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February 21, 2019
FORTY-FOURTH DAY

Thursday, February 21, 2019

FORTY-FOURTH DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, February 20, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred Com. Sub. for H. B. 2532 and H. B. 2872, on Second Reading, House Calendar, to the Special Calendar; and Com. Sub. for H. B. 2452, on First Reading, House Calendar, to the Special Calendar.

Committee Reports

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

By Delegates Householder, Hardy, Butler, Espinosa and Criss:

H. B. 3136 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to requiring all able-bodied adults receiving Medicaid benefits to be employed or participating and complying with the requirements of a work, education, or volunteer program for at least 20 hours per week upon the issuance to the state of a waiver from the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, for a demonstration project under section 1115(a) of the Social Security Act to implement the requirements of this law, generally."

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

By Delegates Householder, Graves, Hardy, Ellington, Maynard, Hill, Linville and Espinosa:

H. B. 3137 - "A Bill to amend and reenact §11-21-4e of the Code of West Virginia, 1931, as amended; and to amend said code by adding a new section thereto, §11B-2-33, all relating to reducing personal income tax rates when personal income tax reduction fund is funded at an amount equal to or exceeding \$200 million; establishing personal income tax reduction fund and providing for deposits into personal income tax reduction fund; specifying rate reductions; providing for deposits from personal income tax reduction fund into general revenue fund; imposing duties on the Secretary of Revenue and State Lottery Commission."

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. 2441, Removing certain requirements related to wages for construction of public improvements,

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

Com. Sub. for H. B. 2441 - "A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to removing certain requirements related to wages for construction of public improvements,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2864, Increasing salaries of magistrates, supreme court justices, circuit court judges, and family court judges,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2864) was referred to the Committee on Finance.

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. 2497, Relating to the whistle-blower law,

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

Motions

Delegate Shott filed a written motion that, pursuant to the Rules of the House (Rules 50, 51 and 53) I move that H. B. 2519 be committed to the Committee on Finance.

The question being on the adoption of the motion, the same was put and prevailed.

The bill was committed to the Committee on Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 270, Streamlining process for utilities access to DOH rights-of-way; 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. 218**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 270) passed.

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

On this question, the yeas and nays were taken (**Roll No. 219**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

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. 270) takes effect from its passage.

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

Com. Sub. for S. B. 356, Requiring MAPS provide state and federal prosecutors information; 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. 220**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 356) passed.

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

S. B. 358, Exempting Purchasing Division purchases for equipment to maintain security at state facilities; 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. 221**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 358) passed.

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

Com. Sub. for S. B. 387, Relating generally to extradition; 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. 222**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Porterfield.

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 387) passed.

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

S. B. 452, Supplemental appropriation to Second Chance Driver's License Program; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 223**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: C. Martin.

Absent and Not Voting: Boggs.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 452) passed.

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

On this question, the yeas and nays were taken (**Roll No. 224**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: C. Martin.

Absent and Not Voting: Boggs.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 452) takes effect from its passage.

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

H. B. 2515, Exempting the sale and installation of mobility enhancing equipment from the sales and use tax; 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. 225**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2515) passed.

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

H. B. 2515 - "A Bill to amend and reenact §11-15-9i of the Code of West Virginia, 1931, as amended relating to exempting from state sales and use tax the sale and installation of mobility enhancing equipment installed in a new or used motor vehicle for the use of a person with physical disabilities and the sale and installation for the repair or replacement parts of mobility enhancing equipment; and establishing a definition for mobility enhancing equipment."

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

H. B. 2667, Supplemental appropriation to the Department of Military Affairs and Public Safety, Division of Corrections; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 226**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2667) passed.

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

On this question, the yeas and nays were taken (**Roll No. 227**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2667) takes effect from its passage.

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

Com. Sub. for H. B. 2854, Exempting sales from the consumers sales and service tax and use tax by not for profit volunteer school support groups raising funds for schools; 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. 228**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2854) passed.

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

Com. Sub. for H. B. 2855, Allowing rebate moneys to be used for the operation and maintenance of accounting and transparency systems of the State Auditor; 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. 229**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2855) 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. 2856, Relating to the administration of the operating fund of the securities division of the Auditor's office; 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. 230**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2856) passed.

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

H. B. 2856 - "A Bill to amend and reenact §32-4-406 of the Code of West Virginia, 1931, as amended, relating to the administration of the operating fund of the securities division of the Auditor's office; and providing for certain funds to be transferred to the General Revenue Fund."

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

Com. Sub. for H. B. 2886, Establishing requirements for a Division Motor Vehicles office or Division of Motor Vehicles Now kiosk to be present in a county; 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. 231**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and Doyle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2886) passed.

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

Com. Sub. for H. B. 2907, Requiring a form of a certified commitment order to the Division of Corrections and Rehabilitation; 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. 232**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2907) passed.

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

Com. Sub. for H. B. 2907 - “A Bill to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended; and to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §62-7-10a, all relating to the requiring a form of a certified commitment order to the Division of Corrections and Rehabilitation; requiring a form for commitments to prisons; requiring a form for commitments from magistrate or circuit courts to jails; requiring that orders sent to prisons must be signed by the circuit judge with jurisdiction over the matter; requiring that orders sent to jails must be signed by the circuit court judge or magistrate with jurisdiction over the matter; requiring the costs of incarceration in jail pending transfer shall be paid by the Commissioner from the calendar date following the date of the conviction forward; and clarifying the method of transmittal of commitment orders.”

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

H. B. 2924, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website; 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. 233**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2924) passed.

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

Com. Sub. for H. B. 2929, Authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers; 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. 234**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2929) passed.

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

Com. Sub. for H. B. 2933, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury; 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. 235**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2933) 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. 2954, Defining certain terms used in insurance; 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. 236**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2954) passed.

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

Com. Sub. for H. B. 2982, Amending and updating the laws relating to auctioneers; 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. 237**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2982) passed.

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

Com. Sub. for H. B. 3007, Authorizing the Commissioner of Agriculture to require background checks; 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. 238**), and there were, including pairs—yeas 95, nays 4, absent and not voting 1, with the paired, nays and absent and not voting being as follows:

Nays: Estep-Burton, Pushkin, Rowe and Walker.

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3007) 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. 3039, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters; 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. 239**), and there were, including pairs—yeas 55, nays 44, absent and not voting 1, with the nays and absent and not voting and paired being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Queen

Nay: Byrd

Nays: Angelucci, Barrett, Bates, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, C. Martin, P. Martin, Miley, Miller, Pethtel, Porterfield, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Storch, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams, Worrell and Zukoff.

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3039) 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. 3083, Adding temporary work during the legislative session as exclusion to the term employment for purposes of unemployment compensation; 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. 240**), and there were—yeas 68, nays 29, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, S. Brown, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Pethtel, Robinson, Rowe, Sponaugle, Steele, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Bates, Boggs and Byrd.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3083) 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. 3093, Relating to standards for factory-built homes; 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. 241**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Robinson.

Absent and Not Voting: Boggs and Byrd.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3093) passed.

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

Second Reading

Com. Sub. for S. B. 13, Relating to distributions from State Excess Lottery Fund; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page nine, section eighteen-a, line two hundred eighteen, following the language "(c), (d)" and the comma, by striking out the words "and (i)" and inserting in lieu thereof the words "~~and~~ (i), and (m)".

And,

On page ten, section eighteen-a, line two hundred forty, following the citation "§11-21-21", by striking out the words "*et seq.*" and the comma.

Delegate P. Martin moved to amend the bill on page eleven, section eighteen-a, line two hundred seventy-nine, after the words "to be", by striking out the remainder of the paragraph and inserting in lieu thereof "divided equally amongst each of the 55 counties, to which each individual county board of education shall have the authority to use the money as they see fit for their county."

On the adoption of the amendment, Delegate P. Martin, demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 242**), and there were—yeas 19, nays 78, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Azinger, N. Brown, Butler, Cadle, Dean, Estep-Burton, Hollen, D. Jeffries, Kessinger, Kump, Linville, C. Martin, P. Martin, Paynter, Porterfield, Robinson, C. Thompson, R. Thompson and Toney.

Absent and Not Voting: Boggs, Byrd and Rodighiero.

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

The bill was then ordered to third reading.

S. B. 442, Supplementing, amending, and decreasing appropriation to Insurance Commission; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 443, Supplemental appropriation of federal moneys to DHHR divisions; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 444, Supplemental appropriation to DHHR divisions; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page two, line twenty-six, by striking out “885,554” and inserting in lieu thereof “1,138,304”.

The bill was then ordered to third reading.

Com. Sub. for H. B. 2532, Allowing certain donations by persons renewing their driver’s license or vehicle registration; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2540, Prohibiting the waste of game animals, game birds or game fish; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2541, Requiring certain safety measures be taken at public schools; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2730, Increasing the compensation of the membership of the State Police and the salaries for public school teachers and school service personnel; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2807, Creating an additional modification to the West Virginia adjusted gross income of shareholders of S corporations engaged in banking; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2829, Relating to the termination of severance taxes on limestone and sandstone; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2837, Relating to the licensing of advance deposit wagering; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

H. B. 2872, Authorizing law-enforcement officers to assist the State Fire Marshal; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2901, Allowing for the establishment of a secondary location for racetrack video lottery terminals; on second reading, coming up in regular order, was read a second time.

Delegate Cowles moved to amend the bill on page three, section twelve-a, line forty-four following the word "racetrack", by striking the word "may" and inserting in lieu thereof "located on an island in the Ohio River, may, for a period of five years" and a comma.

On page four, section twelve, line thirty-four following the word "racetrack", by striking out the word "may" and inserting in lieu thereof "located on an island in the Ohio River, may, for a period of five years" and a comma.

And,

On page fifteen, section eight, line one hundred twenty-one following the word "racetrack", by striking out the word "may" and inserting in lieu thereof "located on an island in the Ohio River, may, for a period of five years" and a comma.

Delegates McGeehan and Swartzmiller moved to amend the amendment on line three, by striking out the words "an island in" and inserting in lieu thereof "property adjoining".

On line seven, by striking out the words "an island in" and inserting in lieu thereof "property adjoining".

And,

On line eleven, by striking out the words "an island in" and inserting in lieu thereof "property adjoining".

On the adoption of the amendment to the amendment, Delegate McGeehan demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 243**), and there were—yeas 28, nays 68, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Azinger, Bates, Campbell, Canestraro, Dean, Diserio, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Howell, J. Jeffries, Lavender-Bowe, Lovejoy, Maynard, McGeehan, Miller, Paynter, Phillips, Pyles, Robinson, Sponaule, Storch, Swartzmiller, R. Thompson, Tomblin and Toney.

Absent and Not Voting: Boggs, Byrd, Queen and Rodighiero.

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

The amendment offered by Delegate Cowles was then rejected.

The bill was then ordered to engrossment and third reading.

H. B. 2934, Permitting interactive wagering authorized as West Virginia Lottery interactive wagering activities; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page two, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

Be it enacted by the Legislature of West Virginia:

ARTICLE 22E. WEST VIRGINIA LOTTERY INTERACTIVE WAGERING ACT.

