

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



January 10, 2019
SECOND DAY

Thursday, January 10, 2019

SECOND 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 Wednesday, January 9, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Messages from the Executive
and other Communications**

Legislative Rule-Making Review Committee Report

The following letter and report from Delegate Sobonya and Senator Maynard, cochairs of the Legislative Rule-Making Review Committee, have been filed with the Clerk:

West Virginia Legislature
Legislative Rule-Making Review Committee

December 14, 2018

The Honorable Bruce Cassis
Clerk, West Virginia Senate
State Capitol
Charleston, WV 25305

The Honorable Steve Harrison
Clerk, West Virginia House of Delegates
State Capitol
Charleston, WV 25305

Gentlemen:

In accordance with the provisions of W.Va. Code, §29A-3-12, we have attached copies of the proposed legislative rules which have been submitted to and acted upon by the Legislative Rule-Making Review Committee, pursuant to the provisions of W.Va. Code, §29A-3-11, and which have not previously been submitted to the Legislature for study.

Also, attached is a report listing the proposed legislative rules considered by the Committee, and setting forth the recommendations of the Committee with respect to the proposed legislative rules. This letter also serves as a statement that a separate bill authorizing the promulgation of each proposed legislative rule has been drafted by the staff of the Legislative Rule-Making Review Committee.

In accordance with W.Va. Code, §29A-3-11, the draft bills are available for any member to introduce to the Legislature. The undersigned, as Co-Chairmen of the Legislative Rule-Making Review Committee, are requesting that Senator Maynard's name be placed on the draft bills as the sponsor in the Senate, and Delegate Sobonya's, name be placed on the draft bills as the sponsor in the House of Delegates.

Thank you for your cooperation.

Sincerely,

Mark Maynard,
Senate.
Kelli Sobonya,
House of Delegates.

December 14, 2018

West Virginia Legislature
State Capitol
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairpersons of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the Committee, authorizing each of the proposed legislative rules below as submitted, as modified, as modified and amended, or as amended have been drafted by staff of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:

Administration, Department of

Purchasing Division, 148 CSR 1 [H. B. 2231]

Agriculture, Department of

Farm to Food Bank Tax Credit, 61 CSR 36 [H. B. 2232]

DEP – Air Quality Board

Ambient Air Quality Standards, 45 CSR 8 [H. B. 2233]

DEP - Air Quality Board

Standards of Performance for New Stationary Sources, 45 CSR 16 [H. B. 2234]

DEP - Air Quality Board

Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities, 45 CSR 25 [H. B. 2235]

DEP - Air Quality Board

Emission Standards for Hazardous Air Pollutants, 45 CSR 34 [H. B. 2236]

DEP – Air Quality Board

Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded, or Approved under Title 23 U.S.C. or the Federal Transit Laws, to Applicable Air Quality Implementation Plans (Transportation Conformity), 45 CSR 36 [H. B. 2237]

DEP – Air Quality Board

Provisions for Determination of Compliance with Air Quality Management Rules, 45 CSR 38 [H. B. 2238]

DEP – Air Quality Board

Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions, 45 CSR 43 [H. B. 2239]

Fire Commission

State Building Code, 87 CSR 4 [H. B. 2240]

Health and Human Resources, Department of

Newborn Screening System, 64 CSR 91 [H. B. 2241]

Health and Human Resources, Department of

Chronic Pain Management Clinic Licensure, 69 CSR 8 [H. B. 2242]

Health and Human Resources, Department of

Collection and Exchange of Data Related to Overdoes, 69 CSR 14 [H. B. 2243]

Health Care Authority

Cooperative Agreement Approval and Compliance, 65 CSR 6 [H. B. 2244]

Highways, Division of

Employment Procedures, 157 CSR 12 [H. B. 2245]

Labor, Division of

Wage Payment and Collection, 42 CSR 5 [H. B. 2246]

Labor, Division of

Regulation of Heating, Ventilating, and Cooling Work, 42 CSR 34 [H. B. 2247]

Medicine, Board of

Licensing and Disciplinary Procedures: Physicians; Podiatric Physicians and Surgeons, 11 CSR 1A [H. B. 2248]

Medicine, Board of

Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents, and Fellows, 11 CSR 12 [H. B. 2249]

Miner's Health Safety and Training, Office of

Rules Governing the Safety of Those Employed in and Around Surface Mines in West Virginia, 56 CSR 3 [H. B. 2250]

Miner's Health Safety and Training, Office of

Rules Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia, 56 CSR 8 [H. B. 2251]

Miner's Health Safety and Training, Office of

Rule for Operating Diesel Equipment in Underground Mines in West Virginia, 56 CSR 23 [H. B. 2252]

