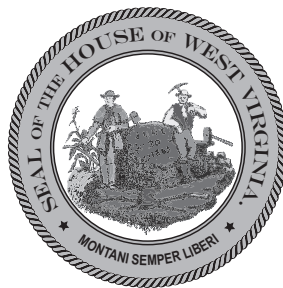


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



February 12, 2020
THIRTY-SIXTH DAY

Wednesday, February 12, 2020

THIRTY-SIXTH DAY

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

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

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

The Clerk proceeded to read the Journal of Tuesday, February 11, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 4666, Relating to competitive bids for intergovernmental relations and urban mass transportation,

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

Com. Sub. for H. B. 4666 - "A Bill to amend and reenact §8-27-23 of the Code of West Virginia, 1931, as amended, relating to competitive bids for intergovernmental relations and urban mass transportation systems; increasing the contract sum that requires competitive bidding; and providing that competitive bidding is not required by certain urban transit authorities,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 4363, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System,

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 Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4363) was referred to the Committee on Finance.

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

By Delegates Householder, Barrett, Criss, Espinosa, Cowles, Boggs, Graves, Anderson, Hartman and Pack:

H. B. 4955 - "A Bill to amend and reenact §61-7-4 and §61-7-4a of the Code of West Virginia, 1931, as amended, all relating to reducing the cost of the fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons; eliminating the partial fee deposits in the Courthouse Facilities Improvement Fund for both licenses; reducing the fee deposits for both licenses into the Concealed Weapons License Administration Fund, and exempting honorably discharged veterans of the armed forces of the United States from payment of certain fees for state licenses to carry concealed deadly weapons."

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. 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly,

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

Com. Sub. for H. B. 2961 - "A Bill to amend and reenact 16-1-9, and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating to permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly; requiring the appropriate water utility to install the backflow prevention assembly at the meter on certain categories of facilities; requiring the appropriate water utility to maintain the backflow prevention assembly; providing for consumer choice; requiring risk assessment; requiring the water utility to provide information relating to maintenance and necessity for any backflow prevention assembly; and providing for exemptions,"

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. 4718, West Virginia Indian Tribes Recognition 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 (H. B. 4718) was referred to the Committee on the Judiciary.

Delegate Hill, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 4123, Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform "emergency services" during a disaster,

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

Com. Sub. for H. B. 4123 - "A Bill to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-6-5 of said code, all relating to 911 telecommunication workers; defining terms; providing that emergency telephone systems be staffed with trained individuals; and providing that telecommunication workers be considered first responders,"

H. B. 4387, Donated Drug Repository Program,

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

Com. Sub. for H. B. 4387 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60A-12-1, §60A-12-2, §60A-12-3, §60A-12-4, §60A-12-5, §60A-12-6, §60A-12-7 and §60A-12-8, all relating to creating the Donated Drug Repository Program; requiring the West Virginia Board of Pharmacy to administer the program; setting forth eligible drugs; setting forth eligible recipients; establishing how the drugs are to be received, handled, stored, dispensed, distributed, and disposed of; permitting a handling fee; defining terms; and permitting rule-making,"

H. B. 4546, Relating to tuberculosis testing for school superintendents,

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

Com. Sub. for H. B. 4546 - "A Bill to amend and reenact §18-4-2 of the Code of West Virginia, 1931, as amended, relating to tuberculosis testing for school superintendents; removing requirement for biennial screenings; and adding permissive screenings based upon suspicion of exposure,"

H. B. 4581, Relating to West Virginia Clearance for Access: Registry and Employment Screening,

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

Com. Sub. for H. B. 4581 - "A Bill to amend and reenact §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, and §16-49-8 of the Code of West Virginia, 1931, as amended; all relating to employment screening; including the screening of West Virginia Department of Health and Human Resources employees in the background check process; and streamlining the variance procedures,"

And,

H. B. 4620, Redefining definition of "recovery residence",

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

Com. Sub. for H. B. 4620 - "A Bill to amend and reenact §16-59-1 and §16-59-2 of the Code of West Virginia, 1931, as amended, relating to certification of recovery residences; defining terms; clarifying that certain state code still are applicable,"

With the recommendation that the committee substitutes each do pass.

Delegate Hill, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 4723, Permitting a certified behavioral analyst to be eligible for the student loan repayment program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4723) was referred to the Committee on Finance.

Delegate Hill, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 544, Authorizing pharmacists and pharmacy interns administer vaccines,

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

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

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

H. B. 2732, Defend the Guard Act,

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

Delegate Byrd arose and requested that a fiscal note be attached to the bill and the Speaker asked the Chair of the Committee on the Judiciary to take this request under advisement.

Delegate McGeehan moved to dispense with the second reference to the Committee on the Judiciary.

On this motion, the yeas and nays were taken (**Roll No. 145**), and there were—yeas 61, nays 37, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Atkinson, Barrett, Bartlett, Bibby, Boggs, Byrd, Canestraro, Caputo, Cowles, Ellington, Estep-Burton, Fast, Fleischauer, Foster, Hardy, Hartman, Higginbotham, Hill, Hott, Jennings, D. Kelly, J. Kelly, Longstreth, Mandt, C. Martin, Miller, Nelson, Pethtel, Robinson, Rohrbach, Rowan, Rowe, Skaff, Tomblin, Walker, Waxman and Zukoff.