§29-22E-1. Short title.

This article shall be known and may be cited as the West Virginia Lottery Interactive Wagering Act.

§29-22E-2. State authorization of interactive wagering at licensed racetrack facilities and historic resort hotel; legislative findings and declarations.

(a) Operation of West Virginia Lottery interactive wagering. — Notwithstanding any provision of law to the contrary, the operation of interactive wagering and ancillary activities are only lawful when conducted in accordance with the provisions of this article and rules of the commission.

(b) Legislative findings. —

(1) The Legislature finds that the operation of the four racetracks and the historic resort hotel in this state play a critical role in the economy of this state, and such constitutional lotteries are rightfully authorized as state enterprises consistent with the rights and powers granted to the states under the Tenth Amendment of the United States Constitution. The federal government is a government of limited and enumerated powers, and powers not delegated to the United States by the Constitution nor prohibited by it to the states are reserved for the states and its respective citizens.

(2) The Legislature finds that section 36, article VI of the Constitution of the State of West Virginia grants the state the exclusive right to lawfully own and operate a lottery in this state. Authorization of wagering on any constitutional lottery within West Virginia is within the state's sovereign rights as a state to act in the best interest of its citizens.

(3) The Legislature finds that it is in the best interests of the State of West Virginia for the state to operate a lottery in the form of interactive wagering and that it is the intent of the Legislature to authorize interactive wagering within the state and through compacts with other approved jurisdictions.

(4) The Legislature finds that illegal interactive wagering channels operating throughout the United States pose a critical threat to the safety and welfare of the citizens of West Virginia and that creating civil and criminal penalties to prosecute illegal operators, while transferring this black market demand into a secure and highly regulated environment, will protect the public and positively benefit state revenues and the state's economy.

(5) The Legislature finds that in order to protect residents of this state who wager on illegal interactive channels and to capture revenues and create jobs generated from interactive wagering, it is in the best interests of this state and its citizens to regulate this activity by authorizing and

establishing a secure, responsible, fair, and legal system of interactive wagering immediately, when the federal ban on interactive wagering is lifted.

(6) The Legislature finds that the most effective and efficient manner in which the state can operate and regulate the forms of lottery authorized by the provisions of this article is to limit the number of authorized operators to those who are licensed, pursuant to the provisions of §29-22A-1 et seq. of this code, and to facilities licensed to operate video lottery terminals, pursuant to the provisions of §29-25-1 et seq. of this code.

(7) The Legislature finds that the granting of licenses pursuant to the provisions of this article, while maintaining all ownership rights and exercising control through strict regulation of all West Virginia Lottery interactive wagering authorized by the provisions of this article, constitutes an appropriate exercise by the Legislature of the power granted it by the provisions of section 36, article VI of the Constitution of the State of West Virginia.

(8) The Legislature finds that the operation of West Virginia Lottery interactive wagering at racetracks, licensed pursuant to the provisions of §29-22A-1 et seq. of this code, and at a historic resort hotel, licensed pursuant to the provisions of §29-25-1 et seq. of this code, serves to protect, preserve, promote, and enhance the tourism industry of the state as well as the general fiscal wellbeing of the state and its subdivisions.

§29-22E-3. Definitions.

For the purposes of this article, the following terms have the meanings ascribed to them in this section:

(1) 'Adjusted gross interactive wagering receipts' means an operator's gross interactive wagering receipts from West Virginia Lottery interactive wagering, less winnings paid to wagers in such games.

(2) 'Commission' or 'State Lottery Commission' means the West Virginia Lottery Commission, created by §29-22-1 et seq. of this code.

(3) 'Director' means the Director of the West Virginia State Lottery Commission, appointed pursuant to §29-22-6 of this code.

(4) 'Gaming' or 'interactive gaming' means wagering on any authorized interactive game. Authorized interactive games are computerized or virtual versions of any game of chance or digital simulation thereof, including, but not limited to, casino themed slot simulations, table games, and other games approved by the commission.

(5) 'Gaming facility' means a designated area on the premises of an existing historic resort hotel, licensed under §29-25-1 et seq. of this code, to operate video lottery and table games or the facility of an entity authorized to operate racetrack video lottery machines, pursuant to §29-22A-1 et seq. of this code.

(6) 'Government' means any governmental unit of a national, state, or local body exercising governmental functions, other than the United States Government.

(7) 'Gross interactive wagering receipts' means the total gross receipts received by a licensed gaming facility from interactive wagering.

(8) 'Interactive gaming operator' means a licensed gaming facility which has elected to operate authorized West Virginia Lottery interactive wagering activities or an interactive gaming system on behalf of or in cooperation with an interactive gaming licensee.

(9) 'Interactive gaming provider' or 'management services provider' means an interactive gaming licensee or an interactive gaming operator with a valid permit acting on behalf of or in partnership with an interactive gaming licensee.

(10) 'Interactive wagering account' means a financial record established by a licensed gaming facility for an individual patron in which the patron may deposit and withdraw funds for interactive wagering and other authorized purchases, and to which the licensed gaming facility may credit winnings or other amounts due to that patron or authorized by that patron.

(11) 'Interactive wagering agreement' means a written agreement between the commission and one or more other governments whereby persons who are physically located in a signatory jurisdiction may participate in interactive wagering conducted by one or more operators licensed by the signatory governments.

(12) 'Interactive wagering fund' means the special fund in the State Treasury, created in §29-22E-17 of this code.

(13) 'License' means any license, applied for or issued by the commission under this article, including, but not limited to:

(A) A license to act as agent of the commission in operating West Virginia Lottery interactive wagering at a licensed gaming facility (operator license or West Virginia Lottery interactive wagering license);

(B) A license to supply a gaming facility, licensed under this article, to operate interactive wagering with interactive wagering equipment or services necessary for the operation of interactive wagering (supplier license); or

(C) A license to be employed at a racetrack or gaming facility, licensed under this article, to operate West Virginia Lottery interactive wagering when the employee works in a designated gaming area that has interactive wagering or performs duties in furtherance of or associated with the operation of interactive wagering at the licensed gaming facility (occupational license).

(14) 'Licensed gaming facility' means a designated area on the premises of an existing historic resort hotel, pursuant to §29-25-1 *et seq.* of this code, or the facility of an entity authorized to operate racetrack video lottery machines, pursuant to §29-22A-1 *et seq.* of this code, licensed under this article, to conduct West Virginia Lottery interactive wagering.

(15) 'Lottery' means the public gaming systems or games regulated, controlled, owned, and operated by the State Lottery Commission in the manner provided by general law, as provided in this article, §29-22-1 *et seq.*, §29-22A-1 *et seq.*, §29-22B-1 *et seq.*, §29-22C-1 *et seq.*, §29-22D-1 *et seq.*, and §29-25-1 *et seq.* of this code.

(16) 'National criminal history background check system' means the criminal history record system maintained by the Federal Bureau of Investigation, based on fingerprint identification or any other method of positive identification.

(17) 'Wager' means a sum of money or thing of value risked on an uncertain occurrence.

(18) 'West Virginia Lottery interactive wagering' or 'interactive wagering' or 'interactive gaming' means the placing of wagers remotely and in real time on any authorized interactive game with any interactive gaming provider, using any communications technology, by means of any electronic or mobile device or other interface capable of providing a means of input and output. The term does not include:

(A) Pari-mutuel betting on the outcome of horse or dog races, authorized by §19-23-12a and §19-23-12d of this code;

(B) Lottery games of the West Virginia State Lottery, authorized by §29-22-1 et seq. of this code;

(C) Racetrack video lottery, authorized by §29-22A-1 et seq. of this code;

(D) Limited video lottery, authorized by §29-22B-1 et seq. of this code;

(E) Racetrack table games, authorized by §29-22C-1 et seq. of this code;

(F) Video lottery and table games, authorized by §29-25-1 et seq. of this code;

(G) Sports wagering, authorized by §29-22D-1 et seq.; and

(H) Daily Fantasy Sports (DFS).

(19) 'West Virginia Lottery interactive wagering license' means authorization granted under this article by the commission to a gaming facility that is already licensed under §29-22A-1 et seq. or §29-25-1 et seq. of this code, which permits the gaming facility as an agent of the commission to operate West Virginia Lottery interactive wagering on the grounds where video lottery is conducted by the licensee or through any other authorized interactive platform developed by the gaming facility. This term is synonymous with 'operator's license'.

§29-22E-4. Commission duties and powers.

(a) In addition to the duties set forth elsewhere in this article, §29-22-1 et seq., §29-22A-1 et seq., §29-22B-1 et seq., §29-22C-1 et seq., §29-22D-1 et seq., and §29-25-1 et seq. of this code, the commission shall have the authority to regulate interactive wagering and the conduct of interactive gaming under this article.

(b) The commission shall examine the regulations implemented in other states where interactive wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework through promulgation of rules.

(c) The commission has the authority, pursuant to §29A-1-1, et seq. and §29A-3-1, et seq. of this code, to promulgate or otherwise enact any legislative, interpretive, and procedural rules the commission considers necessary for the successful implementation, administration, and enforcement of this article. Rules proposed by the commission before December 1, 2019, may be promulgated as emergency rules pursuant to §29A-3-15 of this code.

(1) Rules promulgated by the commission may include, but are not limited to, those governing the acceptance of wagers on interactive games; maximum wagers which may be accepted by an operator from any one patron on any one interactive game; method of accounting to be used by operators; types of records which shall be kept; use of credit and checks by patrons; type of system for wagering; protections for patrons placing wagers; and promotion of social responsibility, responsible gaming, and inclusion of the statement, "If you or someone you know

has a gambling problem and wants help, call 1-800 GAMBLER,” in every designated area approved for interactive wagering and on any mobile application or other digital platform used to place wagers.

(2) The commission shall establish minimum internal control standards (MICS) and approve minimum internal control standards proposed by licensed operators for administration of interactive wagering operations, wagering equipment and systems, or other items used to conduct interactive wagering, as well as maintenance of financial records and other required records.

(d) The commission shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses, and shall maintain a record of all licenses issued under this article. The commission may accept applications, evaluate qualifications of applicants, and undertake initial review of licenses prior to promulgation of emergency rules upon the effective date of this article.

(e) The commission shall levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross interactive wagering receipts imposed by this article, and deposit all moneys into the interactive wagering fund, except as otherwise provided under this article.

(f) The commission may sue to enforce any provision of this article or any rule of the commission by civil action or petition for injunctive relief.

(g) The commission may hold hearings, administer oaths, and issue subpoenas or subpoenas duces tecum: *Provided*, That all hearings shall be conducted pursuant to the provisions of the State Administrative Procedures Act, §29A-2-1, *et seq.* of this code and the Lottery Administrative Appeal Procedures, W.Va. CSR §179-2-1, *et seq.*

(h) The commission may exercise any other powers necessary to effectuate the provisions of this article and the rules of the commission.

§29-22E-5. Licenses required.

