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SEVENTEENTH DAY

Friday, January 24, 2020

SEVENTEENTH 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 Thursday, January 23, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 2321, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder,

And,

H. B. 4177, Allowing sheriffs to keep electronic copies of receipts for the payment of taxes,

And reports the same back with the recommendation that they each do pass, 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. 2321 and H. B. 4177) were each referred to the Committee on the Judiciary.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 4355, Allowing municipalities and counties to post their annual financial statements on the Internet,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4355) was referred to the Committee on Government Organization.

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. 2877, Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access,

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

Com. Sub. for H. B. 2877 - "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, as amended, relating to prohibiting public entities, including state, county and municipal buildings and facilities, places of public accommodation and commercial facilities, from charging a fee for parking in an accessible parking space bearing the international symbol of access,"

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. 4250, State Conservation Committee, state conservation committee grant program,

H. B. 4251, State Tax Department, payment of taxes by electronic funds transfer,

H. B. 4331, Racing Commission, thoroughbred racing,

H. B. 4343, State Tax Department, consumer sales and service tax,

And,

H. B. 4344, State Tax Department, exchange of information pursuant to written agreement,

And reports the same back with the recommendation that they each do pass, 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. 4250, H. B. 4251, H. B. 4331, H. B. 4343 and H. B. 4344) 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. 323, Authorizing Department of Administration promulgate legislative rules,

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

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

Your Committee on Education has had under consideration:

H. B. 2433, Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day,

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

Com. Sub. for H. B. 2433 - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all relating to establishing dates within which the instructional term for students must be held; exempting schools operating on a balanced calendar; authorizing state board to waive requirements of section; requiring state board rule on waiver process; and modifying use of purposes for certain noninstructional days,"

With the recommendation that the committee substitute 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. 4226, Department of Health and Human Resources, primary care seed money grants,

H. B. 4227, Department of Health and Human Resources, pilot program for drug screening of applicants for cash assistance,

H. B. 4230, Insurance Commission, pharmacy auditing entities and pharmacy benefit managers,

H. B. 4279, Department of Health and Human Resources, public water systems,

H. B. 4280, Department of Health and Human Resources, fees for permits,

H. B. 4281, Department of Health and Human Resources, vital statistics,

H. B. 4282, Department of Health and Human Resources, emergency medical services,

H. B. 4283, Department of Health and Human Resources, primary care center uncompensated care grants,

H. B. 4284, Department of Health and Human Resources, medical cannabis program—general provisions,

H. B. 4285, Department of Health and Human Resources, medical cannabis program—growers/processors,

H. B. 4286, Department of Health and Human Resources, medical cannabis program—laboratories,

H. B. 4287, Department of Health and Human Resources, medical cannabis program—dispensaries,

H. B. 4288, Department of Health and Human Resources, medical cannabis program—safe harbor letter,

H. B. 4289, Department of Health and Human Resources, collection and exchange of data related to overdoses,

H. B. 4290, Department of Health and Human Resources, minimum licensing requirements for residential child care and treatment facilities,

H. B. 4291, Department of Health and Human Resources, qualifications for a provisional license to practice as a social worker,

And,

H. B. 4292, Health Care Authority, critical access hospitals,

And reports the same back with the recommendation that they each do pass, 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. 4226, H. B. 4227, H. B. 4230, H. B. 4279, H. B. 4280, H. B. 4281, H. B. 4282, H. B. 4283, H. B. 4284, H. B. 4285, H. B. 4286, H. B. 4287, H. B. 4288, H. B. 4289, H. B. 4290, H. B. 4291 and H. B. 4292) were each referred to the Committee on the Judiciary.

On motion for leave, a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass, but that it first be referred to the Committee on Banking and Insurance), which was read by its title, as follows:

By Delegates Hill, Pack, Fleischauer, Bates, Jennings, Summers, D. Jeffries, Atkinson, C. Thompson, Angelucci and Rohrbach:

H. B. 4543 - "A Bill to repeal §33-15C-1 of the Code of West Virginia, 1931, as amended; to repeal §33-16-16, of said code; and to amend said code by adding thereto a new article designated, §33-53-1 of said code, all relating to insurance coverage for diabetics."

