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SEVENTH DAY

Tuesday, January 15, 2019

SEVENTH DAY

[MR. SPEAKER, MR. HANSHAW, 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 Monday, January 14, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. B. 2185, Relating to the removal of animals left unattended in motor vehicles,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 2185) to the Committee on Finance was abrogated.

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. 2204, Prohibiting state licensing boards from hiring lobbyists,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2204) 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. 2307, Relating to creating a provisional license for practicing barbering and cosmetology,

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

Com. Sub. for H. B. 2307 - "A Bill to amend and reenact §30-27-9 of the Code of West Virginia, 1931, as amended, relating to barbering and cosmetology; removing certain requirements to take an examination for a license; to establish a provisional license to practice in this state by an applicant with an expired license from another state; and directing the board to set the applicable fees for a provisional license,"

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. 2191, Relating generally to limited video lottery,

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. 2191) was referred to the Committee on Finance.

Resolutions Introduced

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

H. C. R. 4 - "Requesting the Division of Highways name that portion of West Virginia Route 3 beginning at its intersection with Keenan Road and ending at Gap Mills in Monroe County, the 'Gold Star Families Highway'."

Whereas, United States military service members don't serve alone. In 2015, there was a reported total of 1,728,710 family members who served alongside their Active Duty service member. Of that number, there were 1,076,803 children and 641,639 spouses; and

Whereas, Starting in World War I, the families of U. S. soldiers and sailors often flew flags that had a blue star for each member of the family that was serving in the military. If one of them died in battle, the blue star was changed to a gold star. In August of 1947, the United States Congress authorized the military to present a gold star lapel pin to the family members of those killed in action. That first pin was a simple gold star on a purple background with a laurel wreath around the star. Another pin, a gold star with a gold background and four oak sprigs around the star, was authorized by Congress in 1973. It was awarded to the next of kin of service members who die during military service; and

Whereas, Now families who have had a family member killed in action are referred to as Gold Star Families; and

Whereas, It is fitting that a proper memorial be established for these West Virginia families who have had a member of their family die in their defense of their country and the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of West Virginia Route 3 beginning at its intersection with Keenan Road and ending at Gap Mills in Monroe County, the “Gold Star Families Highway”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying that portion of the highway as the “Gold Star Families Highway”; and, be it

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

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

H. C. R. 5 - “Requesting the Division of Highways name bridge number 32-122-7.94 (32A054) (37.54030, -80.66364), locally known as Indian Creek Bridge #1, carrying WV 122 over Indian Creek in Monroe County, the ‘U. S. Army T/5 Maurice V. Mann Memorial Bridge’.”

Whereas, Maurice V. Mann was born January 14, 1922, at Bellepoint, West Virginia; and

Whereas, Maurice V. Mann was inducted into the United States Army October 22, 1942, and entered active service November 5, 1942; and

Whereas, T/5 Maurice V. Mann was trained as a tank mechanic and during World War II drove an armored personnel carrier with the Army’s 52nd Armored Infantry Battalion of the 9th Armored Division. During action at the Battle of the Bulge, T/5 Maynard and several of his fellow soldiers were captured by German forces December 19, 1944, and held until liberated in April of 1945; and

Whereas, T/5 Mann returned to West Virginia to recuperate at the Greenbrier Hotel which served as a hospital during the war; and

Whereas, For his service, T/5 Maurice V. Mann was awarded the Bronze Service Star, the American Campaign Medal, the World War II Victory Medal and the POW medal; and

Whereas, Maurice V. Mann drove a bus for Monroe County Schools for many years; and

Whereas, T/5 Mann died in 1998; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 32-122-7.94 (32A054) carrying WV 122 over Indian Creek in Monroe County, the “U. S. Army T/5 Maurice V. Mann Memorial Bridge” and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army T/5 Maurice V. Mann 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.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Caputo, Longstreth, Pyles, Angelucci, Boggs, Miller, Fluharty, Campbell, Sponaugle, Hartman and Miley:

H. J. R. 13 - "Proposing an amendment to the Constitution of the State of West Virginia relating to exempting honorably discharged veterans of the Armed Forces of the United States who served during a period of war from ad valorem property taxation on the first \$30,000 of assessed value of a primary residence; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

Bills Introduced

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

By Delegates Howell, Westfall, Rohrbach, Worrell, Summers, Hamrick, Ellington, Queen, Hill, Wilson and Criss:

H. B. 2006 - "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until 'repealed; clarifying the authority of the Municipal Home Rule Board; allowing all municipalities to participate in the Municipal Home Rule Program; requiring notice prior to passing of an ordinance; clarifying the prohibition concerning municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation that is contrary to certain laws governing the professional licensing or certification of public employees; creating a Home Rule Board Operations Fund; providing for annual assessment of participants and waiver of the assessment; providing for fund expenditures; proscribing fiscal year end funds not transfer to the General revenue Fund; providing for petition procedures to protest enacted or amended ordinances; allowing protest of certain ordinances, act, resolution, rule, regulations, or bonds by the voters in a municipal election; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019"; to the Committee on Political Subdivisions then Government Organization.

By Delegates Jennings, Harshbarger, Hanna, Householder, Wilson, Foster, Ellington, McGeehan, Kessinger, Hollen and Malcolm:

H. B. 2007 - "A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to repeal §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14, §16-2D-15, §16-2D-16, §16-2D-17, §16-2D-18, §16-2D-19 and §16-2D-20 of said code; to repeal §16-2N-3 of said code; to repeal §16-29A-20 of said code; to repeal §16-29B-1, §16-29B-8, §16-29B-12, §16-29B-13, §16-29B-14, §16-29B-15 and §16-29B-30 of said code; to repeal §49-2-124 of said code; to amend and reenact §16-2D-1 of said code; to amend and reenact §16-5Y-3 and §16-5Y-12 of said code; to amend and reenact §16-29B-8 of said code; and to amend and reenact §33-15B-5 of said code, all relating to eliminating the certificate of need program; fixing an effective date; deleting references to the certificate of need program throughout the code and making technical corrections"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Cowles, Harshbarger, Kump, Householder, Ellington, Hill, Wilson, Butler, Steele, Jennings and Criss:

H. B. 2008 - "A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended, relating to nonpartisan election of justices of the Supreme Court of Appeals; and providing that when no candidate receives a majority of votes cast, then a runoff election is to be held within 30 days"; to the Committee on the Judiciary.

By Delegates Hamrick, Dean, Phillips, Cadle, Porterfield, Wilson, Jennings, Cooper and Espinosa:

H. B. 2009 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5E-8, relating to creating a new category of Innovation in Education grant program designated Innovation in Education/Mastery-Based; making findings and stating purpose and intent; providing definitions; delineating applicability of other Innovation in Education provisions of article; specifying duties of state board with respect to program; requiring participation in incubator process; prohibiting penalties for students who transfer from mastery-based schools; and requiring institutions of higher education to recognize and accept high school diplomas on equal footing"; to the Committee on Education.

By Delegate Caputo:

H. B. 2404 - "A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for natural resources police officers"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Ellington, Summers, Pack, Atkinson, Hollen, Rohrbach, Pushkin, Walker and Fleischauer:

H. B. 2405 - "A Bill to repeal §11-26-1, §11-26-2, §11-26-3, §11-26-4, §11-26-5, §11-26-6, §11-26-7, §11-26-8, §11-26-9, §11-26-10, §11-26-11, §11-26-12, §11-26-13, §11-26-14, §11-26-15, §11-26-16, §11-26-17, §11-26-19 and §11-26-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-27-3 of said code; and to amend said code by adding thereto a new section, designated §11-27-10a, all relating to imposing a healthcare related provider tax on certain health care organizations; repealing outdated tax: adding definitions; establishing tax rates; requiring federal approval of tax; and setting effective date"; to the Committee on Health and Human Resources then Finance.