(a) No person may engage in any activity in connection with West Virginia Lottery interactive wagering in this state unless all necessary licenses have been obtained in accordance with this article and rules of the commission.

(b) The commission may not grant a license until it determines that each person who has control of the applicant meets all qualifications for licensure. The following persons are considered to have control of an applicant:

(1) Each person associated with a corporate applicant, including any corporate holding company, parent company, or subsidiary company of the applicant who has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation; this does not include any bank or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business;

(2) Each person associated with a noncorporate applicant who directly or indirectly holds a beneficial or proprietary interest in the applicant’s business operation, or who the commission otherwise determines has the ability to control the applicant; and

(3) Key personnel of an applicant, including any executive, employee, or agent, having the power to exercise significant influence over decisions concerning any part of the applicant’s business operation.

(c) License application requirements. — All applicants for any license issued under this article shall submit an application to the commission in the form the commission requires and submit fingerprints for a national criminal records check by the Criminal Identification Bureau of the West Virginia State Police and the Federal Bureau of Investigation. The fingerprints shall be furnished by all persons required to be named in the application and shall be accompanied by a signed authorization for the release of information by the Criminal Investigation Bureau and the Federal Bureau of Investigation. The commission may require additional background checks on licensees when they apply for annual license renewal, and any applicant convicted of any disqualifying offense shall not be licensed.

(d) Each interactive wagering licensee, licensed supplier, or a licensed management services provider shall display the license conspicuously in its place of business or have the license available for inspection by any agent of the commission or any law-enforcement agency.

(e) Each holder of an occupational license shall carry the license and have some indicia of licensure prominently displayed on his or her person when present in a licensed gaming facility at all times, in accordance with the rules of the commission.

(f) Each person licensed under this article shall give the commission written notice within 30 days of any change to any information provided in the licensee's application for a license or renewal.

(g) No commission employee may be an applicant for any license issued under this article nor may any employee of any such licensee directly or indirectly hold an ownership or a financial interest in any West Virginia Lottery interactive wagering license.

§29-22E-6. Operator license; West Virginia interactive wagering operators.

(a) In addition to the casino games permitted pursuant to the provisions of §29-22A-1 et seq., §29-22C-1 et seq., and §29-25-1 et seq. of this code, a licensed gaming facility may operate West Virginia Lottery interactive wagering upon the approval of the commission, and the commission shall have the general responsibility for the implementation of this article and all other duties specified in §29-22-1 et seq., §29-22A-1 et seq., §29-22C-1 et seq., §29-22D-1 et seq., and §29-25-1 et seq. of this code, the provisions of this article, and applicable rules.

(b) All interactive wagering authorized by this article shall be West Virginia Lottery games owned by the State of West Virginia. An operator license granted by the commission pursuant to this article grants licensees lawful authority to conduct West Virginia Lottery interactive wagering within the terms and conditions of the license and any rules promulgated under this article.

(c) Interactive wagering licenses. — The commission may issue up to five licenses to operate West Virginia Lottery interactive wagering in accordance with the provisions of this article. No more than five licenses to operate a gaming facility with West Virginia Lottery interactive wagering shall be permitted in this state.

(d) Grant of license. — Upon application by a gaming facility and payment of a \$250,000 application fee, the commission shall immediately grant a West Virginia Lottery interactive wagering license to an operator that provides for the right to conduct West Virginia Lottery interactive wagering: *Provided*, That the applicant must hold a valid racetrack video lottery license issued by the commission, pursuant to §29-22A-1 et seq. of this code, or a valid license to operate a gaming facility, issued by the commission pursuant to §29-25-1 et seq. of this code, and otherwise meet the requirements for licensure under the provisions of this article and the rules of the commission. This license shall be issued for a five-year period, and may be renewed for five-year periods upon payment of a \$100,000 renewal fee, as long as an operator continues to meet all qualification requirements.

(e) Location. — A West Virginia Lottery interactive wagering license authorizes the operation of West Virginia Lottery interactive wagering at locations and through any mobile application or other digital platforms approved by the commission.

(f) Management service contracts. —

(1) Approval. — A West Virginia Lottery interactive wagering licensee may not enter into any management services contract that would permit any person other than the licensee to act as the commission's agent in operating West Virginia Lottery interactive wagering unless the management service contract: (A) Is with a person licensed under this article to provide management services; (B) is in writing; and (C) has been approved by the commission.

(2) Material change. — The West Virginia Lottery interactive wagering licensee shall submit any material change in a management services contract, previously approved by the commission, to the commission for its approval or rejection before the material change may take effect.

(3) Other commission approvals and licenses. — The duties and responsibilities of a management services provider under a management services contract may not be assigned, delegated, subcontracted, or transferred to a third party without the prior approval of the commission. Third parties must be licensed as a management services provider under this article before providing services.

(g) Expiration date and renewal. —

(1) A licensed operator shall submit to the commission such documentation or information as the commission may require demonstrating to the satisfaction of the director that the licensee continues to meet the requirements of the law and rules. Required documentation or information shall be submitted no later than five years after issuance of an operator license and every five years thereafter, or within lesser periods based on circumstances specified by the commission.

(2) If the licensee fails to apply to renew its license issued pursuant to §29-22A-1 et seq. or §29-25-1 et seq. of this code prior to expiration, the commission shall renew its license under this article at the time the expired license is renewed as long as the licensee was operating in compliance with applicable requirements in the preceding license year.

(h) Surety bond. — A West Virginia Lottery interactive wagering licensee shall execute a surety bond in an amount and in the form approved by the commission, to be given to the state, to guarantee the licensee faithfully makes all payments in accordance with the provisions of this article and rules promulgated by the commission.

(i) Audits. — Upon application for a license and annually thereafter, a West Virginia Lottery interactive wagering licensee shall submit to the commission an annual audit of the financial transactions and condition of the licensee's total operations prepared by a certified public accountant in accordance with generally accepted accounting principles and applicable federal and state laws.

(j) Commission office space. — A West Virginia Lottery interactive wagering licensee shall provide suitable office space at the interactive wagering facility, at no cost, for the commission to perform the duties required of it by this article and the rules of the commission.

(k) Facility qualifications. — A West Virginia Lottery interactive wagering licensee shall demonstrate that its gaming facility with West Virginia Lottery interactive wagering will: (1) Be accessible to disabled individuals, in accordance with applicable federal and state laws; (2) be licensed in accordance with this article, and all other applicable federal, state, and local laws; and (3)

meet any other qualifications specified in rules adopted by the commission. Notwithstanding any provision of this code or any rules promulgated by the Alcohol Beverage Control Commissioner to the contrary, vacation of the premises after service of beverages ceases is not required for any licensed gaming facility.

§29-22E-7. Management services providers; license requirements.

(a) License. — The holder of a license to operate West Virginia Lottery interactive wagering may contract with an entity to conduct that operation in accordance with the rules of the commission to be an interactive gaming provider. That entity shall obtain a license as a management services provider prior to the execution of any such contract, and such license shall be issued pursuant to the provisions of this article and any rules promulgated by the commission.

(b) License qualifications and fee. — Each applicant for a management services provider license shall meet all requirements for licensure and pay a nonrefundable license and application fee of \$100,000. The commission may adopt rules establishing additional requirements for an authorized management services provider. The commission may accept licensing by another jurisdiction, that it specifically determines to have similar licensing requirements, as evidence the applicant meets authorized management services provider licensing requirements.

(c) Renewal. — Management services provider licenses shall be renewed annually to any licensee who continues to be in compliance with all requirements and who pays the annual renewal fee of \$100,000.

(d) Any entity or individual who shares in revenue, including any affiliate operating under a revenue share agreement, shall be licensed under this section.

§29-22E-8. Suppliers; license requirements.

(a) Supplier license. —

(1) The commission may issue a supplier license to a person to sell or lease interactive wagering equipment, systems, or other gaming items necessary to conduct interactive wagering, and offer services related to such equipment or other gaming items to a West Virginia Lottery interactive wagering licensee while the license is active. The commission may establish the conditions under which the commission may issue provisional licenses, pending completion of final action on an application.

(2) The commission may adopt rules establishing additional requirements for a West Virginia Lottery interactive wagering supplier and any system or other equipment utilized for wagering. The commission may accept licensing by another jurisdiction, that it specifically determines to have similar licensing requirements, as evidence the applicant meets West Virginia Lottery interactive wagering supplier licensing requirements.

(b) Supplier specifications. — An applicant for a supplier license shall demonstrate that the equipment, system, or services that the applicant plans to offer to the interactive wagering licensee conform to standards established by the commission and applicable state law. The commission may accept approval by another jurisdiction, that it specifically determines have similar equipment standards, as evidence the applicant meets the standards established by the commission and applicable state law.

(c) License application and renewal fees. — Applicants shall pay to the commission a nonrefundable license and application fee in the amount of \$10,000. After the initial one-year term,

the commission shall renew supplier licenses annually thereafter. Renewal of a supplier license will be granted to any renewal applicant who has continued to comply with all applicable statutory and regulatory requirements, upon submission of the commission issued renewal form and payment of a \$10,000 renewal fee.

(d) *Inventory.* — A licensed interactive wagering supplier shall submit to the commission a list of all interactive wagering equipment and services sold, delivered to, or offered to a West Virginia Lottery interactive wagering licensee in this state, as required by the commission, all of which must be tested and approved by an independent testing laboratory approved by the commission. A interactive wagering licensee may continue to use supplies acquired from a licensed interactive wagering supplier, even if a supplier's license expires or is otherwise cancelled, unless the commission finds a defect in the supplies.

§29-22E-9. Occupational licenses.

(a) All persons employed to be engaged directly in interactive wagering-related activities, or otherwise conducting or operating interactive wagering, shall be licensed by the commission and maintain a valid occupational license at all times and the commission shall issue such license to be employed in the operation of interactive wagering to a person who meets the requirements of this section.

(b) An occupational license to be employed by a gaming facility with West Virginia Lottery interactive wagering permits the licensee to be employed in the capacity designated by the commission while the license is still active. The commission may establish, by rule, job classifications with different requirements to recognize the extent to which a particular job has the ability to impact the proper operation of West Virginia Lottery interactive wagering.

(c) *Application and fee.* — Applicants shall submit any required application forms established by the commission and pay a nonrefundable application fee of \$100. The fee may be paid on behalf of an applicant by the employer.

(d) *Renewal fee and form.* — Each licensed employee shall pay to the commission an annual license fee of \$100 by June 30 of each year. The fee may be paid on behalf of the licensed employee by the employer. In addition to a renewal fee, each licensed employee shall annually submit a renewal application on the form required by the commission.

§29-22E-10. License prohibitions.

(a) The commission may not grant any license, pursuant to the provisions of this article, if evidence satisfactory to the commission exists that the applicant:

(1) Has knowingly made a false statement of a material fact to the commission;

(2) Has been suspended from operating a gambling game, gaming device, or gaming operation, or had a license revoked by any governmental authority responsible for regulation of gaming activities;

(3) Has been convicted of a gambling-related offense, a theft or fraud offense, or has otherwise demonstrated, either by a police record or other satisfactory evidence, a lack of respect for law and order; or

(4) Is a company or individual who has been directly employed by any illegal or offshore book that serviced the United States, or otherwise accepted black market wagers from individuals located in the United States.