The Speaker referred the bill to the Committee on Banking and Insurance.

Delegate Maynard, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4409, Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund,

And,

H. B. 4429, Relating to the distribution of the assets remaining in a municipal policemen's or firemen's pension,

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

In accordance with the former direction of the Speaker, H. B. 4409 was referred to the Committee on Finance; and pursuant to House Rule 80, the Speaker referred H. B. 4429 to the Committee on Pensions and Retirement then Finance.

Delegate Maynard, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4030, Increasing the age limit of an honorably discharged veteran of the United States Armed Forces or National Guard to 40 years of age,

And reports the same back with the recommendation that it 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. 2419, Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance,

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

Com. Sub. for 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 person charged with a criminal violation when first appearing before a judicial officer; establishing that a judicial officer shall release a person charged with a misdemeanor offense on their own recognizance unless charged with certain offenses; establishes that in certain instances and with certain conditions the arrested person is entitled to the least restrictive bail conditions determined to be reasonably necessary to assure appearance as well as ensure safety of persons in the community and maintenance of evidence; establishing that in certain circumstances the arrested person is entitled to bail under least restrictive further conditions; identifying least restrictive further conditions; establishing considerations to determine whether to release an individual without bail, the reasonable amount of bail, or imposition of other conditions of release; establishing that in all misdemeanor cases, cash bail cannot exceed the maximum fine for the offense; and, further providing that a judicial officer may modify the conditions of release at any time,"

And,

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

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

Com. Sub. for H. B. 4438 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; providing exception from certain provisions of code; conferring jurisdiction to the Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee; exempting advance deposit wagering from certain provisions of code and implementing rules; providing for criminal penalties for accepting advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for a regulatory fee; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; providing for an investigation as to whether nonresident account holders of a licensee placed wagers while physically located in West Virginia; and authorizing rulemaking and emergency rulemaking,"

With the recommendation that the committee substitutes each do pass.

Pursuant to House Rule 80, the Speaker referred Com. Sub. for H. B. 4438 to the Committee on Finance.

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. 297 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7e, relating to requiring the State Board of Education to develop a program of instruction in home economics, or specific subjects within home economics, that may be integrated into the curriculum for students in secondary schools"; which was referred to the Committee on Education then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

S. C. R. 3 - "Requesting the Division of Highways to name bridge number 20-9-6.19 (20A017), locally known as Tornado Bridge, carrying County Route 9 over the Coal River in Kanawha County, the 'U. S. Army MSG Richard A. "Dick" Smoot Memorial Bridge'."

Whereas, Richard A. Smoot was born June 28, 1948, in Crownhill, West Virginia, the son of Trilba Gay Smoot and Richard Smoot; and

Whereas, Following high school, Richard A. Smoot joined the United States Army, where he rose to the rank of Master Sergeant and enjoyed a long and successful career; and

Whereas, Master Sergeant Smoot, who was sometimes called by the nickname "Bones", completed numerous training courses as a member of the special forces, earning many medals and badges. He completed air borne school, signal school, the free fall parachutist course, and combat lifesaving training. He was a qualified combat diver and earned the right to the Combat Infantryman Badge, Portuguese Diver Badge, the Russian Parachute Badge, the Master Parachute Badge, Special Forces Tab, and Special Operations Diving Supervisor Badge; and

Whereas, Master Sergeant Smoot, who served in Vietnam, Iraq, and Afghanistan, became a legend among the special forces community. He was awarded two Meritorious Service Medals, two Army Commendation Medals, two Army Achievement Medals, a Meritorious Unit Commendation, an Army Good Conduct Medal, and other medals and ribbons; and

