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January 31, 2019  
TWENTY-THIRD DAY



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Thursday, January 31, 2019

**TWENTY-THIRD DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 30, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 2420**, Establishing the Mountaineer Trail Network Recreation Authority,

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

**Com. Sub. for 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; creating a special revenue fund; 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,"

With the recommendation that the committee substitute do pass.

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. 2666**, Supplemental appropriation to the Department of Veterans' Assistance,

**H. B. 2668**, Supplemental appropriation to the Department of Administration, Public Defender Services,

**S. B. 268**, Updating meaning of federal taxable income in WV Corporation Net Income Tax Act,  
And,

**S. B. 269**, Updating terms used in WV Personal Income Tax Act,

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

Delegate Hamrick, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 2004**, Providing for a program of instruction in workforce preparedness,

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

**Com. Sub. for H. B. 2004** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18-2-7d and §18-2-40; to amend and reenact §18B-3C-4 of said code; to amend said code by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3 and §21-1E-4; to amend and reenact §29-3-9 of said code; and to amend said code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to providing for a program of instruction in workforce preparedness; providing career and technical education program information to students and parents; requiring transcript of post-secondary credits earned by public school students to be provided to them; elevating priority on program integration to meet region and state labor market needs by community and technical college/career and technical education consortia; providing for joint State Board and Council for Community and Technical College Education guidelines on program administration; providing joint responsibility of State Superintendent and Chancellor for certain activities and reporting; requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor, State Fire Commission, State Fire Marshal and the professions and occupations licensing boards and commissions,"

With the recommendation that the committee substitute do pass.

Delegate Hamrick, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 2363**, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program,

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

**Com. Sub. for H. B. 2363** - "A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program; extending the length of the program; clarifying the reporting requirements for the program; removing certain language regarding funding; and requiring an assessment of the option of establishing or maintaining schools jointly pursuant to authority granted in said code,"

With the recommendation that the committee substitute do pass.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 2646**, Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees,

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. 2646) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2594**, Prohibiting railroads from blocking crossings on privately owned streets,

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. 2594) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2338**, Allowing the owner of an antique military vehicle to display alternate registration insignia,

And,

**H. B. 2359**, Relating to exemptions to the commercial driver's license requirements,

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 Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 2338 and H. B. 2359) were each referred to the Committee on Government Organization.

### **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. 72** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11A-9, relating to creating the Sexual Assault Victims'

Bill of Rights; declaring additional rights bestowed upon sexual assault survivors regarding medical forensic examinations, sexual assault evidence collection kits, and other similar topics; clarifying the right of a victim to be accompanied by a personal representative during certain proceedings; requiring sexual assault victims be informed or notified of certain rights; incorporating other rights contained in code; and defining terms”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 102** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-19, relating to granting courthouse security officers arrest powers under certain circumstances; authorizing certain West Virginia courthouse security officers to carry concealed firearms while off duty with court approval; setting forth firearm training and qualification requirements; requiring supervising authority to issue photo identification and certification cards; specifying policy content; and stating legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act”; 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. 149** - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; license to carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs required to get a license to carry deadly weapons”; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 243** - “A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since, on, or before January 1, 1999, in order for counties to receive two percent of the net terminal income where the video lottery terminals are located”; 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. 258** - “A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing that the intent and policy of the Legislature is that common law corporate ‘veil piercing’ claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of West Virginia’s decision in Joseph Kubican v. The Tavern, LLC. 232 W. Va. 268, 752 S.E.2d 299 (2013)”; which was referred to the Committee on the Judiciary.

**Resolutions Introduced**

Delegates Miller, Tomblin, Rodighiero, Westfall and Maynard offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 44** - "Requesting the Division of Highways name bridge number 03-85/24-0.01 (03A167), locally known as Clinton Camp Road Bridge, carrying CR 85/24 over Pond Fork in Boone County, the 'U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge'."

Whereas, Randall Carl Phelps was born June 4, 1948, in Dorothy, West Virginia to Carl William and Bernice Dale Lee Phelps; he grew up in Boone County where he loved baseball and played in the Pony League each summer and graduated from Van High School in 1967; he was a voracious reader who teased and tormented his brother Steve and sisters, Joy, Jane and Diane without mercy; and

Whereas, Randall Carl Phelps enlisted in the United States Marine Corps and prior to his departure to Vietnam he became engaged to the love of his life, Grace Workman; becoming a Marine was a choice for PFC Phelps, who believed in honor, duty and country and his letters home documented his belief that the people he was defending were deserving of his sacrifice; and