(b) The commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license:

(1) If the applicant or licensee has not demonstrated to the satisfaction of the commission financial responsibility sufficient to adequately meet the requirements of the proposed enterprise;

(2) If the applicant or licensee is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business; or

(3) If the applicant or licensee is a corporation which sells more than five percent of a licensee's voting stock, or more than five percent of the voting stock of a corporation which controls the licensee, or sells a licensee's assets, other than those bought and sold in the ordinary course of business, or any interest in the assets, to any person not already determined by the commission to have met the qualifications of a licensee under this article.

(c) In the case of an applicant for a interactive wagering license, the commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if an applicant has not met the requirements of this section or any other provision of this article.

§29-22E-11. Interactive wagering house rules; posting of rules.

(a) Each operator shall adopt comprehensive house rules for game play governing interactive wagering transactions with its patrons. These comprehensive rules will be published as part of the minimum internal control standards. The rules shall specify the amounts to be paid on winning wagers and the effect of schedule changes. House rules shall be approved by the commission prior to implementation.

(b) The house rules, together with any other information the commission deems appropriate, shall be conspicuously displayed and included in the terms and conditions of the interactive wagering system. Copies shall be made readily available to patrons.

(c) The commission shall license and require the display of West Virginia Lottery game logos on interactive wagering platforms and any locations the commission considers appropriate.

§29-22E-12. Operator duties; interactive wagering operations at a licensed gaming facility.

(a) General. — All operators licensed under this article to conduct West Virginia Lottery interactive wagering shall:

(1) Employ a interactive gaming system and interactive gaming platform which manages, conducts, and records interactive games and the wagers associated with interactive games, as well as any interactive gaming skins authorized by the commission. System requirements and specifications shall be developed according to industry standards and implemented by the commission as part of the minimum internal control standards;

(2) Promptly report to the commission any facts or circumstances related to the operation of a West Virginia Lottery interactive wagering licensee which constitute a violation of state or federal law

and immediately report any suspicious betting over a threshold set by the operator that has been approved by the commission to the appropriate state or federal authorities;

(3) Conduct all interactive wagering activities and functions in a manner which does not pose a threat to the public health, safety, or welfare of the citizens of this state and does not adversely affect the security or integrity of the West Virginia Lottery;

(4) Hold the commission and this state harmless from and defend and pay for the defense of any and all claims which may be asserted against a licensee, the commission, the state, or employees thereof, arising from the licensee's actions or omission while acting as an agent of the commission operating West Virginia Lottery interactive wagering pursuant to this article;

(5) Assist the commission in maximizing interactive wagering revenues; and

(6) Keep current in all payments and obligations to the commission.

(b) Duties. — All West Virginia Lottery interactive wagering licensees shall:

(1) Acquire West Virginia Lottery interactive wagering gaming equipment by purchase, lease, or other assignment and provide a secure location for the placement, operation, and play of interactive wagering gaming equipment;

(2) Prevent any person from tampering with or interfering with the operation of any West Virginia Lottery interactive wagering;

(3) Ensure that West Virginia Lottery interactive wagering conducted at a gaming facility is within the sight and control of designated employees of the licensee and such wagering at the facility or otherwise available by the licensee is conducted under continuous observation by security equipment in conformity with specifications and requirements of the commission;

(4) Ensure that West Virginia Lottery interactive wagering occurs only in the specific locations within designated gaming areas approved by the commission or using a commission approved mobile application or other digital platform that utilizes communications technology to accept wagers originating within this state, or on a interactive wagering device. West Virginia Lottery interactive wagering shall only be relocated or offered in additional authorized manners in accordance with the rules of the commission;

(5) Maintain sufficient cash and other supplies to conduct interactive wagering at all times; and

(6) Maintain daily records showing the gross interactive wagering receipts and adjusted gross interactive wagering receipts of the licensee from West Virginia Lottery interactive wagering and shall timely file with the commission any additional reports required by rule or by other provisions of this code.

§29-22E-13. Posting of betting limits.

A interactive wagering licensee shall conspicuously post a sign at each West Virginia Lottery interactive wagering location and on all interactive gaming platforms indicating the minimum and maximum wagers permitted at that location and shall comply with the same.

§29-22E-14. Interactive wagering agreements with other governments.

(a) On behalf of the State of West Virginia, the commission is authorized to:

(1) Enter into interactive wagering agreements with other governments whereby persons who are physically located in a signatory jurisdiction may participate in interactive wagering conducted by one or more operators licensed by the signatory governments; and

(2) Take all necessary actions to ensure that any interactive wagering agreement entered into, pursuant to this section, becomes effective.

(b) The rules adopted by the commission pursuant to this section may include provisions prescribing:

(1) The form, length, and terms of an agreement entered into by the commission and another government, including, but not limited to, provisions relating to how: Taxes are to be treated by this state and another government; revenues are to be shared and distributed; and disputes with patrons are to be resolved;

(2) The information to be furnished to the commission by a government that proposes to enter into an agreement with this state pursuant to this section;

(3) The information to be furnished to the commission to enable the commission and director to carry out the purposes of this section;

(4) The manner and procedure for hearings conducted by the commission pursuant to this section, including any special rules or notices; and

(5) The information required to be furnished to the commission to support any recommendations made to the commission, pursuant to this section.

(c) The commission may not enter into any interactive wagering agreement, pursuant to this section, unless the agreement includes provisions that:

(1) Account for the sharing of revenues by this state and another government;

(2) Permit the effective regulation of interactive wagering by this state, including provisions relating to licensing of persons, technical standards, resolution of disputes by patrons, requirements for bankrolls, enforcement, accounting, and maintenance of records;

(3) Require each government that is a signatory to the agreement to prohibit operators of interactive wagering, management or other service providers, or suppliers, manufacturers or distributors of interactive wagering systems from engaging in any activity permitted by the interactive wagering agreement unless they are licensed in this state or in a signatory jurisdiction with similar requirements approved by the commission;

(4) No variation from the requirements of the interactive wagering agreement is permitted for any signatory government without a lack of opposition by this state and all signatory governments;

(5) Prohibit any subordinate or side agreements among any subset of governments that are signatories to the agreement unless it relates exclusively to the sharing of revenues; and

(6) Require the government to establish and maintain regulatory requirements governing interactive wagering that are consistent with the requirements of this state in all material respects if the interactive wagering agreement allows persons physically located in this state to participate in interactive wagering conducted by another government or an operator licensed by another government.

§29-22E-15. Authorization of interactive wagering in this state; requirements.

(a) An operator shall accept wagers on interactive games authorized under this article from persons physically present in a licensed gaming facility where authorized interactive wagering occurs, or from persons not physically present who wager by means of electronic devices. A person placing a wager shall be at least 21 years of age.

(b) An operator may accept wagers from an individual physically located within this state using a mobile or other digital platform or a interactive wagering device, approved by the commission, through the patron's interactive wagering account.

(c) An operator may accept wagers from an individual physically located in a state or jurisdiction with which the commission has entered into a interactive wagering agreement using a mobile or other digital platform or a interactive wagering device through the patron's interactive wagering account, so long as the device or platform is approved by the commission and all other requirements of the agreement are satisfied.

(d) The commission or operator may ban any person from entering a gaming area of a gaming facility conducting interactive wagering or the grounds of a gaming facility licensed under this article or from participating in the play or operation of any West Virginia Lottery interactive wagering. A log of all excluded players shall be kept by the commission and each licensee, and no player on the commission's exclusion list or the licensed operator's exclusion list shall wager on any West Virginia Lottery interactive wagering under this article.

(e) The commission shall promulgate rules implementing the provisions of §29-22E-15(a) of this code by interpretive rule and minimum internal control standards.

(f) The commission shall conduct all interactive wagering pursuant to the provisions of this article, and such gaming activities shall be deemed to occur at the licensed gaming facilities authorized to conduct interactive wagering.

(g) No licensed gaming facility employee may place a wager on any interactive wagering at the employer's facility or through any other mobile application or digital platform of their employer.

(h) No commission employee may knowingly wager or be paid any prize from any wager placed at any licensed gaming facility with West Virginia Lottery interactive wagering within this state or at any facility outside this jurisdiction that is directly or indirectly owned or operated by a interactive wagering licensee.

§29-22E-16. Interactive wagering revenues; accounting for the state's share of revenue imposed for the privilege of offering West Virginia Lottery interactive wagering; limitation of other taxes; recoupment for improvements.

(a) *Imposition and rate of assessment.* — For the privilege of holding a license to operate interactive wagering under this article, the state shall impose and collect fifteen percent of the licensee's adjusted gross interactive wagering receipts from the operation of West Virginia Lottery interactive wagering (hereinafter "privilege tax" or "tax"). The accrual method of accounting shall be used for purposes of calculating the amount of the tax owed by the licensee.

(b) *Operator revenue reports and payment of privilege tax.* —

(1) The tax levied and collected pursuant to §29-22E-16(a) of this code is due and payable to the commission in weekly installments on or before the Wednesday following the calendar week in which the adjusted gross interactive wagering receipts were received and the tax obligation was accrued.

(2) The licensed operator shall complete and submit the return for the preceding week by electronic communication to the commission, on or before Wednesday of each week, in the form prescribed by the commission that provides:

(A) The total gross interactive wagering receipts and adjusted gross interactive wagering receipts from operation of West Virginia Lottery interactive wagering during that week;

(B) The tax amount for which the interactive wagering licensee is liable; and

(C) Any additional information necessary in the computation and collection of the tax on adjusted gross interactive wagering receipts required by the commission.

(3) The tax amount shown to be due shall be remitted by electronic funds transfer simultaneously with the filing of the return. All moneys received by the commission pursuant to this section shall be deposited in the interactive wagering fund in accordance with the provisions of this article.

(c) *Privilege tax obligation imposed by this section is in lieu of other taxes.* — With the exception of the ad valorem property tax collected under chapter eleven-a of this code, the privilege tax on adjusted gross interactive wagering receipts imposed by this section is in lieu of all other state and local taxes and fees imposed on the operation of, or the proceeds from operation of West Virginia Lottery interactive wagering, except as otherwise provided in this section. The consumers sales and services tax imposed pursuant to §11-15-1 *et seq.* of this code, the use tax imposed by §11-15A-1 *et seq.* of this code and any similar local tax imposed at the municipal or county level, shall not apply to the licensee's gross receipts from any West Virginia Lottery interactive wagering or to the licensee's purchase of interactive wagering equipment, supplies, or services directly used in operation of the interactive wagering authorized by this article.

(d) Acquisition of any system or wagering equipment and other items related to the operation of West Virginia interactive wagering shall be considered "facility modernization improvements" eligible for recoupment as defined in §29-22A-10(b)(2) and §29-25-22(c) of this code.