Whereas, Although the service often took him far from his Tornado home, Master Sergeant Smoot was a devoted husband, father, and friend and was described as a rock to his immediate and extended family. Following honorable discharge from military service, Master Sergeant Smoot participated actively in his community and served as commander for American Legion Post 73; and

Whereas, Master Sergeant Richard A. Smoot died July 2, 2015, as a result of having been struck by a truck as he rode his motorcycle; and

Whereas, It is fitting that an enduring memorial be established to commemorate his many contributions to our nation, state, and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-9-6.19 (20A017), locally known as Tornado Bridge, carrying County Route 9 over the Coal River in Kanawha County, the "U. S. Army MSG Richard A. 'Dick' Smoot Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army MSG Richard A. 'Dick' Smoot Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Resolutions Introduced

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

H. C. R. 31 - "Requesting the Division of Highways name bridge number 52-15-0.84 (52A145), Lat/Long:39.57192,-80.67941, locally known as the North Fork Bridge, carrying CR15 over the North Fork of Fishing Creek in Wetzel County, the 'U. S. Army Air Corp PFC James W. Brown Memorial Bridge'."

Whereas, James was born October 4, 1924, as the son of William C. and Hannah Brock Brown; and

Whereas, James was a 1943 graduate of Pine Grove High School and a member of the First Baptist Church in Pine Grove; and

Whereas, James served our country from 1943 to 1946 as a Private First Class in the US Army Air Corp during World War II where he performed various duties such as military transport, building bridges and airplane maintenance; and

Whereas, After the war James worked as a State Police dispatcher, a Wetzel County Deputy Sheriff and worked for Ormet for 27 years; and

Whereas, James served for many years as Chief of Police in Pine Grove and on the Pine Grove City Council and he directed traffic after every home high school football game and for every funeral he could and he often interacted in a positive way with the children of the community; and

Whereas, James passed away on March 21, 2015, at the age of 90; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC James W. Brown and his contributions to his community, 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 52-15-0.84 (52A145), Lat/Long: 39.57192, -80.67941 locally known as the North Fork Bridge, carrying CR 15 over the North

Fork of Fishing Creek in Wetzel County, the “U. S. Army Air Corp PFC James W. Brown Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army Air Corp PFC James W. Brown Memorial Bridge”; and, be it

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

Delegate Linville offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 32 - “Requesting the Division of Highways name bridge number 6-39-0.01, currently under construction, at the mouth of Mount Union Road at Route 10, in Cabell County, the ‘Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans Memorial Bridge’.”

Whereas, Bothers Edward Wolfe, William Wolfe, Paul Carlton Wolfe, George Wolfe, and Fred Wolfe served in the U.S. Navy during World War II; and

Whereas, A sixth brother, Lewis Wolfe, served in the U.S. Army prior to World War II; and

Whereas, All six brothers lived on Mount Union Road, and several of their descendants also lived on that road and served honorably in later conflicts, the Vietnam War and Operation Desert Storm; and

Whereas, It is a fitting tribute to those brothers who so ably and honorably served their country and their state to name this bridge after them; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 6-39-0.01, currently under construction, at the mouth of Mount Union Road at Route 10, in Cabell County, the “Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the ‘Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans Memorial Bridge’; and, be it

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

Delegate Linville offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 33 - “Requesting the Division of Highways to name bridge number 17-79-119.96 (17A318), locally known as Lodgeville I-79 Bridge, carrying IS 79 over CR 50/16, 50/25 and railroad in Harrison County, the ‘U.S.A.F. Lt. Col. Frederick Donald Belknap Memorial Bridge’.”