Whereas, PFC Randall Carl Phelps was a member of A Company, 3rd Engineering Battalion, 3rd Marine Division, serving as a Combat Engineer; he was killed in action in Quang Tri Province, The Republic of South Vietnam, on April 8<sup>th</sup>, 1968, assisting wounded soldiers onto a Medevac chopper during a North Vietnam mortar barrage; and

Whereas, PFC Randall Carl Phelps was awarded the Bronze Star, the Purple Heart, the National Defense Service Military Ribbon, the Vietnam Service Military Ribbon, the Defense Distinguished Service Military Ribbon and The Republic of Vietnam Gallantry Cross. On May 23, 1986, the Academic 1 Facility at Marine Corps Base Camp Lejeune in Jacksonville, North Carolina, was dedicated to PFC Phelps and seven other marines who also gave their lives for their country; and

Whereas, Naming the bridge on County Route 85, in Boone County, the "U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge" is an appropriate recognition of his contributions to his country, state, community and Boone County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 03-85/24-0.01 (03A167), locally known as Clinton Camp Road Bridge, carrying CR 85/24 over Pond Fork in Boone County, the "U. S. Marine Corps PFC Randall Carl Phelps 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. Marine Corps PFC Randall Carl Phelps 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, Tomblin, Rodighiero, Westfall and Maynard offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 45** - "Requesting the Division of Highways name bridge number 03-3/14-0.10 (03A196), locally known as New Kirbyton Bridge, carrying CR 3/14 over Big Coal River in Boone County, the 'U. S. Navy MM2 Carl E. Keeney, U. S. Navy SN1 Frank Keeney and U.S. Army PFC Carl M. Nicholas Memorial Bridge'."

Whereas, Carl Eugene Keeney was born to Dewey and Ruth Skeens Keeney on March 27, 1925, in Seth, West Virginia; he learned to repair engines and vehicles at an early age and became skilled as a machinist and when this country sought skilled tradesmen in its armed forces, he enlisted in the United States Navy in 1942, eventually attaining the rating of Machinist's Mate Second Class; and

Whereas, MM2 Keeney served over three years in the Pacific Theater and saw combat in the Solomon Islands and at Okinawa; he was awarded three battle stars before he was honorably discharged in 1946; and

Whereas, After faithfully and honorably serving his country, MM2 Keeney applied his machinist's skills in the coal industry, working as a driver, mechanic and machinist in Boone County until his retirement; and

Whereas, After a life well lived in service to his community and his country, MM2 Keeney passed away on June 26, 2018; and

Whereas, Frank Keeney was born to Dewey and Ruth Skeens Keeney on June 10, 1927, in Seth, West Virginia; he left high school early as he entered the United States armed forces at the age of 16, by enlisting in the United States Navy in 1944, eventually attaining the rating of Seaman First Class; and

Whereas, SN1 Keeney, a World War II veteran, served over seven years in the Pacific Theater and earned combat ribbons from action in Iwo Jima, Okinawa and the Dutch East Indies before he was honorably discharged in 1951; and

Whereas, After faithfully and honorably serving his country, SN1 Keeney began an athletic career in the minor league baseball farm system of the Cleveland Indians where he earned the nickname "Fireball", until his retirement and continued with the organization as batting practice pitcher and part time scout from 1951 until 1970 well after the age of 60; and

Whereas, After a life well lived in service to his community and his country, SN1 Keeney passed away on March 1, 2018; and

Whereas, Carl M. Nicholas was born to Dan and Frona Cottrell Nicholas on September 27, 1922, in Bickmore, West Virginia, and though he left school after eight years to help support his family, he became quite accomplished in a mining career that spanned five decades in the coalfields of Southern West Virginia; and

Whereas, PFC Nicholas answered his nation's call to service, joining the United States Army in World War II in the European Theater of Operations, where he was assigned to Company I, 12th Infantry Regiment, 4th Infantry Division from May 16, 1944, to September, 1945, where he participated in the Invasion of Normandy on D-Day and in the Battle of the Bulge; and

Whereas, PFC Carl M. Nicholas was wounded in action on June 26, 1944, when he received and survived bullet wounds from a German sniper and for which he was awarded the Purple Heart; he also was awarded the Bronze Star for meritorious achievement in active ground combat; and



Whereas, Upon his return to civilian life, PFC Nicholas continued his mining career with some of the most prominent companies in the industry and he became a successful businessman as proprietor of his own trucking company; he continued to support military veterans and was a leader of the effort to secure dedicated parking for veterans at our State Capitol; and

Whereas, After a life well lived in service to his community and his country, PFC Nicholas passed away on September 3, 2014; and