(e) *Prohibition on credits.* — Notwithstanding any other provision of this code to the contrary, no credit may be allowed against the privilege tax obligation imposed by this section or against any other tax imposed by any other provision of this code for any investment in gaming equipment or for any investment in or improvement to real property that is used in the operation of West Virginia Lottery interactive wagering.

§29-22E-17. West Virginia Lottery Interactive wagering Fund; distribution of funds.

(a) The special fund in the State Treasury known as the West Virginia Lottery Interactive Wagering Fund is hereby created and all moneys collected under this article by the commission shall be deposited with the State Treasurer to the West Virginia Lottery Interactive Wagering Fund. The fund shall be an interest-bearing account with all interest or other return earned on the money of the fund credited to and deposited in the fund. All expenses of the commission incurred in the administration and enforcement of this article shall be paid from the interactive wagering fund pursuant to §29-22E-17(b) of this code.

(b) The commission shall deduct an amount sufficient to reimburse its actual costs and expenses incurred in administering interactive wagering at licensed gaming facilities from the gross deposits

into the interactive wagering fund. The amount remaining after the deduction for administrative expenses is the net profit.

(1) *Administrative allowance.* — The commission shall retain up to 15 percent of gross deposits for the fund operation and its administrative expenses: *Provided*, That in the event that the percentage allotted for operations and administration generates a surplus, the surplus shall be allowed to accumulate but may not exceed \$250,000. On a monthly basis, the director shall report any surplus in excess of \$250,000 to the Joint Committee on Government and Finance and remit the entire amount of those surplus funds in excess of \$250,000 to the State Treasurer which shall be allocated as net profit.

(2) *Distribution of net profit.* — In each fiscal year, net profit shall be deposited into the State Lottery Fund created by §29-22-18 of this code unless otherwise required by this code.

§29-22E-18. Law enforcement.

Notwithstanding any provision of this code to the contrary, the commission shall, by contract or cooperative agreement with the West Virginia State Police, arrange for those law-enforcement services uniquely related to gaming, as such occurs at facilities of the type authorized by this article, that are necessary to enforce the provisions of this article that are not subject to federal jurisdiction: *Provided*, That the State Police shall only have exclusive jurisdiction over offenses committed on the grounds of a licensed gaming facility that are offenses relating to gaming.

§29-22E-19. Civil penalties.

(a) The commission may impose, on any person who violates the provisions of this article, a civil penalty not to exceed \$50,000 for each violation. Such penalty shall be imposed on all individuals and is not limited to individuals licensed under this article. This provision shall not be construed as applicable to office pools.

(b) The provisions of §29A-5-1 *et seq.* of this code apply to any civil penalty imposed pursuant to the provisions of this section.

§29-22E-20. Crimes and penalties related to unauthorized interactive wagering operations.

(a) Any person, other than a licensee under this article, who engages in accepting, facilitating, or operating a interactive wagering operation is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000 or confined in jail for not more than 90 days, or both fined and confined.

(b) Notwithstanding the penalty provisions §29-22E-20(a) of this code, any person convicted of a second violation of §29-22E-20(a) of this code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$50,000, or confined in jail for not more than six months, or both fined and confined.

(c) Notwithstanding the penalty provisions of §29-22E-20(a) or §29-22E-20(b) of this code, any person convicted of a third or subsequent violation of said §29-22E-20(a) of this code is guilty of a felony, and upon conviction thereof, shall be fined not less than \$25,000 nor more than \$100,000 or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and confined.

§29-22E-21. Crimes and penalties related to authorized interactive wagering operation.

(a) A interactive wagering licensee is guilty of unlawful operation and is guilty of a misdemeanor when:

(1) The licensee operates West Virginia Lottery interactive wagering without authority of the commission to do so;

(2) The licensee operates West Virginia Lottery interactive wagering in any location or by any manner that is not approved by the commission;

(3) The licensee knowingly conducts, carries on, operates, or allows any interactive wagering to occur on premises or through any other device if equipment or material has been tampered with, or exposed to conditions in which it will be operated in a manner designed to deceive the public;

(4) The licensee employs an individual who does not hold a valid occupational license in a position for which a license is required or otherwise allows an individual to perform duties for which such license is required or continues to employ an individual after the employee's occupational license is no longer valid;

(5) The licensee acts or employs another person to act as if he or she is not an agent or employee of the licensee in order to encourage participation in West Virginia Lottery interactive wagering at the licensed gaming facility;

(6) The licensee knowingly permits an individual under the age of 21 to enter or remain in a designated gaming area or to engage in interactive wagering at a licensed gaming facility; or

(7) The licensee exchanges tokens, chips, electronic media, or other forms of credit used for wagering for anything of value except money or credits applied to a interactive wagering account at a gaming facility authorized under this article.

(b) A person is guilty of a felony when:

(1) A person changes or alters the normal outcome of any game played on a mobile or other digital platform, including any interactive gaming system used to monitor the same or the way in which the outcome is reported to any participant in the game;

(3) The person manufactures, sells, or distributes any device that is intended by that person to be used to violate any provision of this article or the interactive wagering laws of any other state;

(5) The person claims, collects, or takes anything of value from a gaming facility with West Virginia Lottery interactive wagering with intent to defraud or attempts such action without having made a wager in which such amount or value is legitimately won or owed;

(6) The person knowingly places a wager using counterfeit currency or other counterfeit form of credit for wagering at a gaming facility with West Virginia Lottery interactive wagering; or

(7) The person, not a licensed gaming facility under this article or an employee or agent of a gaming facility licensed under this article acting in furtherance of the licensee's interest, has in his or her possession on grounds owned by the gaming facility licensed under this article or on grounds contiguous to the licensed gaming facility, any device intended to be used to violate a provision of this article or any rule of the commission.

(c) Any person who violates any provision of §29-22E-21(a) of this code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for not more than six months, or both fined and confined, except any violation that is not committed by a natural person may result in a fine of not more than \$25,000.

(d) Any person who violates any provision of §29-22E-21(b) of this code is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000, or confined in a state correctional facility for not less than one year nor more than five years, or both fined and confined.

(e) With regard to §29-22E-21(b) of this code, each West Virginia interactive wagering licensee shall post notice of the prohibitions and penalties of this section in a manner determined by the rules of the commission.

§29-22E-22. Preemption.

No local law or rule providing any penalty, disability, restriction, regulation, or prohibition for operating a gaming facility with West Virginia Lottery interactive wagering or supplying a licensed gaming facility may be enacted, and the provisions of this article preempt all regulations, rules, ordinances, and laws of any county or municipality in conflict with this article.

§29-22E-23. Exemption from federal law.

Pursuant to Section 2 of Chapter 1194, 64 Stat. 1134, 15 U.S.C. §1172, approved January 2, 1951, the State of West Virginia, acting by and through duly elected and qualified members of the Legislature, does declare and proclaim that the state is exempt from Chapter 1194, 64 Stat. 1134, 15 U.S.C. §1171 to §1178.

§29-22E-24. Shipment of gambling devices.

All shipments of gambling devices including any interactive wagering devices or related materials to licensed gaming facilities in this state are legal shipments of gambling devices into the State of West Virginia, as long as the registering, recording, and labeling of which have been completed by the supplier thereof in accordance with Chapter 1194, 64 Stat. 1134, 15 U.S.C. §1171 to §1178."

The bill was then ordered to engrossment and third reading.

H. B. 2968, Adding remote service unit to the definition of customer bank communications terminals; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3134, Establishing criminal penalties for negligent homicide, and increasing criminal penalties for reckless driving; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for S. B. 26, Permitting certain employees of educational service cooperatives participate in state's teacher retirement systems,

Com. Sub. for H. B. 2229, Adding violations of law upon which a public servant's retirement plan may be forfeited,

Com. Sub. for H. B. 2452, Creating the West Virginia Cybersecurity Office,

Com. Sub. for H. B. 2550, Creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program,

H. B. 2598, Relating to submitting a certifying statement attesting to status as a charitable or public service organization,

Com. Sub. for H. B. 2617, Relating to the form for making offer of optional uninsured and underinsured coverage by insurers,

Com. Sub. for H. B. 2690, Relating to guaranty associations,

Com. Sub. for H. B. 2694, Relating to the state's ability to regulate hemp,

Com. Sub. for H. B. 2718, Requiring purchasers of roundwood to collect and maintain certain information,

Com. Sub. for H. B. 2770, Fairness in Cost-Sharing Calculation Act,

Com. Sub. for H. B. 2802, Uniform Partition of Heirs Property Act,

H. B. 2816, Removing the terms "hearing impaired", "hearing impairment", and "deaf mute" from the West Virginia Code and substituting terms,

H. B. 2827, Removing the residency requirements for hiring deputy assessors,

H. B. 2828, Relating to Qualified Opportunity Zones,

Com. Sub. for H. B. 2830, Establishing Next Generation 911 services in this state,

H. B. 2926, Requiring the Secretary of the Department of Veterans' Affairs to study the housing needs of veterans,

Com. Sub. for H. B. 2991, Relating to the Ryan Brown Addiction Prevention and Recovery Fund,

Com. Sub. for H. B. 3024, West Virginia Business Ready Sites Program,

H. B. 3045, Exempting certain complimentary hotel rooms from hotel occupancy tax,

H. B. 3132, Relating to exempting providers that serve no more than 30 patients with office-based medication-assisted treatment,

Com. Sub. for H. B. 3133, Relating to requiring a parolee or probationer found to have suffered with addiction to participate in a support service,

And,

H. B. 3135, Expiring the funds to the balance of the Department of Commerce, Development Office.

At 1:39 p.m., on motion of Delegate Summers, the House of Delegates recessed until 5:30 p.m.

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Evening Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 13, Chief Robert Edward Dorsey Memorial Highway,

Com. Sub. for H. C. R. 32, Requesting the Secretary of the Department of Transportation to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways,

H. C. R. 48, Urging the Commissioner of the Bureau for Public Health to designate Alzheimer's disease and other dementias as a public health issue,

And,

H. R. 5, Honoring U. S. Army SPC4 Carmel Harvey Jr., Medal of Honor recipient,

And reports the same back with the recommendation that they each be adopted.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of February, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 27, Removing restrictions on where certain traditional lottery games may be played,

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

And,

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

Delegate Ellington, 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. 2079, Removing certain limitations on medical cannabis grower, processor and dispensary licenses,

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

Com. Sub. for H. B. 2079 - "A Bill to amend and reenact §16A-4-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-6-13 of said code; and to amend and reenact §16A-16-1 of said code, all relating to medical cannabis; adding requirements for practitioners to issue a certification; adding a requirement that practitioners provide an attestation; increasing the number of permits that the bureau may issue for growers, processors and dispensaries of medical cannabis; permitting a grower to be a processor and a processor to be a grower; allowing growers and processors to be dispensaries; permitting dispensaries to be growers and processors and authorizing the bureau to implement a process for pre-registration,"

With the recommendation that the committee substitutes each do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

Delegate Summers asked unanimous consent that second reference of the bill to the Committee on the Judiciary be dispensed with, which consent was not granted, objection being heard.