Whereas, Frederick Donald Belknap was born July 31, 1929, on a farm on Little Termile Creek, two miles west of Wallace, in Harrison County, West Virginia. His parents were Dewey and Thelma Belknap. He graduated from Wallace High School in 1948 and attended West Virginia University from

1948-1952, where he worked as a waiter in Terrace Hall, a women's residence hall, to earn his meals; and

Whereas, Upon graduation from West Virginia University with a bachelor's degree in education, Frederick Donald Belknap was commissioned a second lieutenant in the United States Air Force, having participated in reserve officer training while at the university; and

Whereas, Frederick Donald Belknap married Hester 'Hedy' Ogden, also of Wallace, West Virginia, on September 10, 1951. The couple had one child, Dianne Lynne Belknap Lunsford; and

Whereas, Frederick Donald Belknap enjoyed a 25-year-long career in the Air Force, being trained as a navigator, graduating first in his class, later rated Master Navigator, and rising to the rank of lieutenant colonel; and

Whereas, During his career Lt Col Belknap flew in missions worldwide in C124 "GlobeMaster" aircraft, participating in troop carrier and cargo missions to Germany and the rest of Europe. In 1957 he was involved in airlifting U.S. Marines to Lebanon on orders of President Dwight D. Eisenhower, and carried out other missions in Greece, Egypt, Jordan, Libya and Morocco. In 1959, Colonel Belknap was trained as a missile launch officer and served as a Nuclear Missile Launch Officer in Germany from 1961 to 1964. Following various assignments stateside, Colonel Belknap was assigned to Saigon, Vietnam, in 1970 where he served as psychological warfare officer with the Joint United States Public Affairs Office until June, 1971; and

Whereas, Upon returning from Vietnam, Colonel Belknap was assigned to Langley Air Force Base in Hampton, Virginia, from where he flew missions in Southeast Asia. At the time of his retirement in 1977, Colonel Belknap had flown all over the world for more than 6,000 hours (including more than 88 hours of combat missions) in C124, C119 and C130 aircraft, and had been awarded the Bronze Star; and

Whereas, After his Air Force career, Colonel Belknap and his wife returned to Harrison County where he served as personnel coordinator for District 4 of the West Virginia Department of Highways from 1978 to 1989. He was a member of the West Milford Lions Club and VFW and served as a leader for his grandson's Boy Scout troop and was inducted into the Order of the Arrow. He enjoyed hunting, fishing, gardening, camping, gathering with old friends from all over, and attending Mountaineer football games. Colonel Belknap died February 23, 2017, at the age of 87, having lived a life of service to his country, his community and his family; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-79-119.96 (17A318), locally known as Lodgeville I-79 Bridge, carrying IS 79 over CR 50/16, 50/25 and railroad in Harrison County, the "U.S.A.F. Lt. Col. Frederick Donald Belknap 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.A.F. Lt. Col. Frederick Donald Belknap Memorial Bridge"; and, be it

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

Delegates Longstreth, Evans, Fleischauer, Butler, Pethtel, Diserio, Angelucci, Campbell, Cooper, Toney and Pushkin offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 34 - "Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families."

Whereas, More than 10,000 men and women from West Virginia have died during 20th and 21st century military actions, either in combat or during the official period of conflict and prior to discharge from the military. The ultimate sacrifices made by these men and women for their country and West Virginia represent the highest levels of honor and courage and should not go unnoticed; and

Whereas, Gold Star Families are those families who have family members who died or were killed serving in the armed forces. They are the families of fallen military heroes, whether they gave their lives in Iraq, Afghanistan, Vietnam, Korea, WWII or another conflict; and

Whereas, Rather than attempt to acknowledge individually each of these fallen warriors and patriots by finding a bridge or stretch of road or highway to be named for the individual veterans, it would be a more worthy form of recognition, homage and honor to these heroes and heroines and the Gold Star Families if signage were erected at the highways that enter West Virginia; and

Whereas, Since 2014 at least 10 signs have been placed along West Virginia highways honoring these heroes and heroines and the Gold Star Families; and

Whereas, It would be appropriate to further honor these heroes and heroines and the Gold Star Families by placing at least 10 additional signs at visible and highly traveled highways entering West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create and erect signs upon an additional heavily traveled highways entering the State of West Virginia on which a "Welcome to West Virginia" sign is posted near a border crossing. To the extent permissible by signage rules and regulations, each sign should read "West Virginia is proud to honor its fallen Veterans and Gold Star Families" and have affixed to it a gold star symbol similar to the design of the lapel pin approved under 10 U.S.C. §1126; 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.