By Delegates Cooper, Pack, Higginbotham, Kump and Cadle:

H. B. 2406 - "A Bill to amend and reenact §17B-2-8 of the Code of West Virginia, 1931, as amended, relating to exempting persons with valid religious objections from having their photographs taken and placed on government licenses or other identification cards"; to the Committee on the Judiciary.

By Delegates Summers, Hill and Wilson:

H. B. 2407 - "A Bill to repeal §30-7-1a, §30-7-6a, §30-7-6b, §30-7-8a, §30-7-11a, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d and §30-7-15e of the Code of West Virginia, 1931, as amended; to repeal §30-7E-1, §30-7E-2 and §30-7E-3 of said code; to amend said code by adding thereto a new section, designated §16-5B-19; to amend and reenact §30-7-1, §30-7-2, §30-7-3, §30-7-4, §30-7-5, §30-7-6, §30-7-7, §30-7-8, §30-7-9, §30-7-10, §30-7-11, §30-7-12, §30-7-13, §30-7-14, §30-7-15 and §30-7-16 of said code; to amend said code by adding thereto a new section, designated §30-7-17; to amend and reenact §30-7-18, §30-7-19 and §30-7-20 of said code; to amend said code by adding thereto eleven new sections, designated §30-7-21, §30-7-22, §30-7-23, §30-7-24, §30-7-25, §30-7-26, §30-7-27, §30-7-28, §30-7-29, §30-7-30 and §30-7-31, all relating to the Board of Nursing; prohibiting the practice of nursing without a license; defining terms; renaming the board; providing for board composition and qualifications; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and permit requirements; establishing qualifications for licensure; codifying a scope of practice; creating a temporary permit; providing for reciprocal licensure; establishing renewal requirements; providing for exemptions from licensure; creating a special volunteer license; continuing a Joint Advisory Council; providing the council's composition; providing council members' terms; providing powers of the council; providing duties of the council; setting forth limitations of the article; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary

actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal offenses are to be reported to law enforcement; providing a period of transition; eliminating the Board of Examiners for licensed practical nurses; repealing expired authority; and updating references”; to the Committee on Health and Human Resources.

By Delegate Byrd:

H. B. 2408 - “A Bill to amend and reenact §16-22-3 of the Code of West Virginia, 1931, as amended, relating to requiring hospitals and birthing centers to also test newborn infants for spinal muscular atrophy”; to the Committee on Health and Human Resources.

By Delegates Lovejoy, Linville, Hornbuckle, Miller, Pethtel, Worrell, Mandt, Williams, Rohrbach and Canestraro:

H. B. 2409 - “A Bill to amend and reenact §8-22-27A of the Code of West Virginia, 1931, as amended, relating to preserving previously approved pensions awarded through the state Municipal Policemen’s or Municipal Firemen’s Pension and Relief Funds”; to the Committee on Pensions and Retirement then Finance.

By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:

H. B. 2410 - “A Bill to amend and reenact §7-1-3rr of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §8-39-1, all relating to requiring county commissions to maintain websites with specific information that is available to the public at no charge; requiring county commissions to provide certain information to the Secretary of State; and requiring municipalities to maintain websites with specific information available to the public at no charge”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Maynard, Azinger, Cooper, Jennings, Lovejoy, Miller, Sponaugle and Sypolt:

H. B. 2411 - “A Bill to amend and reenact §12-4-14 of the Code of West Virginia, as amended, relating to accounting for the use of funds from state grants and from formula distributions to volunteer and part-volunteer fire departments; requiring fire departments to file bank statements and check images instead of a sworn statement of expenditures; changing threshold dates; removing criminal penalties; and updating outdated language”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Mr. Speaker (Mr. Hanshaw), Delegates Bates, Miley, Nelson and Shott:

H. B. 2412 - “A Bill to repeal §5A-3-28, §5A-3-30, and §5A-3-31 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §61-5B-1, §61-5B-2, §61-5B-3, and §61-5B-4, all relating to criminal acts concerning government procurement of commodities and services; moving current provisions from chapter 5A to chapter 61; defining terms; including the provision of cash, credit, and waivers of debt or liability as commodities; prohibiting public officials from having personal interest in government procurement; applying provisions to all branches and units of state government; prohibiting fraud and attempts to defraud government entities in procurement; prohibiting knowing acceptance and delivery of inferior goods and services; defining unfair and corrupt acts in bidding and contracting for commodities and services; and establishing criminal penalties therefor”; to the Committee on the Judiciary.

By Mr. Speaker (Mr. Hanshaw) and Delegate Miley

[By Request of the Executive]:

H. B. 2413 - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms

used in West Virginia Personal Income Tax Act; providing rule for determining number of personal exemptions; and specifying effective dates”; to the Committee on Finance.

By Mr. Speaker (Mr. Hanshaw) and Delegate Miley

[By Request of the Executive]:

H. B. 2414 - “A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates”; to the Committee on Finance.

By Mr. Speaker (Mr. Hanshaw) and Delegate Miley

[By Request of the Executive]:

H. B. 2415 - “A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to adopt a policy detailing the appropriate level of computer science instruction that shall be available to students at each programmatic level; and to require the West Virginia Department of Education to develop and offer professional development opportunities”; to the Committee on Education then Finance.

By Mr. Speaker (Mr. Hanshaw) and Delegate Miley

[By Request of the Executive]:

H. B. 2416 - “A Bill to amend and reenact §17-2A-17a of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, and §17-2E-6 of said code, all relating to the use of state owned rights-of-way; modifying requirements related to accommodation leases; amending procedures and requirements of the state’s dig once policy; modifying definitions; providing for the determination of fair market value; modifying notice requirements for permit applicants; amending procedures for the adjudication of disputes between telecommunications carriers; providing exemptions to certain dig once requirements; and authorizing the Division of Highways to, upon approval of the Governor, transfer or assign the ownership, control, or any rights related to any in-kind compensation received by the division to any other state agency”; to the Committee on the Judiciary.

By Delegates Foster and Higginbotham:

H. B. 2417 - “A Bill to amend and reenact §17C-14-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that a vehicle may not be backed into a public street or highway unless it does not interfere with other traffic”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Foster, Higginbotham, Rowan, Fast, Pack, Steele, Phillips, Summers, Kessinger and Cadle:

H. B. 2418 - “A Bill to amend and reenact §51-9-1a of the Code of West Virginia, 1931, as amended, relating to including family court judges in the Judges’ Retirement System”; to the Committee on Pensions and Retirement then Finance.

By Delegates Shott, Householder and Summers:

H. B. 2419 - “A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to the authorization to release a defendant or a person arrested upon his or her own recognizance; requires a court or magistrate to release a person charged with certain misdemeanor offenses on his or her own recognizance except for good cause shown; and sets forth exceptions when a person may not be released on his or her own recognizance”; to the Committee on the Judiciary.

By Delegates Summers, Caputo, Pethtel, Pyles and Miley:

H. B. 2420 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, and §20-14A-12, all relating to establishing the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; providing definitions; establishing the Mountaineer Trail Network Recreation Authority; providing for a method of appointment to the board of the authority; prescribing the terms of appointment; describing the powers and duties of the board for the authority; providing for financial oversight; describing the powers and duties of the authority; establishing prohibited acts and creating a criminal penalty; limiting the liability of landowners; setting forth purchasing and bidding procedures and creating a criminal penalty; providing for conflicts of interest and creating a criminal penalty; providing civil remedies; and providing for severability"; to the Committee on Government Organization.

By Delegate Summers:

H. B. 2421 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22I; and to amend said code by adding thereto a new section, designated §18-7A-26w, all related to establishing a minimum monthly retirement annuity of \$750 for those retirants with 20 or more years of credited service"; to the Committee on Pensions and Retirement then Finance.