Absent and Not Voting: Espinosa and Linville.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

The bill was then referred to the Committee on the Judiciary.

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

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

H. B. 4176, West Virginia Intelligence/Fusion Center Act,

And,

H. B. 4485, Reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4176 and H. B. 4485) were each referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 534, Removing workers' compensation exclusion for temporary legislative employees,

And,

S. B. 642, Correcting incorrect code citation in WV Consumer Credit and Protection Act,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 4101, Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home,

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

Com. Sub. for H. B. 4101 - "A Bill to amend and reenact §49-4-604 of the Code of West Virginia, 1931, as amended, relating to requiring a court to verify certain conditions are met before a child who has been removed from a home may be returned to that home,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4067, Relating to crimes against property,

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

Com. Sub. for H. B. 4067 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-13-3a, relating to crimes against property; creating the crime of theft of rental, leased, leased-purchased, or loaned property; creating certain evidentiary presumptions related to intent; defining 'proper notice' for a written demand for return of property; requiring a written demand for return of the property; establishing property replacement value to determine the value of the theft; creating misdemeanor and felony offenses; providing penalties; and, establishing the agreements to which this section applies,"

H. B. 4670, Relating to the juvenile restorative justice programs,

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

Com. Sub. for H. B. 4670 - "A Bill to amend and reenact §49-4-725 of the Code of West Virginia, 1931, as amended, relating to the juvenile restorative justice programs; establishing that a juvenile may be diverted to a restorative justice program at any time when beneficial; providing definitions; clarifying elements of a juvenile restorative justice program; and, establishing additional features of a voluntary restorative justice program,"

And,

H. B. 4690, Relating to solid waste facilities,

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

Com. Sub. for H. B. 4690 - "A Bill to amend and reenact §22-15-2 and §22-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-19 of said code; to amend and reenact §22-16-4 of said code; and to amend and reenact §22C-4-2 and §22C-4-30 of said code, all relating to solid waste facilities; specifying that a solid waste facility that accepts solid waste owned and transported at least eighty percent by rail is not a commercial solid waste facility; conforming definition of commercial solid waste facility in articles relating to recycling assessment fees, solid waste landfill assistance programs, and county and regional solid waste authorities; and providing for exemption of such facilities from solid waste assessment interim fees,"

With the recommendation that the committee substitutes each do pass.

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

H. B. 4439, Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production,

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 Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4439) was referred to the Committee on Finance.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 10th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

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

And,

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 11th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 4042, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 97 - "A Bill to amend and reenact §51-9-10 of the Code of West Virginia, 1931, as amended, relating to adding a delay by the Governor in filling a judicial vacancy as an additional circumstance in which a senior judge or justice may continue to receive per diem compensation after the judge or justice has already received the amount of the annual salary of a sitting circuit judge"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 131 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25c, relating to education; creating the Tim Tebow Act; setting forth purpose; defining terms; including Tebow students as students instructed at home or by a private tutor or enrolled in a private, parochial, or church school, or a school operated by a religious order, who do not attend a school that is a member of the West Virginia Secondary School Activities Commission; permitting Tebow students to participate in extracurricular activities sponsored by, or engaged in by, a member school that the students would be authorized to attend; making a Tebow student who leaves a member school during the school year subject to the same transfer protocols that apply to any other member-to-member transfer; setting forth conditions for participation; allowing participation in curricular activities if a requirement of the extracurricular activity; setting forth provisions pertaining to fair treatment of Tebow students; requiring that any insurance provided by a district school board for participants in extracurricular activities cover a participating Tebow student; and clarifying that section does not guarantee that a student trying out for an interscholastic sport or other extracurricular activity that is under the authority of the West Virginia Secondary School Activities Commission will make the team or become part of another extracurricular activity"; 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. 208 - "A Bill to amend and reenact §46A-6J-2 and §46A-6J-3 of the Code of West Virginia, 1931, as amended, all relating to the protection of consumers from price gouging and unfair pricing practices during and shortly after a state of emergency; amending definition of 'state of emergency'; and authorizing the Governor to periodically review the scope and the time period for which prices for certain goods may not be changed following a state of emergency"; 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

Com. Sub. for S. B. 517 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-5A-1 and §20-5A-2, all relating to State Parks and Recreation Endowment Fund; establishing fund; providing for deposits; providing terms for expenditures; requiring investment of fund assets; and establishing board of trustees to administer fund"; 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. 575 - "A Bill to amend and reenact §49-4-201 and §49-4-202 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-206, all relating to allowing the governing entity of a local fire department to designate the premises of its fire department as a safe-surrender site to accept physical custody of a child who is 30 days old or younger from a parent or individual who has lawful custody of the child; and establishing criteria for the fire department as a safe-surrender site"; which was referred to the Committee on Health and Human 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