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

By Delegates Doyle, Hansen, Pushkin, Bates, Lovejoy, Skaff, Miley, Hornbuckle, Walker, S. Brown and Estep-Burton:

H. J. R. 108 - "Proposing an amendment to the Constitution of the State of West Virginia, amending article IV thereof by adding thereto a new section, designated section thirteen, relating to the arrangement of congressional, senatorial and delegate districts after census by creating a State Redistricting Commission; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Political Subdivisions then Finance then the Judiciary.

Bills Introduced

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

By Delegates Summers, Paynter, Hardy, Worrell and Maynard:

H. B. 4523 - "A Bill to amend and reenact §20-2-42y of the Code of West Virginia, 1931, as amended, relating to Class AH, AHJ, AAH, AAHJ apprentice hunting and trapping licenses; and removing the limitation of number of apprentice hunting and trapping licenses a person may purchase"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Westfall, Hartman, Sponaugle, Barrett, Phillips and Storch:

H. B. 4524 - "A Bill to amend and reenact §60-5-1, §60-5-2, §60-5-3, §60-5-4, §60-5-5, §60-5-6 and §60-5-8 of the Code of West Virginia, 1931, as amended, all relating to making the entire state 'wet' or permitting the sale of alcoholic liquors for off-premises consumption; providing a county option to vote to go 'dry' or prohibit the sale of alcoholic liquors for off-premises consumption; and permitting an exception"; to the Committee on the Judiciary.

By Delegates Hansen, Walker, Angelucci and Longstreth:

H. B. 4525 - "A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to require the State Board of Education to provide for the routine education of all professional educators, including principals and administrators, and those service personnel having direct contact with students on warning signs and resources to assist in suicide prevention under guidelines established by the state board"; to the Committee on Education then Finance.

By Delegates Bates, Pack, Steele, Toney, McGeehan, Bibby, Butler, Anderson, Longstreth, Doyle and Wilson:

H. B. 4526 - "A Bill making a supplementary appropriation by adding a new item of appropriation from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue fund, to the Department of Veterans' Assistance- Veterans Home, fund, fiscal year 2020, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020"; to the Committee on Finance.

By Delegates Criss and Householder:

H. B. 4527 - "A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, and to amend said code by creating a special revenue account of the State Treasury designated the Military Authority Fund to be administered by the Adjutant General for all nonfederal government entity revenues and expenses received by the West Virginia Military Authority"; to the Committee on Finance.

By Delegates Longstreth, Angelucci, Lovejoy, Miller, Jennings and Maynard:

H. B. 4528 - "A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to the surcharge on fire and casualty insurance policies; providing that the surcharge be increased to one percent; providing that the surcharge be used solely for volunteer fire departments; and deleting obsolete language"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Criss and Nelson:

H. B. 4529 - "A Bill to amend and reenact §7-25-22 of the Code of West Virginia, 1931, as amended, relating to the collection of assessments and the priority of liens on property within a resort area district"; to the Committee on the Judiciary.

By Delegate Westfall:

H. B. 4530 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6D-17, relating to authorizing daily passenger rental car companies to charge reasonable administrative fees when the fees are incidental to or arising from the rental car transaction"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Barnhart, Higginbotham, P. Martin, Pack, J. Jeffries, D. Kelly and Bibby:

H. B. 4531 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-23A-1, relating to creating the County Budget Flexibility Act; permitting a county to hold over unspent budgetary funds and excess revenue for future uses; requiring those funds be deposited in a county's Future Needs Fund; authorizing the use of those funds for future or unexpected needs; making findings; and setting forth an intent"; to the Committee on Political Subdivisions then Finance.

By Delegates Walker, Zukoff, Pushkin, Hornbuckle, Pyles, Miley, Hansen, Skaff, Williams, Estep-Burton and Diserio:

H. B. 4532 - "A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, to provide civil rights protections to certain individuals"; to the Committee on the Judiciary then Finance.