By Delegate Summers:

H. B. 2422 - "A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to the time for the observation of 'Celebrate Freedom Week'; to the Committee on Education.

By Delegates Foster, Higginbotham, Fast, Linville, Pack, Steele, Phillips, Kessinger, Porterfield, Fleischauer and Stagers:

H. B. 2423 - "A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to prohibiting certain sex offenders from being in a supervisory position over children"; to the Committee on the Judiciary.

By Delegates Stagers, C. Thompson and S. Brown:

H. B. 2424 - "A Bill to amend and reenact §16-29B-1, §16-29B-3, and §16-29B-5 of the Code of West Virginia, 1931, as amended, all relating to changing the name of the Health Care Authority to the Health Care Cost Review Authority; requiring the Health Care Cost Review Authority to provide extensive information to the public in order to make informed decisions on what health care providers to use; requiring annual public reports at no cost to the public; and requiring rule-making"; to the Committee on Health and Human Resources then Government Organization.

By Delegates C. Martin, Hamrick, Dean, Butler, Paynter, Hanna, Maynard and Fast:

H. B. 2425 - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to defining a work day and a one-half work day for school service personnel and removing a provision relating to employment of licensed practical nurses"; to the Committee on Education.

By Delegates Caputo, Longstreth, Pyles, Angelucci, Boggs, Miller, Fluharty, Hartman, Miley and Swartzmiller:

H. B. 2426 - "A Bill to amend and reenact §17C-6-3 of the Code of West Virginia, 1931, as amended, relating to allowing local authorities the authority to lower the speed limit on streets and highways where school buses travel; and providing that no lowering of a speed limit is effective until approved by the Commissioner of Highways"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Caputo, Longstreth, Pyles, Angelucci, Boggs, Miller, Campbell, Sponaugle, Hartman, Miley and Swartzmiller:

H. B. 2427 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-10a, relating to paying a monthly allotment to certain veterans"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Ellington, Hill, Pack, Dean, Atkinson, Wilson, Bates, Fleischauer, Staggers and Pushkin:

H. B. 2428 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, §16-56-5, and §16-56-6, all relating to creating a state administered wholesale drug importation program"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Kump, Householder, McGeehan and Cooper:

H. B. 2429 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-55, relating to the creation of the Vehicle Registration Scofflaw Elimination Program to help identify residents who have failed to register their vehicles with the Division of Motor Vehicles"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Kump, Householder and McGeehan:

H. B. 2430 - "A Bill to amend and reenact §16-13-23a of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-13A-9 of said code, all relating to prohibiting any state entity from forcing currently owner-occupied residences to be required to participate in a public sewer or public water system except under certain circumstances"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Kump and Householder:

H. B. 2431 - "A Bill to amend and reenact §5-10-2 and §5-10-17 of the Code of West Virginia, 1931, as amended, all relating to eliminating eligibility for participation in the Public Employees Retirement System for those newly elected or appointed as members of the State Legislature after the year 2020"; to the Committee on Pensions and Retirement then the Judiciary.

By Delegates Kump and Householder:

H. B. 2432 - "A Bill to repeal §3-5-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-6-13, all relating to electing members of county school boards on a nonpartisan basis in general elections only; and providing that members elected in primary elections shall continue on the boards until any new members take office"; to the Committee on Education then the Judiciary.

By Delegates J. Kelly, Cooper, Waxman, Atkinson, Wilson, Steele, Dean, Campbell, D. Kelly, Hanna and Fast:

H. B. 2433 - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all relating to modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day"; to the Committee on Education.