Whereas, Recognizing that MM2 Carl Eugene Keeney, SN1 Frank Keeney and PFC Carl M. Nicholas are lifelong residents of Boone County on Big Coal River, it is an appropriate recognition of their contributions to their country, state, community and Boone County to name a bridge over the Big Coal River in their honor; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 03-3/14-0.10 (03A196), locally known as New Kirbyton Bridge, carrying CR 3/14 over Big Coal River in Boone County, the “U. S. Navy MM2 Carl E. Keeney, U. S. Navy SN1 Frank Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the “U. S. Navy MM2 Carl E. Keeney, U. S. Navy SN1 Frank Keeney and U. S. Army PFC Carl M. Nicholas 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 Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. J. R. 23** - “Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, relating to ad valorem property taxation; defining terms; exempting new tangible industrial machinery and equipment personal property from ad valorem property taxation; providing phased-in reduction of taxation of certain tangible industrial machinery, equipment, and inventory personal property until fully exempted; providing phased-in increases of appropriations and permanent appropriation of replacement revenues for proportional distribution to levying bodies; providing for general law; preserving tax exemptions, credits, deductions, discounts and other tax relief benefits; establishing primacy of section; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

**By Delegates Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. B. 2782** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2019, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2019, organization 0506, to the Department of Health and

Human Resources, Division of Human Services – Energy Assistance, fund 8755, fiscal year 2019, organization 0511, and to the Department of Health and Human Resources, Division of Human Services – Child Care and Development, fund 8817, fiscal year 2019, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. B. 2783** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2019, to the Department of Military Affairs and Public Safety, Division of Justice and Community Services – Second Chance Driver’s License Program Account, Fund 6810, fiscal year 2019, organization 0620, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

**By Delegate Canestraro:**

**H. B. 2784** - “A Bill to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended, relating to extending the expiration of driver’s licenses for active military members’ spouses; permitting the spouse to renew his or her license from wherever he or she is located and need not be in person; and authorizing rule making”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Storch, Westfall, Miller, Azinger, Queen, Harshbarger, Butler, D. Kelly, Mandt, Hamrick and Dean:**

**H. B. 2785** - “A Bill to amend and reenact §18-7D-6 of the Code of West Virginia, 1931, as amended, relating to reopening period to allow purchase of State Teachers Retirement System service credit by transfer from State Teachers Defined Contribution System”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Kessinger:**

**H. B. 2786** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, and §21-5I-6, all relating to the Uniform Worker Classification Act; clarifying definition of independent contractor”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Byrd, Maynard, Harshbarger, Queen, Worrell, Rohrbach, J. Jeffries, Lovejoy, Fluharty, Pushkin and Robinson:**

**H. B. 2787** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding two new sections, designated §18-5-22e and §18-28-8; all relating to requiring schools to have persons with first aid and cardiopulmonary resuscitation training on-site”; to the Committee on Education then Health and Human Resources.

**By Delegate Kessinger:**

**H. B. 2788** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-30-26, relating to life-sustaining treatment policies of health care facilities”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hamrick, Dean, Howell, Pack, Westfall, Waxman, Queen, Miley, Higginbotham and Rodighiero:**

**H. B. 2789** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits as police officers or firefighters

under the West Virginia Public Employees Retirement System; and providing an effective date”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Harshbarger, Cadle, Worrell, Westfall, Toney, D. Kelly, P. Martin, J. Kelly and Cooper:**

**H. B. 2790** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2019; prohibiting the relocation, removal, alteration, renaming, rededication, or other disturbance of any statue, monument, memorial, nameplate, or plaque which is located on public property and has been erected for, or named, or dedicated in honor of certain historical military, civil rights, and Native American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances”; to the Committee on the Judiciary.

**By Delegates Harshbarger, Cadle, Worrell, Westfall, Toney, Storch, Cooper, D. Kelly, Byrd and J. Kelly:**

**H. B. 2791** - “A Bill to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating to a lawful method for a developmentally disabled person to purchase a base hunting license when that person attends an on-site hunter training course and successfully completes all nonwritten aspects of the course to receive a certificate but is unable to successfully complete the required course for the certificate of training; providing that said developmentally disabled person possessing the base hunting license may hunt when accompanied and directly supervised by a person 18 years of age or older; and further providing criminal penalties for violation of this subsection”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Kessinger, Harshbarger, Paynter, Queen, Hanna, Bibby, Foster and Williams:**

**H. B. 2792** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-19d, relating to animal abuse generally; prohibiting activities connected with sexual abuse of an animal; establishing criminal penalties; providing for forfeiture of animals, payment of associated costs, providing for restrictions on owning animals upon conviction; and requiring psychiatric evaluation and payment of costs in certain circumstances”; to the Committee on the Judiciary.