By Delegates R. Thompson, N. Brown, Evans, Hicks, Tomblin and Rodighiero:

H. B. 4533 - "A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to strengthening the criminal penalty for assault on governmental representatives, health care providers, utility workers, law-enforcement officers, correctional employees and emergency medical service personnel to a felony"; to the Committee on the Judiciary then Finance.

By Delegates Walker, Pyles, Williams, Hansen, Skaff, Estep-Burton, Angelucci, Storch, Byrd, Hanna and Hill:

H. B. 4534 - "A Bill to amend and reenact §18B-1-6 of the Code of West Virginia, 1931, as amended, relating to rulemaking for healthcare plans; providing that the commission and council promulgate rules for healthcare plans offered to graduate students attending a college or university in this state; providing that the healthcare plans offered to graduate students permit adding dependents to the policy; providing that healthcare plans offered to graduate students not exclude any graduate student with a preexisting condition; and establishing an effective date"; to the Committee on Banking and Insurance then Education then Finance.

By Delegates Toney, Campbell and Cooper:

H. B. 4535 - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8a of said code, all relating to student aide class titles for school service personnel"; to the Committee on Education.

By Delegate Howell:

H. B. 4536 - "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 Maynard, J. Jeffries, Tomblin, Linville, Miller, P. Martin, Mandt, Worrell, Pack and Rohrbach:

H. B. 4537 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-22, relating to establishing a study conducted by the Division of Natural Resources to allow boats with motors larger than 10 horsepower to idle on the Upper Mud River Lake; requiring the Division of Natural Resources to create special permits for 100 boaters; requiring the Division of Natural Resources to study the habitats of fish and surrounding wildlife; requiring reports to the Legislature; and establishing an effective date and termination date of the study"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Toney, Hott, Rowan, Paynter, Campbell and Cooper:

H. B. 4538 - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to modifying the definitions and pay grades of certain school cafeteria personnel"; to the Committee on Education then Finance.

By Delegates Pushkin, Hill, Hanna, Miley, Hornbuckle, Fluharty, Dean, Estep-Burton, Byrd, Walker and Robinson:

H. B. 4539 - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, and to further amend said code by adding thereto a new section, designated §16A-5-11, all relating to the cultivation of medical cannabis; allowing patients and their caregivers to cultivate medical cannabis for patients' personal consumption"; to the Committee on Agriculture and Natural Resources then Health and Human Resources then the Judiciary.

By Delegates Capito, Miller, Shott, D. Kelly, Graves, Byrd and Nelson:

H. B. 4540 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-19; to amend and reenact §17C-1-6 of said code; and to amend and reenact §30-29-1, §30-29-5, and §30-29-8 of said code, all relating to the authorization by governing boards of public and private hospitals to appoint and employ hospital police officers, providing for the qualifications, training, authority, compensation, and removal of hospital police officers; allowing for the assistance of local law-enforcement agencies upon request; and providing limitations on liability of hospital police officers"; to the Committee on the Judiciary then Finance.

By Delegates Foster, Hanshaw (Mr. Speaker) and Howell:

H. B. 4541 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-10a, relating to an occupational limited license"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Hansen, Walker, Estep-Burton, Lavender-Bowe, Pushkin, Diserio, Fleischauer, Miley and Doyle:

H. B. 4542 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g; and to add four new sections to said code, designated as §22-11-31, §22-11-32, §22-11-33 and §22-11-34, all relating to creating the Clean Drinking Water Act of 2020; directing the Secretary of the Department of Public Health to propose maximum contaminant levels or treatment techniques for certain PFAS pollutants; creating the West Virginia PFAS Action Response Team to act as an advisory body within the Department of Environmental Protection; setting forth the team's responsibilities and powers; requiring facilities using certain PFAS chemicals to report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply human health criteria; and requiring rule-making"; to the Committee on Health and Human Resources then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for S. B. 94, Providing persons with physical disabilities ability to vote by electronic absentee ballot; 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. 36**), 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: Byrd, Ellington, Espinosa, Hardy, Kessinger, Little and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 94) passed.