Com. Sub. for S. B. 607 - "A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; and requiring the investigating law-enforcement officer, within 24 hours of a motor vehicle crash, to share the owner, operator, and insurance information for all persons involved in a crash with all other owners and operators involved in the crash who are requesting such information"; 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. 618 - "A Bill to amend and reenact §17-23-4 of the Code of West Virginia, 1931, as amended, relating to conforming West Virginia law to federal distance requirements for location of salvage yards within 1,000 feet of an occupied private residence in a residential community; and removing outdated terminology"; 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. 654 - "A Bill to amend and reenact §7-14D-24 of the Code of West Virginia, 1931, as amended, relating to allowing certain sheriffs to transfer from the Public Employees Retirement System into the Deputy Sheriff Retirement System"; 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. 657 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to authorizing the Department of Commerce to assist qualifying tourism development projects and tourism development expansion projects in the creation of tourism development districts by approved companies; preempting rights of certain municipalities; limiting certain rights of a municipality's home rule powers; establishing requirements of application for and designation of tourism development districts; providing that decision of development office regarding establishment of tourist development district is final; restricting number of such districts; providing for termination of tourism development districts; exempting districts and projects within them from certain municipal regulation and requirements; establishing that projects within tourism development districts are required to pay various taxes and comply with certain state laws, state building code, and inspection standards of development office; requiring Department of Transportation to participate in tourism development projects; providing that failure to continue the Tourism Development Act does not affect the provisions of this section and created tourism development districts; requiring rulemaking and promulgation of emergency rules; and providing severability"; which was referred to the Committee on Finance.

Resolutions Introduced

Delegates Higginbotham, Steele, Bartlett, Barnhart, Howell, C. Martin, Dean, Rowan, Kump, Ellington, Hott, D. Kelly, Linville, Mandt and Pack offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. R. 10 - "Expressing concern of the House of Delegates to the need to create patient navigation, psychosocial and survivorship support services and programs for childhood cancer patients and their families in West Virginia."

Whereas, An estimated 13,500 children and adolescents under the age of 20 are diagnosed with cancer each year; and

Whereas, In 1960, only four percent of children with cancer survived more than five years, but today, cure rates have increased to over 80 percent for children and adolescents under the age of 20; and

Whereas, The population of survivors of childhood cancers has grown dramatically, to over 360,000 individuals of all ages as of 2012; and

Whereas, As many as two thirds of childhood cancer survivors are likely to experience at least one late effect of treatment, with as many as one-fourth experiencing a late effect that is serious or life-threatening, with the most common late effects of childhood cancer being neurocognitive, psychological, cardiopulmonary, endocrine and musculoskeletal effects, and secondary malignancies; and

Whereas, As a result of disparities in the delivery of cancer care, minority, low-income, and other medically underserved children are more likely to be diagnosed with late-stage disease, experience poorer treatment outcomes, have shorter survival time with less quality of life, and experience a substantially greater likelihood of cancer death; and

Whereas, As the late effects of cancer treatment may change as therapies evolve, which means that the monitoring and care of cancer survivors may need to be modified on a routine basis; and

Whereas, There is a lack of standardized and coordinated psychosocial care, survivorship education on long term effects and available long term clinics in West Virginia for the children and their families, from the date of diagnosis through treatment and survivorship; therefore, be it

Resolved by the House of Delegates:

That an organized system of care and a method of care for pediatric cancer survivors is needed; and, be it

Further Resolved, That this state needs focused efforts to collaborate, communicate, and research using assessment and customer service forms with parents and children during and after treatment into survivorship, during their hospital stay and after they enter their communities, and to help remove barriers to cancer care and answer questions about the optimal ways to provide health care, follow-up monitoring services, support services and helping integrate them back into the health care facilities if they relapse during their survivorship journey; and, be it

Further Resolved, That the House of Delegates believes that there is a need to create patient navigation, psychosocial, and survivorship support services and programs for childhood cancer patients and their families in West Virginia to contribute to improvements in the quality of care and quality of life of those individuals.

Delegates 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. 80 - "Requesting the Division of Highways name bridge number: 21-017/00-001.57 (21A047), (38.96916, -80.64882), locally known as Copley Bridge, carrying CR 17 over Cove Lick in Lewis County, the 'U. S. Army Major Michael Alphonse Rafferty Memorial Bridge'."

Whereas, Michael Alphonse Rafferty was born December 24, 1903, in Lewis County, West Virginia, to William and Mary Cummings; and Michael Rafferty was the fourth of eight children, his siblings consisting of four brothers (James T., Daniel T., William, and Bernard J.) and three sisters (Mary Irene, Bridget Regina, and Margaret C.). He graduated from St. Patrick's High School in Weston before pursuing his college work at West Virginia University, Duquesne University (Pittsburgh), and Rush Medical College (Chicago). Michael Rafferty received a degree in pharmaceutical chemistry from WVU in 1929 and taught biochemistry at the medical school from 1929 to 1941. During that time he also attended Rush Medical College, graduating in 1937. In 1941, Rafferty took a position in chemical and medical research at Miles Laboratories in Elkhart, Indiana.