Osteopathic Medicine, Board of

Licensing Procedures for Osteopathic Physicians, 24 CSR 1 [H. B. 2253]

Pharmacy, Board of

Licensure and Practice of Pharmacist Care, 15 CSR 1 [H. B. 2254]

Pharmacy, Board of

Board of Pharmacy Rules for Registration of Pharmacy Technicians, 15 CSR 7 [H. B. 2255]

Pharmacy, Board of

Regulations Governing Pharmacy Permits, 15 CSR 15 [H. B. 2256]

Pharmacy, Board of

Regulations Governing Pharmacists, 15 CSR 16 [H. B. 2257]

Registered Professional Nurses

Advanced Practice Registered Nurse, 19 CSR 7 [H. B. 2258]

Secretary of State

Filing and Formatting Rules and Related Documents and Other Documents for Publication in the State Register, 153 CSR 6 [H. B. 2259]

Secretary of State

Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Elections Systems, Software, Services and Upgrades, 153 CSR 10 [H. B. 2260]

Secretary of State

Early Voting In-Person Satellite Precincts, 153 CSR 13 [H. B. 2261]

Secretary of State

Notaries Public, 153 CSR 46 [H. B. 2262]

Social Work Examiners, Board of

Code of Ethics, 25 CSR 7 [H. B. 2263]

Tax Department

Aircraft Operated under a Fractional Ownership Program, 110 CSR 15K [H. B. 2264]

Tax Department

Citizen Tax Credit for Property Taxes Paid, 110 CSR 21B [H. B. 2265]

Tax Department

Administration of Tax on Purchases of Wine and Liquor, 110 CSR 49 [H. B. 2266]

Tax Department

Exchange of Information Agreement Between Tax Division and Division of Environmental Protection, 110 CSR 50A [H. B. 2267]

Tax Department

Exchange of Information Agreement Between the State Tax Division and the Alcohol Beverage Control Administration, 110 CSR 50B [H. B. 2268]

Tax Department

Exchange of Information Pursuant to Written Agreement, 110 CSR 50C [H. B. 2269]

Tax Department

Exchange of Information Agreement Between the Commissioner of the Tax Division of the Department of Revenue and the Commissioner of the Division of Labor of the Department of Commerce, the Commissioner of the Insurance Commission of the Department of Revenue, the Commissioner of the Division of Motor Vehicles of the Department of Transportation, the Commissioner of the Bureau of Employment Programs and the Office of the Governor, 110 CSR 50D [H. B. 2270]

Tax Department

Exchange of Information Agreement Between the State Tax Department and the West Virginia Lottery, 110 CSR 50E [H. B. 2271]

Tax Department

Exchange of Information Agreement Between the State Tax Department and the Office of the State Fire Marshal, 110 CSR 50F [H. B. 2272]

The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, '29A-3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:

Administration, Department of

State Owned Vehicles, 148 CSR 3 [H. B. 2273]

Administration, Department of

Leasing of Space and Acquisition of Real Property on Behalf of State Spending Units, 148 CSR 19 [H. B. 2274]

Agriculture, Department of

Animal Disease Control, 61 CSR 1 [H. B. 2275]

Agriculture, Department of

Industrial Hemp, 61 CSR 29 [H. B. 2276]

Agriculture, Department of

Rural Rehabilitation Loan Program, 61 CSR 33 [H. B. 2277]

Agriculture, Department of

Captive Cervid Farming, 61 CSR 34 [H. B. 2278]

Agriculture, Department of

Agritourism, 61 CSR 37 [H. B. 2279]

Agriculture, Department of

Farmers Market, 61 CSR 38 [H. B. 2280]

Agriculture, Department of

Seed Certification Program, 61 CSR 39 [H. B. 2281]

Athletic Commission

Administrative Rules of the WV State Athletic Commission, 177 CSR 1 [H. B. 2282]

DEP – Water and Waste Management

Requirements Governing Water Quality Standards, 47 CSR 2 [H. B. 2283]

Dietitians, Board of

Licensure and Renewal Requirements, 31 CSR 1 [H. B. 2284]

Health and Human Resources

Behavioral Health Centers Licensure, 64 CSR 11 [H. B. 2285]

Health and Human Resources

Assisted Living Residencies, 64 CSR 14 [H. B. 2286]

Health and Human Resources

Food Establishments, 64 CSR 17 [H. B. 2287]

Health and Human Resources

Food Manufacturing Facilities, 64 CSR 43 [H. B. 2288]

Health and Human Resources, Department of

Medication-Assisted Treatment-Office-Based Medication-Assisted Treatment, 69 CSR 12 [H. B. 2289]