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

On this question, the yeas and nays were taken (**Roll No. 37**), 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: Byrd, Ellington, Espinosa, Hardy, Kessinger, Little and Sponaugle.

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. 94) 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 H. B. 4002, Creating a felony crime relating to drug delivery resulting in death; 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. 38**), and there were—yeas 90, nays 3, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Bates, McGeehan and Pushkin.

Absent and Not Voting: Byrd, Ellington, Espinosa, Hardy, Kessinger, Little and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4002) 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. 4393, Relating to making suffocation and asphyxiation crimes; 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. 39**), 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: Byrd, Ellington, Espinosa, Hardy, Kessinger, Little and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4393) 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

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

Com. Sub. for H. B. 4011, Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions,

Com. Sub. for H. B. 4129, Relating to adoption,

H. B. 4146, Relating to credit for reinsurance,

H. B. 4149, Relating to insurance,

H. B. 4166, Prohibiting certain sex offenders from being in a supervisory position over children,

And,

H. B. 4411, Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act.

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. 2497, Relating to the whistle-blower law,

H. B. 4089, Requiring cursive writing to be taught,

H. B. 4365, Granting of college credit hours for learning English as a second language,

And,

H. B. 4480, Relating to legislative rules for the Higher Education Policy Commission.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Byrd, Ellington, Espinosa, Hardy, Kessinger, Little and Sponaugle.

Miscellaneous Business

Delegate Boggs noted to the Clerk that he was absent when the votes were taken on Roll Nos. 24 through 29, 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:

- Delegates Fast, Lovejoy and Mandt for H. B. 4476
- Delegate Westfall for H. B. 3060
- Delegate Fleischauer for H. B. 4394
- Delegates for Fast and Mandt H. B. 4496
- Delegate Porterfield for H. B. 3060, H. B. 4026 and H. B. 4443
- Delegate Fast for H. B. 4510

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

- Delegate Foster for H. B. 4440

At 11:47 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 27, 2020.

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

SPECIAL CALENDAR

Monday, January 27, 2020

20th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 4011 - Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4129 - Relating to adoption (SHOTT) (REGULAR)
- H. B. 4146 - Relating to credit for reinsurance (WESTFALL) (REGULAR)
- H. B. 4149 - Relating to insurance (WESTFALL) (REGULAR)
- H. B. 4166 - Prohibiting certain sex offenders from being in a supervisory position over children (SHOTT) (REGULAR)
- H. B. 4411 - Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act (NELSON) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2497 - Relating to the whistle-blower law (SHOTT) (REGULAR)
- H. B. 4089 - Requiring cursive writing to be taught (ELLINGTON) (REGULAR)
- H. B. 4365 - Granting of college credit hours for learning English as a second language (ELLINGTON) (REGULAR)
- H. B. 4480 - Relating to legislative rules for the Higher Education Policy Commission (ELLINGTON) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 323 - Authorizing Department of Administration promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2419 - Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2433 - Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2877 - Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access (SHOTT) (REGULAR)
- H. B. 4030 - Increasing the limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans (MAYNARD) (REGULAR)

HOUSE CALENDAR

Monday, January 27, 2020

20th Day

11:00 A. M.

UNFINISHED BUSINESS

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

THIRD READING

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

SECOND READING

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

Com. Sub. for H. B. 4094 - Continuing the Foster Care Ombudsman (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**

MONDAY, JANUARY 27, 2020

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON THE JUDICIARY
9:30 A.M. – ROOM 418 M**

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

**AGRICULTURE AND NATURAL RESOURCES
1:00 P.M. – ROOM 418 M**

**BANKING AND INSURANCE
1:00 P.M. – ROOM 215 E**

**COMMITTEE ON EDUCATION
3:00 P.M. – ROOM 434 M**

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