Whereas, Michael Alphonse Rafferty enlisted in the service on June 2, 1942, as a captain in the Medical Corps. He was stationed at Fort Benjamin Harrison, Indiana; Fort Custer, Michigan; and Fort Dix, New Jersey, where he was promoted to major on November 1, 1943, and assigned to the 15th General Hospital. Major Rafferty was sent overseas to England in February 1944 and later served in France and at Liege, Belgium; and

Whereas, According to a 1945 news release from the public relations section of the hospital, the 15th General Hospital was the first U.S. hospital at Liege and served as an evacuation hospital for the First and Ninth Army battle casualties and had been occupied by the Germans until September 1944. After the Germans were forced out, the city endured bombardments by more than 1,000 German V-1 and V-2 bombs until the end of World War II. One period of heavy bombing occurred in late November 1944. On November 24, 1944, the day Major Rafferty was killed, the hospital took a direct hit from a German bomb. The body of Maj. Michael Alphonse Rafferty was returned to the United States in 1949 and interred at Arlington National Cemetery on April 14; and

Whereas, It is fitting that an enduring memorial be established to commemorate “U. S. Army Major Michael Alphonse Rafferty 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: 21-017/00-001.57 (21A047), (38.96916, -80.64882) locally known as Copley Bridge, carrying CR 17 over Cove Lick in Lewis County, the “U. S. Army Major Michael Alphonse Rafferty 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 Major Michael Alphonse Rafferty 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 Miller, Shott, Lovejoy, D. Kelly, Robinson, Canestraro, N. Brown, Boggs, Pethtel, Barrett, Pack, Byrd, Campbell, Criss, Diserio, Estep-Burton, Evans, Foster, Hansen, Hicks, Hornbuckle, J. Jeffries, Little, McGeehan, Queen, Rodighiero, Skaff, Staggers, Summers, Swartzmiller, C. Thompson, Tomblin, Toney, Walker, Westfall, Wilson and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Small Business, Entrepreneurship and Economic Development then Rules:

H. C. R. 81 - “Requesting that the State of West Virginia introduce itself as a firearms-friendly state to firearms manufacturers and manufacturers of firearms accessories who may be seeking locations for new or relocated manufacturing facilities.”

Whereas, Some states have enacted laws or are considering enacting laws that would prohibit the possession of certain firearms or of certain firearms accessories; and

Whereas, These laws may make it impossible for existing manufacturers to remain, or legally do business, in those states; and

Whereas, Many firearms and firearms accessory manufacturers are examining options for relocating their manufacturing to a more firearms-friendly location; and

Whereas, West Virginia is a firearms-friendly state with a good legal infrastructure for firearms possession, use, and manufacture; and

Whereas, West Virginia has a workforce of people with a strong work ethic, with a culture of firearms knowledge and tolerance as well as patriotism for their country; and

Whereas, West Virginia offers available space and opportunities for growth, natural beauty like no other state, and a great place to live, work and raise a family; therefore, be it

Resolved by the Legislature of West Virginia:

That the State of West Virginia introduce itself to firearms manufacturers and manufacturers of firearms accessories as a firearms-friendly state, who may be seeking locations for new or relocated manufacturing facilities; and, be it

Further Resolved, That the Governor and Secretary of Commerce are encouraged to coordinate and develop contacts with manufacturers of firearms and firearm accessories in other states and be available to present this resolution as evidence of the willingness of West Virginia to present opportunities for locating within the state; and, be it

Further Resolved, That these officials are urged to actively seek out any manufacturers of firearms and firearms accessories to encourage them to move to West Virginia and to aid these manufacturers in relocation in whatever way may be possible; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Governor and the Secretary of the Department of Commerce.

And,

Delegates R. Thompson, Hicks, Rodighiero, Tomblin and Lovejoy 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 name a portion of Buffalo Creek Road, CR7, along the 2.59 miles between WV75 and Rice Branch Road CR14/1 in Wayne County, the 'In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free'."

Whereas, Mary Ola "Tootsie" Hensley lived on Buffalo Creek since the early 1960s, where she and her husband raised four children; and

Whereas, Tootsie was a faithful member of the Buffalo Missionary Baptist Church where she was a faithful Sunday school teacher, AWANA leader, vacation bible school teacher, helper at the annual church camp, and Treasurer of the Women's Missionary Society; and

Whereas, Tootsie worked with the Wayne County Special Olympics at their field day for nearly 20 years; and

Whereas, Tootsie singlehandedly worked to keep Buffalo Creek litter free where she could be seen on any given day walking the roadside picking up litter from Rocky Tops Pizza to the Buffalo Valley Missionary Baptist Church, a 2.59-mile stretch; and

Whereas, Tootsie died unexpectedly on May 22, 2019, and is deeply missed by members of her church and community; and

Whereas, It is fitting that an enduring memorial be established to commemorate Tootsie Hensley and her contributions to her church and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Buffalo Creek Road, CR7, between WV 75 and Rice Branch Road CR14/1, in Wayne County, "In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as “In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free”; and, be it

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

Further Resolved, That six small plaques be made and given at a dedication ceremony to each family member and to the Buffalo Valley Missionary Baptist Church.

Special Calendar

Third Reading

Com. Sub. for S. B. 35, Limiting civil penalty for littering conviction to \$2,000; 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. 146**), and there were—yeas 85, nays 9, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: N. Brown, Hardy, Hicks, J. Jeffries, Lovejoy, C. Martin, P. Martin, Paynter and R. Thompson.

Absent and Not Voting: Anderson, Espinosa, J. Kelly, Linville, Rodighiero and Swartzmiller.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 35) passed.

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

Com. Sub. for S. B. 35 – “A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to limiting the civil penalty for persons convicted of littering to not less than \$200 nor more than \$2,000.”

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

S. B. 321, Relating to collection of tax and priority of distribution of estate or property in receivership; 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. 147**), and there were—yeas 91, nays 2, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: McGeehan and Wilson.

Absent and Not Voting: S. Brown, Espinosa, Hartman, Lavender-Bowe, Linville, Longstreth and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 321) passed.