By Mr. Speaker (Mr. Hanshaw), Delegates Bates, Miley, Nelson and Shott:

H. B. 2434 - "A Bill to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4, and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; continuing the commission; clarifying composition and chairmanship of the commission and terms of members; redefining what constitutes a quorum for voting procedures of the commission; specifying contents of the commission's annual report; authorizing the employment of staff and the creation of certain staff positions; granting power to conduct interviews and request production from agencies of the state and its political subdivisions of books, records, documents, papers, and tangible things; authorizing the issuance of written requests for production in lieu of subpoenas; authorizing the

director to issue subpoenas on the commission's behalf; authorizing the commission to require an agency head to appear before the commission to answer for an agency's failure to appear or produce requested or subpoenaed material or other failure to comply with a commission investigation; providing for the confidentiality of investigations; providing for executive session and confidentiality rights of witnesses; updating exemption of investigative materials from public disclosure; removing requirement for pre-approval of expenses of the commission by the Joint Committee on Government and Finance; providing procedures for the commission's retention and disposal of records; establishing new offenses of impersonating a commission member or staff member and of threatening or otherwise obstructing a commission member or staff; establishing criminal penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission's primary and secondary duty weapons; authorizing sale of surplus weapons to active and retired members of the commission's investigative staff; and updating language and terms for clarity throughout"; to the Committee on the Judiciary.

By Mr. Speaker (Mr. Hanshaw), Delegates Shott, Canestraro, Nelson, Miley and Bates:

H. B. 2435 - "A Bill to amend and reenact §4-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-3-2 of said code, all relating to authorizing and empowering the Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations under certain conditions; providing that CSI recommend prosecution of state criminal law violations to appropriate county prosecutor; providing that, if county prosecutor has not pursued the matter within six months, CSI must recommend the matter to the Attorney General; empowering and authorizing the Attorney General to prosecute violations of criminal law referred by CSI under certain conditions; and empowering the Attorney General to impanel a grand jury and prosecute a person indicted by that grand jury; to the Committee on the Judiciary.

By Delegate Capito:

H. B. 2436 - "A Bill to repeal §16-22-5 and §16-22-6, of the Code of West Virginia, 1931, as amended; to repeal §16-22A-1, §16-22A-2, §16-2D-3, and §16-2D-4 of said code; to repeal §16-44-1 and §16-44-2, of said code; to amend and reenact §16-22-1, §16-22-2, and §16-22-3, of said code; all relating to diseases in newborn children; adding diseases to be tested; removing redundant code sections; providing rule-making authority, and making technical changes"; to the Committee on Health and Human Resources.

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

H. B. 2437 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to transitioning foster children into managed care"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Hartman:

H. B. 2438 - "A Bill to amend and reenact §5H-1-1, §5H-1-2, and §5H-1-3 of the Code of West Virginia, 1931 as amended, all relating generally to survivor benefits for emergency response providers; changing the name of the West Virginia Fire and EMS Survivor Benefit Act to the 'West Virginia Emergency Responders Survivor Benefit Act'; making Division of Forestry personnel who die as a proximate result of their participation in wildland fire fighting, emergency response, or disaster response operations eligible for survivor benefits; defining terms; making technical changes; and reorganizing language in the act for clarity"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Maynard, Azinger, Cooper, Jennings, Lovejoy, Miller, Sponaugle and Sypolt:

H. B. 2439 - "A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; to amend and reenact §12-4-14 of said code; to amend said code by adding thereto a new section, designated §12-4-14b; and to amend and reenact §29-3-5f of said code, all relating to fire service equipment and training funds for volunteer and part-volunteer fire companies and

departments; authorizing fire departments to file bank statements and check images instead of sworn statements of expenditures; prohibiting the commingling of funds; requiring retention of payment records; defining certain terms; changing deadline dates; authorizing forfeiture and redistribution of funds of delinquent fire departments; prohibiting the conversion of funds through returns or refunds of goods or services; providing for deductions from quarterly distributions to offset improper expenditures by a fire company or department; clarifying the responsibility for proposing legislative rules; requiring written notifications of delinquencies and misapplication of funds; providing a procedure to contest findings of Legislative Auditor; removing certain criminal penalties; and updating outdated language”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegate Hollen:

H. B. 2440 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-5-16, relating to granting a veteran with a 100 percent service-connected disability a \$10,000 exemption from the assessed value for one vehicle that is not used for commercial purposes”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Foster, Higginbotham, Steele, Kessinger, Howell, Fast and Cadle:

H. B. 2441 - “A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to removing certain requirements related to wages for construction of public improvements”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Caputo:

H. B. 2442 - “A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for conservation officers”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Pack and Cooper:

H. B. 2443 - “A Bill to amend and reenact §30-7-5 of the Code of West Virginia, 1931, as amended, relating to granting the West Virginia Board of Examiners for Registered Professional Nurses the sole authority for the accreditation of nursing schools”; to the Committee on Health and Human Resources.

By Delegate Canestraro:

H. B. 2444 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-4A-1, §7-4A-2, §7-4A-3, §7-4A-4, §7-4A-5, §7-4A-6, §7-4A-7, §7-4A-8, §7-4A-9, and §7-4A-10, all relating to creating the Prosecuting Attorney’s Detectives Act; providing a short title; making legislative findings; providing for law-enforcement titles; setting forth the duties and powers of detectives; providing for compensation of detectives; permitting prosecuting attorneys to hire detectives; establishing arrest power of detectives; setting forth requirements; limiting off-duty employment; and providing miscellaneous provisions”; to the Committee on the Judiciary.

Special Calendar

Second Reading

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

H. B. 2164, Clarifying that appeals to the Supreme Court are a matter of right,

And,

H. B. 2351, Relating to regulating prior authorizations.

First Reading

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

Com. Sub. for H. B. 2028, Limiting supervision of laying of lines on state rights-of-way,

Com. Sub. for H. B. 2038, Relating to the procedure to determine if an occupation or profession should be regulated,

Com. Sub. for H. B. 2128, Allowing state employees to take paid leave to attend parent-teacher conference for their children,

And,

Com. Sub. for H. B. 2183, Clarifying where a charge of DUI may be brought against an individual.

Miscellaneous Business

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

- Delegate Martin for H. B. 2067
- Delegates Angelucci and Walker for H. B. 2121
- Delegate Rohrbach for H. B. 2185
- Delegate Barrett for H. B. 2191
- Delegate Harshbarger for H. B. 2219
- Delegate Kump for H. B. 2421 and H. J. R. 5
- Delegate Lovejoy for H. B. 2382, H. B. 2383 and H. B. 2396

At 11:14 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 16, 2019.

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

SPECIAL CALENDAR

Wednesday, January 16, 2019

8th Day

11:00 A. M.

THIRD READING

- H. B. 2164 - Clarifying that appeals to the Supreme Court are a matter of right (SHOTT) (REGULAR)
- H. B. 2351 - Relating to regulating prior authorizations (ELLINGTON) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2028 - Limiting supervision of laying of lines on state rights-of-way (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2038 - Relating to the procedure to determine if an occupation or profession should be regulated (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2128 - Allowing state employees to take paid leave to attend parent-teacher conference for their children (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2183 - Clarifying where a charge of DUI may be brought against an individual (SHOTT) (REGULAR)

FIRST READING

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

House Calendar

Wednesday, January 16, 2019

8th Day

11:00 A. M.

NO BILLS

**WEST VIRGINIA
HOUSE OF DELEGATES**

WEDNESDAY, JANUARY 16, 2019

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON THE JUDICIARY
9:00 A.M. – ROOM 420M**

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

**COMMITTEE ON FINANCE
9:00 A.M. & 2:00 P.M. – ROOM 464M**

**VETERANS AFFAIRS AND HOMELAND SECURITY
1:00 P.M. – ROOM 434M**

**COMMITTEE ON EDUCATION
2:30 P.M. – ROOM 432M**

**TECHNOLOGY AND INFRASTRUCTURE
4:00 P.M. – ROOM 215E**

HOUSE OF DELEGATES
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