**By Delegates Maynard, Dean, Hornbuckle and Doyle:**

**H. B. 2793** - “A Bill to amend and reenact §18-30-2, §18-30-3, §18-30-4, and §18-30-7 of the Code of West Virginia, 1931, as amended, all relating to expanding applicability of educational facilities for the West Virginia College Prepaid Tuition and Savings Program”; to the Committee on Finance.

**By Delegates Lovejoy, Rohrbach, Miller, Hornbuckle, Canestraro, Williams, Robinson, Rowan, S. Brown and Byrd:**

**H. B. 2794** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the Summer Feeding for All initiative; providing findings; directing a county-by-county assessment of nonschool day student food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other nonschool time periods; providing county board reporting requirements to the office of Child Nutrition; and directing the office of Child Nutrition to collect and distribute information regarding available food resources”; to the Committee on Education then Finance.

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

**H. B. 2795** - "A Bill supplementing and amending by decreasing an existing appropriation and adding a new appropriation of federal funds out of the Treasury to the Department of Revenue – Insurance Commissioner, Fund 8883, fiscal year 2019, organization 0704, by supplementing, amending, decreasing, and adding the appropriations for the fiscal year ending June 30, 2019"; to the Committee on Finance.

**By Delegates Cadle, Harshbarger, Cooper, Wilson, J. Jeffries, Atkinson, Toney, Paynter, Hott, Phillips and Worrell:**

**H. B. 2796** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-12E-10, relating to analysis of samples of industrial hemp production; authorizing the Commissioner of Agriculture to contract with private laboratories for analysis of samples; and requiring the establishment of criteria for laboratory selection and for handling of samples"; to the Committee on Agriculture and Natural Resources then the Judiciary.

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

**S. B. 28**, Removing hotel occupancy tax limit collects for medical care and emergency services; on third reading, coming up in regular order, was read a third time.

Delegate Cowles requested to be excused from voting on the passage of S. B. 28 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 52**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Hartman and C. Thompson.

Absent and Not Voting: Kump and McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 28) passed.

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

**S. B. 28** - "A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating generally to the purposes for which expenditures may be made by county commissions and municipalities from a certain portion of the net proceeds of hotel occupancy taxes; removing the limitation on the amount that may be expended for medical care and emergency services; and allowing a new purpose for those expenditures for the support and operation of economic development activities, including site development, facilities and infrastructure."

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

**S. B. 177**, Fire Commission rule relating to State Building Code; 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. 53**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 177) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 54**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 177) takes effect from passage.

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

**Com. Sub. for H. B. 2010**, Relating to foster care; on third reading, coming up in regular order, was read a third time.

Delegate McGeehan requested to be excused from voting on the passage of Com. Sub. for H. B. 2010 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 55**), and there were—yeas 67, nays 32, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Boggs, N. Brown, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Longstreth, Lovejoy, McGeehan, Miller, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Staggars, C. Thompson, R. Thompson, Tomblin, Walker and Williams.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2010) 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. 2324**, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; 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. 56**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2324) 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. 2503**, Relating to court actions; 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. 57**), and there were—yeas 81, nays 18, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, N. Brown, S. Brown, Byrd, Canestraro, Cowles, Estep-Burton, Fleischauer, Fluharty, Hornbuckle, Lovejoy, Miley, Pushkin, Robinson, Rowe, Sponaugle, C. Thompson and Walker.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2503) 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. 2521**, Relating to permitting fur-bearer parts; 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. 58**), and there were—yeas 87, nays 12, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, S. Brown, Byrd, Doyle, Fleischauer, Fluharty, Graves, Miley, Pushkin, Skaff, C. Thompson and Walker.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2521) 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

**S. B. 27**, Removing restrictions on where certain traditional lottery games may be played; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, section nine, line twelve, following the words "the winner", by striking out the period and inserting the words "except as authorized under §29-22D-1 et seq. of this code", followed by a period.

The bill was then ordered to third reading.

**Com. Sub. for S. B. 255**, Relating to Emergency Medical Services Advisory Committee; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2001**, Relating to exempting social security benefits from personal income tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2474**, Relating to a reserving methodology for health insurance and annuity contracts; 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. 2476**, Relating to the valuation of a motor vehicle involved in an insurance claim; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2478**, Modifying the Fair Trade Practices Act; on second reading, coming up in regular order, was read a second time.