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

Com. Sub. for S. B. 449, Authorizing Department of Commerce promulgate legislative rules; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Porterfield arose to points of order regarding the use of profanity on the floor of the House and communication regarding legislation on the floor by a former member.

To which points, the Speaker replied that the Rules prohibit profanity in debate and address registered lobbyists, but are silent in regard to the issues raised as they relate to former members.

Delegate Porterfield moved that the floor privileges for former Delegate Mike Folk be revoked.

On this motion, the yeas and nays were taken (**Roll No. 148**), and there were—yeas 3, nays 95, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Cooper, Fast and Porterfield.

Absent and Not Voting: Espinosa and Linville.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 149**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Espinosa, Linville and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 449) passed.

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

On this question, the yeas and nays were taken (**Roll No. 150**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: P. Martin and Paynter.

Absent and Not Voting: Espinosa, Linville and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 449) takes effect from its passage.

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

Com. Sub. for S. B. 532, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary; 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. 151**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Espinosa, Linville and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 532) passed.

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

Com. Sub. for S. B. 532 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-28a, relating to the distribution of the assets remaining in a municipal policemen's or firemen's pension and relief fund upon the death or disqualification of the last remaining retiree or beneficiary receiving benefits from the fund; providing for the use of the assets received by the municipality; and providing for the use of assets received by the Municipal Pensions Oversight Board."

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

H. B. 4178, Requiring calls which are recorded be maintained for a period of five years; 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. 152**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Mandt and Paynter.

Absent and Not Voting: Angelucci, Espinosa and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4178) 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. 4478, Creating a lifetime ban for commercial drivers involved in human trafficking; 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. 153**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Espinosa and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4478) 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. 4544, Relating to possession of any controlled substance on the premises of or within 200 feet of a public library; 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. 154**), and there were—yeas 77, nays 21, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, S. Brown, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hill, Hornbuckle, Lavender-Bowe, Pushkin, Pyles, Rowe, Sponaule, Staggers, Walker, Williams and Wilson.

Absent and Not Voting: Espinosa and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4544) 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. 4576, Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages; 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. 155**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Cadle, Espinosa, Lavender-Bowe, Linville, Nelson, Skaff and Steele.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4576) 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. 4647, Relating to limited video lottery permit holders; 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. 156**), and there were—yeas 80, nays 16, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Azinger, Bartlett, Bibby, Fast, Graves, D. Jeffries, Jennings, Kump, McGeehan, Paynter, Porterfield, Rowan, Sypolt, Toney, Wilson and Worrell.

Absent and Not Voting: Espinosa, Lavender-Bowe, Linville and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4647) passed.

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

Second Reading

Com. Sub. for S. B. 16, Creating Protect Our Right to Unite Act; on second reading, came up in regular order.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 157**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Porterfield.

Absent and Not Voting: Espinosa, Linville and Skaff.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill having been read a second time, it was ordered to third reading.

Com. Sub. for S. B. 560, Permitting nursing home use trained individuals administer medication; on second reading, came up in regular order.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 158**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Pushkin.

Absent and Not Voting: Espinosa, Linville and Skaff.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill having been read a second time, an amendment, recommended by the Committee on Health, was reported by the Clerk and adopted, amending the bill on page six, section five, line eight, after the word “promulgated”, by inserting the words “by the authorizing agency”.

And,

On page six, section five, line eight, after the word “code”, by striking out the words “to implement” on line nine, and inserting in lieu thereof the words “relating to”.

Delegate Stagers moved to amend the bill on page eight, section ten, following the period on line four, by inserting a new section eleven, to read as follows:

“§16-5AA-10. Fair pay for Approved Medication Assistive Personnel.”

To fairly compensate nurse aides that become approved medication assistive personnel, each facility that utilizes approved medication assistive personnel shall pay those employees a minimum of \$15.00 per hour or 50% above their pay prior to becoming designated as an approved medication assistive personnel, whichever is greater.”

Delegate Hill requested to be excused from voting on Com. Sub. for S. B. 460 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 amendment and passage.

The question being on adoption of the amendment offered by Delegate Staggers, the same was put and did not prevail.

The bill was then ordered to third reading.

Com. Sub. for S. B. 676, Permitting fees from Child Abuse Registry be used for information technology support costs; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 4088, Disposition of funds from certain oil and natural gas wells due to unknown or unlocatable interest owners; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4113, Relating to motor fuel excise taxes; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fast, the bill was amended on page three, section nine, line sixty, after the word “engines”, by inserting the word “when”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4158, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption; 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. 4398, Relating to required courses of instruction; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fast, the bill was amended on page one, section nine, line ten, after the words “original texts of”, by inserting the words “the Mayflower Compact” and inserting a comma.

And,

On page four, section nine, line seventy, after the words “importance of”, by inserting the words “the Mayflower Compact” and inserting a comma.

The bill was then ordered to engrossment and third reading.

H. B. 4437, Relating to the West Virginia Pay Card program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 4551, Relating to subsidized adoption; on second reading, coming up in regular order, was read a second time,

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 4. COURT ACTIONS.

§49-4-112. Subsidized adoption and legal guardianship; conditions.