Labor, Division of

Child Labor, 42 CSR 9 [H. B. 2290]

Lottery Commission

West Virginia Lottery Sports Wagering Rule, 179 CSR 9 [H. B. 2291]

Natural Resources, Division of

Commercial Whitewater Outfitters, 58 CSR 12 [H. B. 2292]

Natural Resources, Division of

Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATV and ORVs, 58 CSR 36 [H. B. 2293]

Pharmacy, Board of

Board of Pharmacy Rules for the Substitution of Biological Pharmaceuticals, 15 CSR 17 [H. B. 2294]

Racing Commission

Thoroughbred Racing, 178 CSR 1 [H. B. 2295]

Real Estate Appraiser Licensing and Certification Board

Requirements for Licensure and Certification, 190 CSR 2 [H. B. 2296]

Registered Professional Nurses

Policies, Standards and Criteria for the Evaluation, Approval and Accreditation of Colleges, Departments or Schools of Nursing, 19 CSR 1 [H. B. 2297]

Registered Professional Nurses

Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct, 19 CSR 3 [H. B. 2298]

Registered Professional Nurses

Standards for Scope of Professional Nursing Practice, 19 CSR 10 [H. B. 2299]

Registered Professional Nurses

Fees for Services Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing, 19 CSR 12 [H. B. 2300]

Registered Professional Nurses

Dialysis Technicians, 19 CSR 13 [H. B. 2301]

Social Work Examiners, Board of

Qualifications for the Profession of Social Work, 25 CSR 1 [H. B. 2302]

Tax Department

Payment of Taxes by Electronic Funds Transfer, 110 CSR 10F [H. B. 2303]

Treasurer

Reporting and Claiming Unknown and Unlocatable Interest Owners Reserved Interests, 112 CSR 16 [H. B. 2304]

Bills Introduced

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

By Delegate Sponaule:

H. B. 2201 - "A Bill to amend and reenact §11-21-16 of the Code of West Virginia, 1931, as amended, relating to personal income taxes; and making the personal exemptions for purposes of

West Virginia's personal income tax the same as allowed for federal income tax purposes"; to the Committee on Finance.

By Delegate Foster:

H. B. 2202 - "A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to net metering; modifying method for determining rebate or discounts to customers; and requiring compliance with certain national codes"; to the Committee on Energy then the Judiciary.

By Delegate Foster:

H. B. 2203 - "A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6, §30-41-7, §30-41-8, §30-41-9, §30-41-10, §30-41-11, §30-41-12, §30-41-13, §30-41-14, §30-41-15, §30-41-16, §30-41-17, §30-41-18, §30-41-19, and §30-41-20, all relating to the West Virginia Contractor Act; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; necessity for contractor license and exemptions; procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; prerequisites to obtaining building permit and mandatory written contracts; requiring informational list for basic universal design features; providing injunction and criminal penalties for violation of article; specific administrative duties of board and record keeping by the board; authorizing to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; and misdemeanor criminal penalties for violations of article"; to the Committee on Government Organization then the Judiciary.

By Delegates Foster and Fast:

H. B. 2204 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to prohibiting state licensing boards from hiring lobbyists; and declaring that the director and appointed board members of each board may lobby on behalf of the board"; to the Committee on Government Organization then the Judiciary.

By Delegates Rowan and J. Kelly:

H. B. 2205 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-11, relating to selection of language developmental milestones for purposes of developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition and developmental stages toward English literacy"; to the Committee on Education.

By Delegates Westfall and Rohrbach:

H. B. 2206 - "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 Senior, Children, and Family Issues then Finance.

By Delegate Cooper:

H. B. 2207 - "A Bill to amend and reenact §17E-1-18 of the Code of West Virginia, 1931, as amended, relating to commercial driver's license; and requiring that a state employee with a commercial driver's license have a current medical evaluation certification and may not have a medical waiver"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Sponaugle:

H. B. 2208 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing certain members of volunteer fire departments and rescue squads a \$5,000 modification reducing federal adjusted gross income for personal income tax purposes"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Howell, Shott and Foster:

H. B. 2209 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-24-8, relating to allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician"; to the Committee on Veterans' Affairs and Homeland Security then Health and Human Resources.

