for S. B. 357, Authorizing Department of Revenue promulgate legislative rules,

Com. Sub. for H. B. 2967, Permitting a county to retain the excise taxes for the privilege of transferring title of real estate,

Com. Sub. for H. B. 4090, Creating the Oil and Gas Abandoned Well Plugging Fund,

H. B. 4161, Making it illegal to scleral tattoo a person,

H. B. 4375, Speech-Language Pathologists and Audiologists Compact,

Com. Sub. for H. B. 4378, Relating to disciplining teachers,

Com. Sub. for H. B. 4395, Removing the requirement that a veterinarian access and report to the controlled substance monitoring database,

H. B. 4410, Permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected,

Com. Sub. for H. B. 4414, Relating to the selection of language and development milestones for the deaf and hard-of-hearing children,

Com. Sub. for H. B. 4415, Relating to missing and endangered children,

Com. Sub. for H. B. 4438, Relating to the licensing of advance deposit wagering,

And,

H. B. 4559, Modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor.

Third Reading

- continued -

H. B. 4600, Relating to the definition of the term member regarding distributing premium tax proceeds; having been read a third time in earlier proceedings and having been placed at the foot of all bills, was reported by the Clerk.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 76**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Hamrick, Hardy and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4600) passed.

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

H. B. 4600 - "A Bill to amend and reenact §8-22-26 of the Code of West Virginia, 1931, as amended, relating to the use of beneficiaries of a death benefit from a municipal policemen's or firemen's pension and relief fund in the calculation of the distribution of premium tax proceeds."

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

H. B. 4601, Relating to distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds; on third reading, having been placed at the foot of bills in earlier proceedings, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 77**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Hamrick and Hardy.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4601) passed.

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

Leaves of Absence

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

Miscellaneous Business

Delegate Espinosa noted to the Clerk that he was absent when the vote was taken on Roll No. 74, and had he been present, he would have voted "Yea" thereon.

Delegate Hamrick noted to the Clerk that he was absent when the votes were taken on Com. Sub. for H. B. 3049, Com. Sub. for H. B. 4484, H. B. 4600 and H. B. 4601, and had he been present, he would have voted "Yea" thereon.

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

- Delegate Hanna during Remarks by Members
- Delegate Doyle during Remarks by Members
- Delegate Mandt during Remarks by Members

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

- Delegate Pyles for H. B. 4598
- Delegate Robinson for H. B. 4646
- Delegates J. Jeffries, Mandt, McGeehan, Phillips, Williams and Wilson for H. B. 4648
- Delegate Linville for H. B. 4131
- Delegate Pyles for H. B. 4614
- Delegate Kump for H. B. 4650
- Delegate Mandt for H. B. 4445
- Delegate J. Jeffries for H. B. 4505
- Delegates M. Dean and Wilson for H. B. 4650

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

- Delegate Zukoff for H. B. 4615

At 11:54 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 4, 2020.

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

SPECIAL CALENDAR

Tuesday, February 4, 2020

28th Day

11:00 A. M.

THIRD READING

- H. B. 2164 - Clarifying that appeals to the Supreme Court are a matter of right (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2892 - Including digital and virtual information in the definition of property that can be searched and seized by a warrant (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4001 - Creating West Virginia Impact Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) (AMENDMENT PENDING BY DELEGATES HOUSEHOLDER AND BATES) [RIGHT TO AMEND]
- Com. Sub. for H. B. 4102 - Relating to opioid antagonists (HILL) (REGULAR)
- Com. Sub. for H. B. 4137 - Allowing counties to store and maintain voter registration records in a digital format (STORCH) (REGULAR)
- H. B. 4356 - Relating to the administration of anesthetics (HILL) (REGULAR)
- H. B. 4412 - Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4434 - West Virginia health care workforce sustainability study (HILL) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 311 - Relating to court-ordered community service (SHOTT) (REGULAR)
- Com. Sub. for S. B. 357 - Authorizing Department of Revenue promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- 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. 4090 - Creating the Oil and Gas Abandoned Well Plugging Fund (HOUSEHOLDER) (REGULAR)
- H. B. 4161 - Making it illegal to scleral tattoo a person (HILL) (REGULAR)
- H. B. 4375 - Speech-Language Pathologists and Audiologists Compact (HILL) (REGULAR)
- Com. Sub. for H. B. 4378 - Relating to disciplining teachers (ELLINGTON) (REGULAR)

- Com. Sub. for H. B. 4395 - Removing the requirement that a veterinarian access and report to the controlled substance monitoring database (HILL) (REGULAR)
- H. B. 4410 - Permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4414 - Relating to the selection of language and development milestones for the deaf and hard-of-hearing children (HILL) (REGULAR)
- Com. Sub. for H. B. 4415 - Relating to missing and endangered children (HILL) (REGULAR)
- Com. Sub. for H. B. 4438 - Relating to the licensing of advance deposit wagering (HOUSEHOLDER) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- H. B. 4559 - Modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 4352 - Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making (HOWELL) (REGULAR)
- H. B. 4380 - Updating the regulatory board review schedule (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4509 - Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support (HOWELL) (REGULAR)

HOUSE CALENDAR

Tuesday, February 4, 2020

28th Day

11:00 A. M.

UNFINISHED BUSINESS

H. R. 3 - Amending the Rules of the House of Delegates, relating to remarks by members

THIRD READING

Com. Sub. for H. B. 4096 - Requiring candidates to live in the state or local election district for the office for which they are seeking (SHOTT) (REGULAR)

SECOND READING

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

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

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

FIRST READING

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, FEBRUARY 4, 2020

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON EDUCATION
9:00 A.M. – ROOM 434 M**

**COMMITTEE ON FINANCE
9:30 A.M. – ROOM 462 M**

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

**COMMITTEE ON ENERGY
4:00 P.M. – ROOM 410 M**

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