(a) From funds appropriated to the Department of Health and Human Resources, the secretary shall establish a system of assistance for facilitating the adoption or legal guardianship of children. An adoption subsidy shall be available for children who are legally free for adoption and who are dependents of the department. ~~or a child welfare agency licensed to place children for adoption.~~ A legal guardianship subsidy may not require the surrender or termination of parental rights. For either subsidy, the children must be in special circumstances because one or more of the following conditions inhibit their adoption or legal guardianship placement:

- (1) They have ~~a physical or mental disability;~~ special needs;
- (2) ~~They are emotionally disturbed;~~
- (3) They are older children;
- (4) ~~(3)~~ They are a part of a sibling group; or
- (5) ~~(4)~~ They are a member of a ~~racial or ethnic~~ minority.

(b)(1) The department shall provide assistance in the form of subsidies or ~~other~~ services to parents who are found and approved for adoption or legal guardianship of a child certified as eligible for subsidy by the department, but before the final decree of adoption or order of legal guardianship is entered, there ~~must~~ shall be a written agreement between the family entering into the subsidized adoption or legal guardianship and the department.

(2) Adoption or legal guardianship subsidies in individual cases may commence with the adoption or legal guardianship placement and will vary with the needs of the child as well as the availability of other resources to meet the child's needs. The subsidy may be for ~~special services, only, or for~~ money payments, ~~and either~~ for a limited period, or for a long term, or for any combination of the foregoing.

(3) The specific financial terms of the subsidy shall be included in the agreement between the department and the adoptive parents or legal guardians. The agreement may recognize and provide for direct payment by the department of attorney's fees to an attorney representing the adoptive parent.

(4) The amount of the ~~time-limited or long-term~~ subsidy may in no case exceed that which would be allowable ~~from time to time~~ for the child under foster family care or, in the case of a ~~special~~ service, the reasonable fee for the service rendered.

(5) ~~In addition~~ The department shall provide either Medicaid or other health insurance coverage for any special needs child for whom there is an adoption or legal guardianship assistance agreement, ~~between the department and the adoptive parent or legal guardian and~~ who the department

determines cannot be placed with an adoptive parent or legal guardian without medical assistance because the child has special needs for medical, mental health, or rehabilitative care.

~~(c) After reasonable efforts have been made without the use of subsidy and no appropriate adoptive family or legal guardian has been found for the child, The department shall certify the child as eligible for a subsidy to obtain in the event of adoption or a legal guardianship. Reasonable efforts to place a child without a subsidy shall not be required if it is in the best interest of the child because of the factors as the existence of significant emotional ties developed between the child and the prospective parent or guardian while in care as a foster child.~~

~~(d) If the child is the dependent of a voluntary licensed child placing agency, that agency shall present to the department evidence of the inability to place the child for adoption or legal guardianship without the use of subsidy or evidence that the efforts would not be in the best interests of the child. In no event may the value of the services and assistance provided by the department under an agreement pursuant to this section exceed the value of assistance available to foster families in similar circumstances.~~

All records regarding subsidized adoptions or legal guardianships are to be held in confidence; however, records regarding the payment of public funds for subsidized adoptions or legal guardianships shall be available for public inspection provided they do not directly or indirectly identify any child or person receiving funds for the child.

(f) A payment may not be made to adoptive parents or legal guardians of child:

(1) Who has attained 18 years of age, unless the department determines that the child has a special need which warrants the continuation of assistance or the child is continuing his or her education or actively engaging in employment;

(2) Who has obtained 21 years of age;

(3) Who has not attained 18 years of age, if the department determines that the adoptive parent or legal guardian is no longer supporting the child by performing actions to maintain a familial bond with the child.

(g) Adoptive parents and legal guardians who receive adoption subsidy payments pursuant to this section shall keep the department informed of circumstances which would, pursuant to §49-4-112(e) of this code, make them ineligible for the payment."

On motion of Delegate Foster, the amendment recommended by the Committee on Health and Human Resources, was amended on page two, section one hundred twelve, line twenty-six, by adding an additional sentence to read "Any such payment for attorneys fees shall be made directly to the attorney representing the adoptive parents or legal guardians."

The Health and Human Resources Committee amendment, as amended, was adopted.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4615, West Virginia Critical Infrastructure Protection Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page three, line forty-four, after the word "than", by striking out the number, "\$500", by inserting the words in lieu thereof, "\$250 nor more than \$1,000,".

On page three, line forty-seven, after the word “than”, by striking out the word “\$1,000” and inserting in lieu thereof the words “\$500 nor more than \$3,000.”

On page three, line fifty-two, after the word “than”, by striking out the word “\$2,000” and inserting in lieu thereof the words “\$1,000 nor more than \$5,000.”

On page three, line fifty-seven, after the word “than”, by striking out the word “\$5,000” and inserting in lieu thereof the words “\$2,500 nor more than \$10,000.”

And,

On page three, line sixty, after the word “than”, by striking out the word “\$10,000” and inserting in lieu thereof the words “\$5,000 nor more than \$20,000.”

Delegate Fluharty moved to amend the bill on page three, section thirty-four, lines fifty-four through sixty, by striking out subdivision (3) in its entirety.”