By Delegates Howell and Rohrbach:

H. B. 2210 - "A Bill to amend and reenact §61-8-31 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of therapeutic deception; and including medical doctors and doctors of osteopathy as medical professionals who are subject to the prohibition against therapeutic deception"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Wilson:

H. B. 2211 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9C-1, §6-9C-2, §6-9C-3, §6-9C-4, §6-9C-5 and §6-9C-6, all relating to creating and maintaining a searchable online budget database to easily access the details on how the state is spending tax dollars and what performance results are achieved for those expenditures; designating this as the 'Budget and Spending Transparency Act'; providing a short title, legislative findings, definitions, content requirements and updates; and compliance by the State Tax Department"; to the Committee on Government Organization then Finance.

By Delegates Fast and Rowan:

H. B. 2212 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-10A-7, relating to requiring a bail bondsman and bail bond enforcer submit results of drug test to Chief Judge in each jurisdiction; requiring that bail bondsman and bail bond enforcers be subject to random drug testing; creating penalty of suspension or termination for failure of, or refusal to submit to, drug test; establishing that drug test records be public"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Wilson:

H. B. 2213 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-27, relating to establishing the 'Mountain State Employee Compensation Realignment Act'; providing a sunset provision for the Public Employees Insurance Agency; and transferring all responsibilities after the expiration of the Public Employees Insurance Agency to the Insurance Commissioner"; to the Committee on Finance.

By Delegates Rohrbach and Pyles:

H. B. 2214 - "A Bill to amend and reenact §17B-2-6 and §17B-2-12a of the Code of West Virginia, 1931, as amended, all relating to requiring applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors"; to the Committee on Technology and Infrastructure then Health and Human Resources.

By Delegates Sypolt and Rowan:

H. B. 2215 - "A Bill to amend and reenact §16-4-20 of the Code of West Virginia, 1931, as amended, relating to making it a felony to knowingly expose another individual to HIV without his or

her informed consent; establishing criminal penalties; and imposing civil liability”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Fast:

H. B. 2216 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-6-7, relating to defining the term ‘minor boundary adjustment’ as it applies to municipal annexations”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Fast:

H. B. 2217 - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local special elections to be held on the days and hours of general, primary or state-wide elections”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Fast:

H. B. 2218 - “A Bill to amend and reenact §61-8D-1 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the definitions of child abuse and neglect to exclude accidents”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Byrd and Shott:

H. B. 2219 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6-1c, relating to authorizing certain motor vehicle manufacturers to operate as new car dealers”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Criss, Pack and Rowan:

H. B. 2220 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting percentages of social security benefits from personal income tax for certain taxpayers beginning after specified date; and increasing to 100 percent the percentage of social security benefits to which exemption applies for those certain taxpayers over three-year period”; to the Committee on Finance.

By Delegate Barrett:

H. B. 2221 - “A Bill to amend and reenact §61-7-4 and §61-7-4a of the Code of West Virginia, 1931, as amended, all relating to reducing the cost of the fee for a state license to carry a concealed weapon”; to the Committee on Finance.

By Delegates Barrett and Canestraro:

H. B. 2222 - “A Bill to amend and reenact §51-10-1 and §51-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring the Insurance Commissioner to regulate professional bondsmen”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Pushkin:

H. B. 2223 - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to recognizing those in active military service as residents for the purpose of obtaining concealed permits to licenses while stationed at a West Virginia military installation”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Hornbuckle, Rowan and Longstreth:

H. B. 2224 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend said code by adding thereto a new section, designated §16-5a-6; to amend said code by adding thereto a new section, designated §33-15-4s; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3dd; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7s; to amend said code by adding thereto a new section, designated

§33-25-8p; and to amend said code by adding thereto a new section, designated §33-25A-8s, all relating to insurance coverage for breast cancer screening”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegate Byrd:

H. B. 2225 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-23a, relating to providing a tax credit for first time home buyers; establishing eligibility criteria; setting a maximum credit; and excluding certain homes”; to the Committee on Finance.

By Delegate Byrd:

H. B. 2226 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid, for personal income tax purposes”; to the Committee on Education then Finance.

By Delegates Rowan and Rohrbach:

H. B. 2227 - “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, and §16-56-4, all relating to creating the Nondiscrimination in Involuntary Denial of Treatment Act; requiring the provision of medical treatment under certain circumstances; requiring the disclosure of policies related to the life-preserving treatment a patient may receive or be denied; requiring the Department of Health and Human Resources to maintain and report on certain information”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Shott:

H. B. 2228 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7, and §11-28-8, all relating to allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants; providing for county and municipality options; limiting the total tax to three percent; limiting a municipal tax to two percent; setting forth the procedures for counties or municipalities to use to impose the tax; requiring publication; setting forth how the collected tax may be used; setting forth apportionment of the tax between local jurisdictions; setting forth exemptions from the tax; defining terms; and providing criminal penalties”; to the Committee on Political Subdivisions then Finance.