On the question of dispensing with the second reference recommended by the Committee on the Judiciary, the yeas and nays were demanded, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 244**), and there were—yeas 79, nays 15, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Atkinson, Butler, Cadle, Cowles, Fast, Hardy, Hollen, D. Jeffries, J. Kelly, Kessinger, Malcolm, P. Martin, Rohrbach, Rowan and Toney.

Absent and Not Voting: Azinger, Boggs, Byrd, Jennings, Porterfield and Stagers.

So, two thirds of the members present and voting having voted in the affirmative, reference of the bill (Com. Sub. for H. B. 2079) to the Committee on the Judiciary was abrogated.

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

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

Com. Sub. for S. B. 489, Relating to Pharmacy Audit Integrity Act,

Com. Sub. for S. B. 518, Restricting sale and trade of dextromethorphan,

And,

S. B. 545, Relating to HIV testing,

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

At the respective requests of Delegate Summers, and by unanimous consent, Com. Sub. for S. B. 489 was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Ellington, 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. 2953, Permitting a critical access hospital to become a community outpatient medical center,

And reports the same back with the recommendation that it 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. 3095, Establishing a minimum monthly retirement annuity for certain retirants,

And reports the same back with the recommendation that it 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. 2595, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System,

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

Com. Sub. for H. B. 2595 - "A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; to amend and reenact §16-5V-6 of said code; to amend and reenact §20-2B-10 of said code; and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, §20-17-23, §20-17-24, §20-17-25, §20-17-26, §20-17-27, §20-17-28, §20-17-29, §20-17-30, §20-17-31, §20-17-32, §20-17-33, §20-17-34, §20-17-35 and §20-17-36, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System; increasing certain stamp fees to contribute to the new retirement system; providing for additional members of the Consolidated Public Retirement Board; and providing for criminal offense of defrauding the system and penalties therefor,"

H. B. 2945, Relating to vendors paying a single annual fee for a permit issued by a local health department,

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

Com. Sub. for H. B. 2945 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-17; relating to temporary food service permits issued by a local or county health departments for selling non-potentially hazardous foods; providing that

permits and fees shall be valid for one year; providing a definition of non-potentially hazardous foods; providing that permits and fees shall be valid beyond the boundaries of the county issuing the permit; providing limitations upon an issued permit to assure compliance; providing that vendors must provide notice to local health departments more than 14 days prior to an event; providing that permits must be visibly posted at the event; and requiring the Secretary to review and modernize legislative rules regarding local boards of health fees,”

H. B. 2976, Economic Diversification Act of 2019,

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

Com. Sub. for H. B. 2976 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to creating the Economic Diversification Act of 2019 for the purpose of income tax relief, by state, county, and municipal government, to new or existing businesses whose product or service offered is not currently offered in the state; requiring the Secretary of Commerce to appoint a commission to determine eligibility; providing that commission to be composed of government officials and private citizens; limiting the tax relief to a maximum period of eight years; and providing for rule making authority,”

And,

H. B. 3021, Relating to the disposition of permit fees, registration fees and civil penalties imposed against thoroughbred horse racing licensees,

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

Com. Sub. for H. B. 3021 - “A Bill to amend and reenact §19-23-14 of the Code of West Virginia, 1931, as amended, requiring the payment of all civil penalties imposed against thoroughbred horse racing licensees or permit holders to be paid into a fund for expenses associated with the post-mortem examination of all thoroughbreds that suffer breakdowns and are euthanized on a racetrack or that otherwise expire on a racetrack; requiring that any funds in excess of \$10,000 in such fund at the end of a fiscal year, less outstanding obligations, may be expended by the racing commission to aid in the rescue, retraining, rehabilitation and aftercare of thoroughbred racehorses that are no longer able to compete on the racetracks in this state, and may be expended to aid in the payment of hospitalization, medical care and funeral expenses occasioned by injuries or death sustained by a thoroughbred racing permit holder at a licensed thoroughbred racetrack in this state; authorizing the racing commission to promulgate rules to govern such expenditures; and requiring the payment of all civil penalties imposed against greyhound racing licensees or permit holders to be paid into a fund to be expended for greyhound adoption programs involving West Virginia whelped dogs owned by residents of this state pursuant to rules promulgated by the racing commission,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

H. B. 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 the 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 modifying the school calendar; reducing length of instructional term; establishing limits for the beginning and ending date of the instructional term; and adding purposes for which for which non-instructional employment days may be used,"

With the recommendation that the committee substitute do pass.

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

By Delegate Capito:

H. B. 3138 - "A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to increasing the salaries of the attorney general, the auditor, the secretary of state, the commissioner of agriculture and the state treasurer."

Pursuant to House Rule 80, the Speaker then referred the bill (H. B. 2138) to the Committee on Finance.

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. 2179, Allowing nonmembers of a political party to request that party's partisan ballot at a primary election,

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

Com. Sub. for H. B. 2179 - "A Bill to amend and reenact §3-1-9 and §3-1-35 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-5-14a, all relating to procedures permitting voters who have not registered an affiliation with a particular political party to vote in the primary election for that party under certain circumstances; requiring a determination by political parties and notice to the Secretary of State; specifying which ballots may be provided to voters in primary elections; requiring the posting of notices; specifying the form and preparation of lists of eligible parties; providing for assistance to impaired voters; and prohibiting improper influence by poll workers,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2670, Relating to damages for medical monitoring,

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

Com. Sub. for H. B. 2670 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring,"

With the recommendation that the committee substitute do pass.

Messages from the Executive

The Speaker laid before the House of Delegates a communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both house, as follows:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

February 11, 2019

Veto Message

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
Room 228M, Building 1
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Senate Bill 272

Dear Speaker Hanshaw:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 272. This bill purports to update the composition, powers and procedures of the Commission on Special Investigations. In addition, the bill purports to create misdemeanor offenses for the impersonation and obstruction of Commissions members or staff.

Many state agencies have confidential data that is required to be protected from disclosure, including the WV Department of Health and Human Resources, Workforce WV, and the Office of the West Virginia Tax Commissioner. With regard to West Virginia tax information, West Virginia Code §11-10-5d prohibits the unauthorized disclosure of tax information, by the tax department, under the penalty of misdemeanor. The Tax Commissioner and/or his staff would be in the untenable position of choosing which offense to violate in misdemeanor; either violate WV tax code by disclosing confidential tax information or violate the Commission on Special Investigations state code that makes obstruction of their request for information a misdemeanor.

The Tax Commissioner and his staff, as well as other state agencies, would be forced to have to litigate over the manner and disclosure of the information in each instance, creating a pointless waste of state resources. I ask that you work with Executive branch agencies to rectify these issues so that state agencies may be able to comply with West Virginia Code to ensure transparency, while protecting the privacy and confidentiality of protected information.

As a result of these issues, I disapprove and return Enrolled Senate Bill 272.

Sincerely,

Jim Justice,
Governor.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that, upon reconsideration the Senate had amended and again passed, in an effort to meet the objections of the Governor, and requested the concurrence of the House of Delegates in the same, as to

S. B. 272, Updating code relating to Commission on Special Investigations.

The House of Delegates proceeded to reconsider the bill and, on motion of Delegate Summers, concurred in the following amendment of the bill by the Senate, in an effort to meet the objections of the Governor:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 5. COMMISSION ON SPECIAL INVESTIGATIONS.

§4-5-1. ~~Commission continued as~~ Commission on Special Investigations continued; composition; appointment and terms of members.

The ~~purchasing practices and procedures commission, heretofore created, shall continue in existence but on and after the effective date of this section shall be named and designated the~~ Commission on Special Investigations is continued. The commission shall continue to be composed of ~~five~~ the President of the Senate and four members of the Senate, to be appointed by the ~~president thereof~~ President of the Senate, no more than ~~three~~ two of whom shall be from the same political party; and ~~five~~ the Speaker of the House of Delegates and four members of the House of Delegates, to be appointed by the ~~speaker thereof~~ Speaker of the House of Delegates, no more than ~~three~~ two of whom shall be appointed from the same political party: *Provided*, That in the event the membership of a political party is less than 15 percent in the House of Delegates or Senate, then the membership of that political party from the legislative house with less than 15 percent membership may be one from that house. The commission shall be headed chaired by ~~two co-chairmen, one to be selected by and from the members appointed from the Senate, and one to be selected by and from the members appointed from the House of Delegates~~ the President of the Senate and the Speaker of the House of Delegates. All members of the ~~commission shall~~ appointed to the commission by the commission chairs serve until their successors ~~shall have been~~ are appointed as ~~heretofore~~ provided in this section.

§4-5-2. Powers and duties generally.

(a) The Commission on Special Investigations ~~shall have the power, duty and responsibility~~ may, upon a by majority vote: ~~of the members appointed, to~~

(1) Conduct a comprehensive and detailed investigation into the purchasing practices and procedures of the state;

(2) Determine if there is reason to believe that the laws or public policy of the state in connection with purchasing practices and procedures have been violated or are inadequate;

(3) Determine if any criminal or civil statutes relating to the purchasing practices and procedures in this state are necessary to protect and control the expenditures of money by the state;

(4) Investigate or examine any matter involving conflicts of interest, bribery of state officials, malfeasance, misfeasance, or nonfeasance in office by any employee or officer of the state;

(5) Conduct comprehensive and detailed investigations to determine if any criminal or civil statutes have been violated at any level of state government;

(6) Determine whether to recommend criminal prosecution or civil action for any violation, either criminal or civil, at any level of state government and, if it is determined that action is necessary, to make appropriate recommendation to the Attorney General, prosecuting attorney, or other authority empowered to act on such the recommendation; and

(7) Make ~~such~~ written reports deemed advisable by the commission to the members of the Legislature between its sessions. ~~thereof as the commission may deem advisable and on~~ On the first day of each regular session of the Legislature, the commission shall make an annual report on its activities to the Legislature containing ~~the commission's findings and recommendations including in such report drafts of~~ for any proposed legislation which it ~~deems~~ considers necessary to carry ~~such the~~ recommendations into effect.