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. 159**), and there were—yeas 44, nays 54, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Little, Longstreth, Lovejoy, McGeehan, Miley, Miller, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Espinosa and Linville.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Lovejoy moved to amend the bill on page four, section thirty-four, lines sixty-eight through seventy-one, by striking out subsection (e) in its entirety and inserting in lieu thereof, the following:

“(e) (1) The provisions of this section do not apply to:

Any person or organization:

(i) monitoring or attentive to compliance with public or worker safety laws, or, wage and hour requirements;

(ii) picketing at the workplace that is otherwise lawful and arises out of a bona fide labor dispute including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements; or

(iii) engaging in union organizing or recruitment activities including attempting to reach workers verbally, in writing with pamphlets and investigation of non-union working conditions, or both.

(2) The right to free speech or assembly, including, but not limited to, protesting and picketing.

(3) To a contractor who has a contractual relationship with a critical infrastructure facility and the contractor's employees are acting within their scope of employment performing work at a critical infrastructure facility."

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. 160**), and there were—yeas 53, nays 45, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Capito, Cooper, Cowles, Criss, Ellington, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, Jennings, D. Kelly, Kessinger, Little, C. Martin, P. Martin, Nelson, Pack, Phillips, Porterfield, Queen, Rowan, Shott, Steele, Summers, Sypolt, Waxman, Westfall, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Espinosa and Linville.

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

Delegate Pushkin moved to amend the bill on page two, section thirty-four, line thirty-four, following the comma, by striking out the word "or".

On page two, section thirty-four, line thirty-seven, by striking out the period and inserting in lieu thereof a comma and the following:

"(15) military facilities, including national guard facilities and equipment storage areas where non-military personnel are prohibited,

(16) Department of Highways facilities and locations near or on roads or highways where the public is prohibited, or

(17) health care facilities,"

And,

Renumbering section (16) accordingly."

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. 161**), and there were—yeas 56, nays 41, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Atkinson, Barnhart, Bartlett, Bibby, Butler, Cadle, Capito, Cooper, Cowles, Criss, Dean, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Hill, Hott, Householder, D. Jeffries, J. Jeffries, Jennings, Kessinger, Little, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Rowan, Steele, Summers, Sypolt, Toney, Waxman, Wilson and Worrell.

Absent and Not Voting: Espinosa, Linville and R. Thompson.

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. 4655, Permitting military personnel in areas where on-the-job emergency medicine is part of the training to be granted automatic EMS or EMT certification; 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. 4706, Relating to reports concerning funds due to unknown or unlocatable interest owners; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 4790, Relating to Career Technical Education for middle school students; on second reading, coming up in regular order, was read a second time.

Delegate Robinson moved to amend the bill, on page three, section seven-d, line twenty-three, following the period by inserting the following:

“(d) Organization of special technical education program.-

(1) Instructor Qualifications. — Qualified instructors include, but are not limited to, teachers, counselors and other middle school staff possessing a post-secondary degree. Instructors are not required to obtain any additional certification or license to instruct the program or elective course. Nothing in this article or chapter 18A of this code prohibits principals or vice-principals, on a voluntary basis, from participating in the program as a guest instructor or speaker.

(2) Local Partners. — High schools, vocational schools, community colleges, public universities and any other institute of higher learning that receives funding from the State of West Virginia may provide speakers to participating middle schools upon the middle school’s request: *Provided*, That the entity providing the speaker is located within 50 miles of the requesting middle school.

(3) Guest Speakers. — Course instructors may schedule guest speakers to introduce students to a particular career and to prepare students to pursue the featured career by providing relevant information on, but not limited to:

(A) Education requirements;

(B) Cost of education;

(C) Availability of education;

(D) Average salary;

(E) Average longevity; and

(F) Transferability of skills.

Instructors are encouraged to invite professionals excelling in fields where training is available at the local career and technical education school.

(4) On-Site Research. — Instructors may organize field trips to visit local employers, job fairs, high schools, vocational schools, community colleges, technical schools, public and private

universities, and other post-secondary academic institutions to introduce students to potential career paths via on-site presentations and experiential learning.

(5) Career Skills. — The program or elective course may include instruction on skill sets required to discover and take advantage of employment opportunities, including, but not limited to:

(A) Performing a job search;

(B) Developing a résumé;

(C) Preparing for a job interview; and

(D) Developing and deploying personal networks to find job opportunities.

(6) Academic Skills. — The program or elective course may include instruction on skill sets required to discover and take advantage of educational opportunities, including, but not limited to:

(A) Researching admissions requirements for vocational schools, community colleges, technical schools, public and private universities and other post-secondary academic institutions;

(B) Researching employment rates and average salaries for graduates of vocational schools, community colleges, technical schools, public and private universities and other post-secondary academic institutions;

(C) Researching employment rates and average salaries for specific degrees, certifications and majors from post-secondary academic institutions;

(D) Researching state, federal and private scholarship and grant opportunities; and

(E) Preparing a college or technical school application.

(7) Personal Graduation Plan. — A student may create a “Personal Graduation Plan” outlining his or her plan to become employable following high school or post-secondary school.”

During debate, Delegate Foster arose to ask that Delegate Robinson not directly attack another member in his remarks.

The Speaker replied that the point was well taken.

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. 162**), and there were—yeas 39, nays 56, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Longstreth, Lovejoy, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Espinosa, Lavender-Bowe, Linville, Miley and R. Thompson.

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.