By Delegate Shott:

H. B. 2229 - “A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating to adding violations of law upon which a public servant’s retirement plan may be forfeited; changing the definition of less than honorable service; removing the exception of a misdemeanor from the definition of less than honorable service relating to impeachment and conviction of a participant or former participant under the Constitution; removing the exception for certain lesser included crimes to constitute less than honorable service; and adding additional violations of law which constitute less than honorable service”; to the Committee on Pensions and Retirement then the Judiciary.

By Delegate Pyles:

H. B. 2230 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting from personal income tax the entirety of any income received under the federal Social Security system for persons with an adjusted federal gross income of \$100,000 or less”; to the Committee on Senior, Children, and Family Issues then Finance.

By Delegate Foster:

H. B. 2231 - "A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to purchasing"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2232 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farm to food bank tax credit"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2233 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2234 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2235 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2236 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2237 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for determining conformity of transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Laws, to applicable air quality implementation plans (transportation conformity)"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2238 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to provisions for determination of compliance with air quality management rules"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2239 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to cross-state air pollution rule to control annual nitrogen oxides emission,

annual sulfur dioxide emissions, and ozone season nitrogen oxides emissions”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2240 - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2241 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to newborn screening system”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2242 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2243 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2244 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to cooperative agreement approval and compliance”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2245 - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to employment procedures”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2246 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to wage payment and collection”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2247 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2248 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures: physicians; podiatric physicians and surgeons”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2249 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to permitting and disciplinary procedures: educational permits for graduate medical interns, residents, and fellows"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2250 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the safety of those employed in and around surface mines in West Virginia"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2251 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2252 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules for operating diesel equipment in underground mines in West Virginia"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2253 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2254 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2255 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to board of pharmacy rules for registration of pharmacy technicians"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2256 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permits"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2257 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacists"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2258 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to advanced practice registered nurse"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2259 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to filing and formatting rules and related documents and other documents for publication in the State Register"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2260 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to loan and grant programs under the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems, software, services, and upgrades"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2261 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to early voting in-person satellite precincts"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2262 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to notaries public"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2263 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to code of ethics"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2264 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to aircraft operated under a fractional ownership program"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2265 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to senior citizen tax credit for property taxes paid"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2266 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to administration of tax on purchases of wine and liquor inside and outside of municipalities"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2267 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between Tax Division and Division of Environmental Protection"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2268 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating

to exchange of information agreement between the State Tax Division and the Alcohol Beverage Control Administration”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2269 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information pursuant to written agreement”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2270 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the Commissioner of the Tax Division of the Department of Revenue and the Commissioner of the Division of Labor of the Department of Commerce, the Commissioner of the Insurance Commission of the Department of Revenue, the Commissioner of the Division of Motor Vehicles of the Department of Transportation, the Commissioner of the Bureau of Employment Programs and the Office of the Governor”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2271 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Department and the West Virginia Lottery”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2272 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Department and the Office of the State Fire Marshal”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2273 - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state-owned vehicles”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2274 - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to leasing of space and acquisition of real property on behalf of state spending units”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2275 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2276 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2277 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to rural rehabilitation loan program"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2278 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to captive cervid farming"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2279 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to agritourism"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2280 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2281 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification program"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2282 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2283 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2284 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2285 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to behavioral health centers licensure"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2286 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to assisted living residences"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2287 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2288 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food manufacturing facilities"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2289 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment-office-based medication-assisted treatment"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2290 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to child labor"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2291 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery sports wagering rule"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2292 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2293 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to rules for Cabwaylingo State Forest trail system two-year pilot project permitting ATVs and ORVs"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2294 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to rules for the substitution of biological pharmaceuticals"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2295 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2296 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to

promulgate a legislative rule relating to requirements for licensure and certification”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2297 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Registered Professional Nurses to promulgate a legislative rule relating to policies, standards, and criteria for the evaluation and accreditation of colleges, departments, or schools of nursing”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2298 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2299 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to standards for scope of professional nursing practice”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2300 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the board and supplemental renewal fee for the center for nursing”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2301 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to dialysis technicians”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2302 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2303 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2304 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer’s Office to promulgate a legislative rule relating to reporting and claiming unknown and unlocatable interest owners reserved interests”; to the Committee on the Judiciary.

Miscellaneous Business

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

- Delegates J. Jeffries and Phillips for H. B. 2046

At 11:15 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 11, 2019.

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, JANUARY 11, 2019

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON EDUCATION
9:00 A.M. – ROOM 432M**

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

**COMMITTEE ON THE JUDICIARY
9:45 A.M. – ROOM 418M**

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