(b) The commission ~~is also expressly empowered and authorized to~~ may also:

(1) Sit during any recess of the Senate and House of Delegates;

(2) Recommend to the judge of any circuit court that a grand jury be convened pursuant to the provisions of §52-2-14 of this code to consider any matter which the commission ~~may deem~~ considers in the public interest and, in support thereof, make available to ~~such the~~ court and ~~such the~~ grand jury the contents of any reports, files, transcripts of hearings, or other evidence pertinent ~~thereto to the matter:~~

(3) Employ ~~such~~ necessary legal, technical, investigative, clerical, stenographic, advisory, and other personnel ~~as it deems needed~~ and, within the appropriation ~~herein~~ specified in §4-5-4 of this code, fix reasonable compensation of ~~such any~~ persons and firms ~~as may be~~ that are employed. The commission's investigative staff may consist of a director, deputy director, senior investigators, and investigators as approved by the cochairs: Provided, That such personnel as the commission may determine shall have the authority authorize certain employees of the commission to administer oaths and take affidavits and depositions anywhere in the state;

(4) Consult and confer with all public and private persons and agencies organizations, ~~public (whether federal, state or local) and private~~ any entity of federal or state government or of any political subdivision of the state, that have information and data pertinent to an investigation; and all state ~~and local governmental personnel and agencies~~ and state political subdivisions shall cooperate to the fullest extent with the commission;

(5) Call upon any ~~department or agency of state or local government or~~ entity of state government or of any political subdivision of the state for ~~such any~~ services, information, and assistance ~~as it may deem~~ the commission considers advisable; and

(6) Refer ~~such appropriate~~ matters ~~as are appropriate~~ to the office of the United States attorney Attorney, or other appropriate state or federal law-enforcement entity, and cooperate with such office in the disposition of matters so referred; and

(7) Interview witnesses and require production from any entity of state government, or of any political subdivision of the state, of books, records, documents, papers, computers, laptops, computer hard drives, electronic records including, but not limited to, emails, electronic files, electronic

documents and metadata, or any other thing, in any form in which it may exist, as the commission believes should be examined to make a complete investigation, except where the records, documents, data, or items are protected from disclosure by state or federal law or privilege recognized by state or federal courts: *Provided*, That a request for production pursuant to this subdivision may be in the form of a written letter from the director of the commission in lieu of a subpoena.

(c) Notwithstanding any provision of this code to the contrary, specific personnel may be designated by the commission to carry a firearm in the course of performing his or her official duties: *Provided*, That as a precondition of being authorized to carry a concealed weapon in the course of their official duties, any such designated personnel ~~must have~~ shall first successfully ~~completed~~ complete a firearms training and certification program which is equivalent to that which is required of members of the State Police. ~~The designated persons must~~ A person so designated shall also possess a license to carry a concealed deadly weapon in the manner prescribed in §61-7-1 *et seq.* of this code.

§4-5-3. Executive sessions; hearings; subpoena power; enforcement provisions.

The commission ~~shall have the power and authority to hold executive sessions~~ may conduct proceedings in a confidential executive session for the purpose of establishing business, establishing policy, an agenda and the interrogation of reviewing investigations, and interrogating a witness or witnesses: *Provided*, That if a witness desires a public or open hearing ~~he shall have the right to demand the same~~ the witness may demand an open hearing and shall not be heard otherwise: *Provided, however*, That if a witness desires a hearing in an executive session, ~~he shall have the right to demand the same~~ the witness may so request and shall not be heard otherwise. However, members of the staff of the commission may be permitted to attend executive sessions ~~with permission of the commission.~~

~~The commission is hereby empowered and authorized to examine witnesses and to subpoena such persons and books, records, documents, papers or any other tangible things as it believes should be examined to make a complete investigation. All witnesses appearing before the commission shall testify under oath or affirmation, and any member of the commission or its staff may administer oaths or affirmations to such witnesses. To compel the attendance of witnesses at such hearings to attend a hearing or the production of produce any books, records, documents, or papers, or any other tangible thing except where the records, documents, data, or items are protected from disclosure by state or federal law or privilege recognized by state or federal courts, the commission is hereby empowered and authorized to may issue subpoenas, signed by one of the co-chairmen in accordance with section five, article one, chapter four of this code cochairs: *Provided*, That the commission may specifically authorize, or delegate the power to its director to sign subpoenas on its behalf. Such~~ The subpoenas shall be served by any person authorized by law to serve and execute legal process, and service shall be made without charge. Witnesses subpoenaed to attend hearings shall be allowed the same mileage and per diem as is allowed witnesses before any petit jury in this state.

If any person subpoenaed to appear at any hearing shall refuse to appear or to answer inquiries there propounded, or shall fail or refuse to produce books, records, documents, papers, or any other tangible thing within his or her control when the same are demanded, the commission shall report the facts to the circuit court of Kanawha County or any other court of competent jurisdiction and such court may compel obedience to the subpoena as though such subpoena had been issued by such court in the first instance: *Provided*, That prior to seeking circuit court relief, the commission may, in its discretion, first demand the head of the public agency in which an employee has failed to appear or which has failed to produce requested or subpoenaed material to appear before the commission and address the basis for the failure to comply and whether compliance will be forthcoming.

§4-5-4. Compensation and expenses of members; other expenses; how paid. ~~joint committee approval~~

The members of the commission shall receive travel, interim, and out-of-state expenses, as authorized in §4-2A-6, ~~and §4-2A-8 and §4-2A-9~~ of this code. Such expenses and all other expenses, including those incurred in the employment of legal, technical, investigative, clerical, stenographic, advisory and other personnel, shall be paid from the appropriation under Account No. 103 for Joint Expenses. ~~but no expense of any kind whatever shall be incurred unless the approval of the Joint Committee on Government and Finance therefor is first had and obtained by the commission~~

§4-5-5. Investigations exempt from public disclosure requirements.

(a) The investigations conducted by the commission and the materials, in any medium, including hard copy and electronic, placed in the files custody of the commission as a result of any such investigation are exempt from public disclosure under the provisions of chapter 29B of this code.

(b) Notwithstanding any other provision of this code to the contrary, the commission may dispose of printed materials placed in its files upon a vote of the commission: *Provided*, That the commission shall save copies of materials filed on or after January 1, 2010, in electronic form prior to their disposal.

(c) When the commission receives information, in any form, from any office, agency, department, or branch of state or local government that is bound by state or federal law to maintain the confidentiality, privacy, or security of the information, that governmental body shall identify to the commission what information and materials are so protected and identify the law or laws governing the confidentiality, privacy, or security of the information. The commission shall protect the confidentiality, privacy, or security of the protected information in like manner and to the same level as is required of the governmental body providing the information to the commission. When the commission has completed an investigation and no longer has a need to maintain the confidential or protected information or materials, the commission shall notify the entity from whom the information was received and, unless requested to return the information or materials, shall destroy the same in a secure fashion and notify the entity from whom the information was received of this destruction.

§4-5-7. Impersonation or obstruction of commission member or staff.

(a) A person is guilty of impersonating a member or employee of the Commission on Special Investigations when he or she does one of the following:

(1) Falsely represents himself or herself to be a member or employee of the commission;

(2) Falsely represents himself or herself to be acting under the order or direction, or to have the authority, of the commission or its staff; or

(3) Falsely presents a badge, credentials, other insignia or likeness thereof, used by the commission for identification as a member of the commission or its staff.

(b) Any person who, by threats, menaces, or acts, or who forcibly or illegally hinders or obstructs or attempts to hinder or obstruct a Commission on Special Investigations member or employee acting in his or her official capacity, is guilty of obstruction: *Provided*, That failure to produce information or records at the request of a member or employee of the commission is not obstruction when such disclosure is prohibited by state or federal law.

(c) Any person who violates any provision of this section is guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$500 nor more than \$2,500, or confined in jail for not more than one year, or both fined and confined.

§4-5-8. Award of duty weapon upon retirement; disposal of other weapons used by staff.

(a) Upon the retirement of a member of the commission's investigative staff, the cochair of the commission shall award to the retiring employee a duty weapon used by the employee when that employee retires honorably after having served:

(1) At least 20 years of actual service on the commission's investigative staff;

(2) At least 20 years in law enforcement and an additional 10 years of service on the commission's investigative staff; or

(3) Any period of service on the commission's investigative staff and retires due to total physical disability resulting from his or her service to the commission.

(b) The award of the duty weapon shall be without charge to the employee or other condition: *Provided*, That the cochair shall not award a duty weapon to any retiring employee whom the cochair find to be mentally incapacitated or to be a danger to any person or to the community.

(c) The commission has the sole authority to determine the manner of disposition of duty weapons of members of the commission's investigative staff when replaced due to age or routine wear. The commission may offer these surplus weapons for sale at fair market value to any active or retired member of the commission's investigative staff who has been designated to carry a firearm in the course of duties with the commission, with the proceeds of any sales to be used to offset the cost of new weapons. Surplus duty weapons may also be included as trade-ins toward the purchase of new weapons."

And,

By amending the title of the bill to read as follows:

S. B. 272 - "An Act to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4, and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; continuing the commission; clarifying composition and chairmanship of the commission and terms of members; redefining what constitutes a quorum for voting procedures of the commission; specifying contents of the commission's annual report; authorizing the employment of staff and the creation of certain staff positions; granting power to conduct interviews and request production from agencies of the state and its political subdivisions of books, records, documents, papers, and tangible things, but exempting items deemed confidential under state or federal law; authorizing the issuance of written requests for production in lieu of subpoenas; authorizing the director to issue subpoenas on the commission's behalf; authorizing the commission to require an agency head to appear before the commission to answer for an agency's failure to appear or produce requested or subpoenaed material or other failure to comply with a commission investigation; providing for executive session and confidentiality rights of witnesses; updating exemption of investigative materials from public disclosure; removing requirement for pre-approval of expenses of the commission by the Joint Committee on Government and Finance; requiring that protected information provided to the commission be kept confidential, private, and secure in the same manner required of the government entity from which the information was received; providing procedures and requirements for the commission's retention and disposal of records; establishing new offenses of impersonating a

commission member or staff member and of threatening or otherwise obstructing a commission member or staff; establishing criminal penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission's primary and secondary duty weapons; authorizing sale of surplus weapons to active and retired members of the commission's investigative staff; and updating language and terms for clarity throughout."

The question now being, "Shall the bill pass, in an effort to meet the objections of the Governor?", the yeas and nays were taken (**Roll No. 245**), and there were—yeas 92, nays 2, absent and not voting 6, with the yeas, nays and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Atkinson, Barrett, Bates, Bibby, N. Brown, S. Brown, Butler, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Foster, Groves, Hamrick, Hanna, Hansen, Hardy, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, Miley, Miller, Nelson, Pack, Paynter, Pethtel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaule, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westsfall, Williams, Wilson, Worrell, Zukoff and Hanshaw (Mr. Speaker)

Nays: Fluharty and McGeehan

Absent and Not Voting: Azinger, Boggs, Byrd, Jennings, Porterfield and Staggers.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 272) passed, as a result of the objections of the Governor.

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

On this question, the yeas and nays were taken (**Roll No. 246**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Boggs, Byrd, Jennings, Porterfield and Staggers.

So, a two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 272) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2324, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 36. ACUPUNCTURISTS.

§30-36-2. Definitions.

(a) Unless the context in which used clearly requires a different meaning, as used in this article:

(1) ‘Acupuncture’ means a form of health care, based on a theory of energetic physiology, that describes the interrelationship of the body organs or functions with an associated point or combination of points.

(2) ‘Auricular acudetox’ means auricular detoxification therapy, as approved by the board or as stipulated by the National Acupuncture Detoxification Association (NADA) for the treatment of substance abuse, alcoholism, chemical dependency, detoxification, behavioral therapy, or trauma recovery.

~~(2)~~ (3) ‘Board’ means the West Virginia Acupuncture Board.

(4) ‘Certificate holder’ means an authorization issued by the board to persons trained in auricular acudetox who meet the qualifications, established pursuant to this article and by board rules, to be certified as an auricular detoxification specialist (ADS).