First Reading

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

S. B. 170, Alleviating double taxation on foreign income at state level,

S. B. 300, Updating certain terms in WV Corporation Net Income Tax Act,

S. B. 310, Updating certain terms used in WV Personal Income Tax Act,

Com. Sub. for H. B. 4155, Relating generally to the regulation of plumbers,

Com. Sub. for H. B. 4217, Authorizing the Department of Environmental Protection to promulgate legislative rules,

H. B. 4406, Relating to the reproduction of checks and other records,

And,

Com. Sub. for H. B. 4513, Increasing the replacement costs required of a person causing injury or death of game or protected species.

Leaves of Absence

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

Miscellaneous Business

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

- Delegate Fluharty during Remarks by Members
- Delegate McGeehan during Remarks by Members
- Delegate Pack during Remarks by Members

Delegate J. Kelly announced he was absent when the vote was taken on S. B. 35, and had he been present, he would have voted "Yea" thereon.

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

- Delegate Bartlett for H. B. 4758
- Delegates Campbell and Miller for H. B. 4862

- Delegate Bates for H. B. 4723
- Delegate Jeffries for H. B. 4862
- Delegate Pyles for H. B. 4740, H. B. 4763, H. B. 4764, H. B. 4765, H. B. 4766, H. B. 4767, H. B. 4768, H. B. 4769, H. B. 4771, H. B. 4773, H. B. 4774, H. B. 4775 and H. B. 4914

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

- Delegate Hanna for H. B. 4508, H. B. 4534 and H. B. 4759

At 3:07 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 13, 2020.

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

SPECIAL CALENDAR

Thursday, February 13, 2020

37th Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 16 - Creating Protect Our Right to Unite Act (SHOTT) (REGULAR)
- Com. Sub. for S. B. 560 - Permitting nursing home use trained individuals administer medication (HILL) (REGULAR)
- Com. Sub. for S. B. 676 - Permitting fees from Child Abuse Registry be used for information technology support costs (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4088 - Disposition of funds from certain oil and natural gas wells due to unknown or unlocatable interest owners (ANDERSON) (REGULAR)
- H. B. 4113 - Relating to motor fuel excise taxes (FINANCE COMMITTEE TITLE AMENDMENT PENDING) (HOUSEHOLDER) (JULY 1, 2020)
- Com. Sub. for H. B. 4158 - Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4398 - Relating to required courses of instruction (ELLINGTON) (REGULAR)
- H. B. 4437 - Relating to the West Virginia Pay Card program (HOWELL) (REGULAR)
- H. B. 4551 - Relating to subsidized adoption (HILL) (REGULAR)
- Com. Sub. for H. B. 4615 - West Virginia Critical Infrastructure Protection Act (SHOTT) (REGULAR)
- H. B. 4655 - Permitting military personnel in areas where on-the-job emergency medicine is part of the training to be granted automatic EMS or EMT certification (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4706 - Relating to reports concerning funds due to unknown or unlocatable interest owners (ANDERSON) (REGULAR)
- H. B. 4790 - Relating to Career Technical Education for middle school students (ELLINGTON) (REGULAR)

SECOND READING

- S. B. 170 - Alleviating double taxation on foreign income at state level (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

- S. B. 300 - Updating certain terms in WV Corporation Net Income Tax Act (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 310 - Updating certain terms used in WV Personal Income Tax Act (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4155 - Relating generally to the regulation of plumbers (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4217 - Authorizing the Department of Environmental Protection to promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- H. B. 4406 - Relating to the reproduction of checks and other records (BANKING AND INSURANCE COMMITTEE AMENDMENT PENDING) (WESTFALL) (REGULAR)
- Com. Sub. for H. B. 4513 - Increasing the replacement costs required of a person causing injury or death of game or protected species (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 534 - Removing workers' compensation exclusion for temporary legislative employees (SHOTT) (REGULAR)
- Com. Sub. for S. B. 544 - Authorizing pharmacists and pharmacy interns administer vaccines (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (HILL) (REGULAR)
- S. B. 642 - Correcting incorrect code citation in WV Consumer Credit and Protection Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2961 - Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4067 - Relating to crimes against property (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4101 - Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4123 - Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform "emergency services" during a disaster (HILL) (REGULAR)
- Com. Sub. for H. B. 4387 - Donated Drug Repository Program (HILL) (REGULAR)
- Com. Sub. for H. B. 4546 - Relating to tuberculosis testing for school superintendents (HILL) (REGULAR)
- Com. Sub. for H. B. 4581 - Relating to West Virginia Clearance for Access: Registry and Employment Screening (HILL) (REGULAR)
- Com. Sub. for H. B. 4620 - Redefining definition of "recovery residence" (HILL) (REGULAR)

- Com. Sub. for H. B. 4666 - Relating to competitive bids for intergovernmental relations and urban mass transportation (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4670 - Relating to the juvenile restorative justice programs (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4690 - Relating to solid waste facilities (SHOTT) (REGULAR)
- H. B. 4955 - Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons (HOUSEHOLDER) (REGULAR)

HOUSE CALENDAR

Thursday, February 13, 2020

37th Day

11:00 A. M.

UNFINISHED BUSINESS

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

THIRD READING

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

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

SECOND READING

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

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

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

H. B. 4455 - Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure (HOUSEHOLDER) (REGULAR)

H. B. 4524 - Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption (SHOTT) (REGULAR)

FIRST READING

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, FEBRUARY 13, 2020

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON THE JUDICIARY
9:00 A.M. AND 5:00 P.M.– ROOM 410 M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:30 A.M. – ROOM 215 E**

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

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

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

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

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