An amendment, offered by Delegate Fluharty, was reported by the Clerk, on page two, line thirty, following the period, by inserting the following:

**"§33-11A-8. Tying of products and use of credit history for certain policies prohibited.**

(a) No person shall require or imply that the purchase of an insurance product from a financial institution by a customer or prospective customer of the institution is required as a condition of the lending of money or extension of credit.

(b) No financial institution may offer an insurance product in combination with its other products, unless all the products are available separately from the financial institution.

(c) With respect to insurance policies for passenger motor vehicles, residential property or other personal insurance lines, no person may:

(1) Refuse to underwrite, cancel, refuse to renew a risk or increase a renewal premium based, in whole or in part, on the credit history of an applicant for insurance or an insured person;

(2) Rate a risk based, in whole or in part, on the credit history of an applicant for insurance or an insured person in any manner, including, but not limited to, the provision or removal of a discount, assigning an applicant or insured person to a rating tier, or placing an applicant or insured person with an affiliated company; or

(3) Require a particular payment plan based, in whole or in part, on the credit history of the applicant for insurance or the insured person."

Whereupon,

In the absence of objection, Delegate Fluharty then withdrew the amendment.

Delegate McGeehan moved to amend the bill on page one, line one, by repealing all of Article 11A in its entirety.

The Speaker ruled that the purpose of the amendment exceeded the object of the bill and therefore was not in order.

The bill was then ordered to engrossment and third reading.

**H. B. 2480**, Relating to the regulation of an internationally active insurance group; 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. 2524**, Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2679**, Relating to state issued identification cards; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### First Reading

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

**Com. Sub. for H. B. 2607**, Relating to the licensure of nursing homes,

And,

**Com. Sub. for H. B. 2612**, Proposing rules related to the completion or updating of source water protection plans.

### Leaves of Absence

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

### Miscellaneous Business

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

- All remarks by Delegates regarding Com. Sub. for H. B. 2010 on yesterday and today
- Delegates Cowles, Robinson and Fluharty during Remarks by Members

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

- Delegate Rowan for H. B. 2490
- Delegate Maynard for H. B. 2697



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

- Delegate Waxman for H. B. 2204
- Delegate Lavender-Bowe for H. B. 2323
- Delegate N. Brown for H. B. 2518, H. B. 2540, H. B. 2709 and H. B. 2715
- Delegate Espinosa for H. B. 2608 and H. B. 2609
- Delegate Bates for H. B. 2763
- Delegate Pyles for H. B. 2758, H. B. 2778 and H. B. 2781

At 12:49 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 1, 2019.

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

**SPECIAL CALENDAR**

**Friday, February 1, 2019**

**24<sup>th</sup> Day**

**11:00 A. M.**

**THIRD READING**

- S. B. 27 - Removing restrictions on where certain traditional lottery games may be played (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 255 - Relating to Emergency Medical Services Advisory Committee (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2001 - Relating to exempting social security benefits from personal income tax (HOUSEHOLDER) (REGULAR)
- H. B. 2474 - Relating to a reserving methodology for health insurance and annuity contracts (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2476 - Relating to the valuation of a motor vehicle involved in an insurance claim (WESTFALL) (REGULAR)
- H. B. 2478 - Modifying the Fair Trade Practices Act (SHOTT) (REGULAR)
- H. B. 2480 - Relating to the regulation of an internationally active insurance group (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2524 - Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances (ELLINGTON) (REGULAR)
- H. B. 2679 - Relating to state issued identification cards (HOWELL) (REGULAR)

**SECOND READING**

- Com. Sub. for H. B. 2607 - Relating to the licensure of nursing homes (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2612 - Proposing rules related to the completion or updating of source water protection plans (ELLINGTON) (REGULAR)

**FIRST READING**

- S. B. 268 - Updating meaning of federal taxable income in WV Corporation Net Income Tax Act (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 269 - Updating terms used in WV Personal Income Tax Act (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for H. B. 2004 - Providing for a program of instruction in workforce preparedness (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2363 - Relating to the Upper Kanawha Valley Resiliency and Revitalization Program (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2420 - Establishing the Mountaineer Trail Network Recreation Authority (HOWELL) (REGULAR)
- H. B. 2666 - Supplemental appropriation to the Department of Veterans' Assistance (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 2668 - Supplemental appropriation to the Department of Administration, Public Defender Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

**HOUSE CALENDAR**

**Friday, February 1, 2019**

**24<sup>th</sup> Day**

**11:00 A. M.**

**SECOND READING**

Com. Sub. for H. B. 2008 - Relating to nonpartisan election of justices of the Supreme Court of Appeals (SHOTT) (REGULAR)

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**FRIDAY, FEBRUARY 1, 2019**

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**HOUSE CONVENES AT 11:00 A.M.**

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

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

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





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