~~(3)~~ (5) ‘License’ means a license issued by the board to practice acupuncture.

(4) ~~(6)~~ ‘Moxibustion’ means the burning of mugwort on or near the skin to stimulate the acupuncture point.

(7) ‘NADA’ means the National Acupuncture Detoxification Association.

(8) ‘NADA protocol’ means the National Acupuncture Detoxification Association protocol for auricular detoxification therapy.

~~(5)~~ (9) ‘Practice acupuncture’ means the use of oriental medical therapies for the purpose of normalizing energetic physiological functions including pain control, and for the promotion, maintenance, and restoration of health.

(b) (1) ‘Practice acupuncture’ includes:

(A) Stimulation of points of the body by the insertion of acupuncture needles;

(B) The application of moxibustion; and

(C) Manual, mechanical, thermal, or electrical therapies only when performed in accordance with the principles of oriental acupuncture medical theories.

~~(2) The practice of acupuncture does not include the procedure of auricular acupuncture when used in the context of a chemical dependency treatment program when the person is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.~~

§30-36-7. Rule-making authority; miscellaneous powers and duties.

(a) The board may propose for promulgation legislative rules to carry out the provisions of this article in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(b) The board may adopt a code of ethics for licensure.

(c) In addition to the powers set forth elsewhere in this article, the board shall keep:

(1) Records and minutes necessary for the orderly conduct of business; and

(2) A list of each currently licensed acupuncturist.

(d) The board may propose emergency legislative rules upon the effective date of the reenactment of this article during the 2019 regular session of the Legislature to effectuate the provisions necessary to issue certificates to persons trained in auricular acudetox, and to establish fees for certificate holders pursuant to this article.

§30-36-9. License or certificate required; exemptions.

(a) Except as otherwise provided in this article, an individual shall be licensed or certified by the board before he or she may practice acupuncture or auricular acudetox in this state.

(b) This section does not apply to:

(1) An individual employed by the federal government as an acupuncturist while practicing within the scope of that employment; or

(2) A student, trainee, or visiting teacher who is designated as a student, trainee, or visiting teacher while participating in a course of study or training under the supervision of a licensed acupuncturist in a program that is approved by the board or the State Board of Education.

§30-36-10. Qualifications of applicants for licensure; and qualifications for certificate holders.

(a) To qualify for a license, an applicant shall:

~~(a)~~ (1) Be of good moral character;

~~(b)~~ (2) Be at least 18 years of age;

~~(c)~~ (3) Demonstrate competence in performing acupuncture by meeting one of the following standards for education, training, or demonstrated experience:

~~(4)~~ (A) Graduation from a course of training of at least 1,800 hours, including 300 clinical hours, that is:

(A) (i) Approved by the national accreditation commission for schools and colleges of acupuncture and oriental medicine; or

~~(B)~~ (ii) Found by the board to be equivalent to a course approved by the national accreditation commission for schools and colleges of acupuncture and oriental medicine;

~~(2)~~ (B) Achievement of a passing score on an examination that is:

~~(A)~~ (i) Given by the national commission for the certification of acupuncturists; or

~~(B)~~ (ii) Determined by the board to be equivalent to the examination given by the national commission for the certification of acupuncturists;

~~(3)~~ (C) Successful completion of an apprenticeship consisting of at least 2,700 hours within a five-year period under the direction of an individual properly approved by that jurisdiction to perform acupuncture; or

~~(4)~~ (D) Performance of the practice of acupuncture in accordance with the law of another jurisdiction or jurisdictions for a period of at least three years within the five years immediately prior to application that consisted of at least 500 patient visits per year; and

~~(e)~~ (4) Achievement of any other qualifications that the board establishes in rules.

(b) Notwithstanding any other provisions of this code to the contrary, to qualify for a certificate as an auricular detoxification specialist, an applicant shall:

(1) Be at least 18 years old;

(2) Be authorized in this state to engage in any of the following:

(A) Physician assistant, pursuant to §30-3E-1 et seq. of this code;

(B) Dentist, pursuant to §30-4-1 et seq. of this code;

(C) Registered professional nurse, pursuant to §30-7-1 et seq. of this code;

(D) Practical nurse, pursuant to §30-7A-1 et seq. of this code;

(E) Psychologist, pursuant to §30-21-1 et seq. of this code;

(F) Occupational therapist, pursuant to §30-28-1 et seq. of this code;

(G) Social worker, pursuant to §30-30-1 et seq. of this code;

(H) Professional counselor, pursuant to §30-31-1 et seq. of this code;

(I) Emergency medical services provider, pursuant to §16-4C-1 et seq. of this code; or

(J) Corrections medical providers, pursuant to §15A-1-1 et seq. of this code.

(3) Provide evidence of successful completion of a board-approved auricular acudetox program;

(4) Submit a completed application as prescribed by the board; and

(5) Submit the appropriate fees as provided for by legislative rule.

(c) A certificate may be issued to a retired or inactive professional as described in §30-36-10(b) of this code: *Provided*, That the professional meets the qualifications for a certificate holder and the last three years of professional activity were performed in good standing: *Provided, however*, That a person who holds a certificate or its equivalent in another jurisdiction as an auricular detoxification

specialist may be approved by the board to practice auricular acudetox during a public health emergency or state of emergency for a duration to be provided for in legislative rules of the board.

§30-36-14. Term and renewal of licenses and certificates; restrictions; and advertisements.

(a) Terms of license and certificate:

(1) The board shall provide for the term and renewal of licenses and certificates under this section;

(2) The term of a license or certificate may not be more than three years;

(3) A license or a certificate expires at the end of its term, unless the license or certificate is renewed for a term as provided by the board.

(b) Renewal notice. At least one month before the license or certificate expires, the board shall send to the licensee or certificate holder, by first-class mail to the last known address of the licensee, a renewal notice that states:

(1) The date on which the current license or certificate expires;

(2) The date by which the renewal application must be received by the board for the renewal to be issued and mailed before the license or certificate expires; and

(3) The amount of the renewal fee.

(c) Applications for renewal. Before the license or certificate expires, the licensee or certificate holder periodically may renew it for an additional term, if the licensee or certificate holder:

(1) Otherwise is entitled to be licensed or certified;

(2) Pays to the board a renewal fee set by the board; and

(3) Submits to the board:

(A) A renewal application on the form that the board requires; and

(B) Satisfactory evidence of compliance with any continuing education requirements set under this section for license or certificate renewal.

(d) In addition to any other qualifications and requirements established by the board, the board may establish continuing education requirements as a condition to the renewal of licenses and certificates under this section.

(e) The board shall renew the license of and issue a renewal certificate to each licensee and certificate holder who meets the requirements of this section.

(f) A licensee may advertise only as permitted by rules adopted by the board.

(g) A certificate holder recognized as an auricular detoxification specialist is prohibited from needling any acupuncture body points beyond the scope of auricular acudetox, and may not advertise themselves as an acupuncturist. Provided, That nothing contained in this section prohibits a person from practicing within his or her scope of practice as authorized by law.

§30-36-17. Surrender of license by licensee or certificate by certificate holder.

(a) Unless the board agrees to accept the surrender of a license or certificate, a licensee or certificate holder may not surrender the license or certificate nor may the license or certificate lapse by operation of law while the licensee or certificate holder is under investigation or while charges are pending against the licensee or certificate holder.

(b) The board may set conditions on its agreement with the licensee or certificate holder under investigation or against whom charges are pending to accept surrender of the license or certificate.

§30-36-18. Reprimands, probations, suspensions and revocations; grounds.

The board, on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee or certificate holder, place any licensee or certificate holder on probation, or suspend or revoke a license or certificate if the licensee or certificate holder:

(a) (1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant or licensee or certificate holder or for another;

(b) (2) Fraudulently or deceptively:

(1) (A) Uses a license or certificate; or

(2) (B) Solicits or advertises.

(c) (3) Is guilty of immoral or unprofessional conduct in the practice of acupuncture or auricular acudetox;

(d) (4) Is professionally, physically, or mentally incompetent;

(e) (5) Provides professional services while:

(1) (A) Under the influence of alcohol; or

(2) (B) Using any narcotic or controlled substance, as defined in §60A-1-101 of this code, or other drug that is in excess of therapeutic amounts or without a valid medical indication;

(f) (6) Knowingly violates any provision of this article or any rule of the board adopted under this article;

(g) (7) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(h) (8) Practices acupuncture or auricular detoxification therapy with an unauthorized person or assists an unauthorized person in the practice of acupuncture or auricular detoxification therapy;

(i) (9) Is disciplined by the licensing or disciplinary authority of this state or any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section;

(j) (10) Willfully makes or files a false report or record in the practice of acupuncture or auricular detoxification therapy;

~~(k)~~ (11) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

~~(j)~~ (12) Submits a false statement to collect a fee; or

~~(m)~~ (13) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the person is licensed and qualified to render because the individual is HIV positive, in conformity with standards established for treatment by physicians, dentists and other licensed health care professionals in cases of this nature.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 247**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Boggs, Byrd, Jennings, Porterfield and Stagers.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2324) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2666, Supplemental appropriation to the Department of Veterans’ Assistance.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, line thirteen, before the word “Veterans”, by striking out the “6” and inserting in lieu thereof “7”.

And,

On page two, line fourteen, before the word “Veterans” by striking out “9” and inserting in lieu thereof “12”.

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 248**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Boggs, Byrd, Jennings, Porterfield and Stagers.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2666) passed.

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

On this question, the yeas and nays were taken (**Roll No. 249**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Boggs, Byrd, Jennings, Porterfield and Staggers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2666) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

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

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, line thirteen, before the word “Appointed”, by striking out “5” and inserting in lieu thereof “6”.

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 250**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Boggs, Byrd, Jennings, Porterfield and Staggers.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2668) passed.

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

On this question, the yeas and nays were taken (**Roll No. 251**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Boggs, Byrd, Jennings, Porterfield and Staggers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2668) takes effect from its passage.

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

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. 340 - “A Bill to repeal §33-20E-1, §33-20E-2, §33-20E-3, §33-20E-4, §33-20E-5, §33-20E-6, §33-20E-7, §33-20E-8, §33-20E-9, §33-20E-10, §33-20E-11, §33-20E-12, §33-

20E-13, §33-20E-14, §33-20E-15, §33-20E-16, §33-20E-17, §33-20E-18, §33-20E-19, §33-20E-20, and §33-20E-21 of the Code of West Virginia, 1931, as amended; and to repeal §33-20F-1, §33-20F-1a, §33-20F-2, §33-20F-3, §33-20F-4, §33-20F-5, §33-20F-7, §33-20F-8, §33-20F-9, §33-20F-10, §33-20F-11, and §33-20F-12 of said code, relating to obsolete provisions for the initial formation and operation of the West Virginia Medical Professional Liability Insurance Joint Underwriting Association and the West Virginia Physicians' Mutual Insurance Company"; which was referred to the Committee on Banking and Insurance then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 344 - "A Bill to repeal §19-12A-3, §19-12A-4, and §19-12A-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-12A-1, §19-12A-2, §19-12A-5, §19-12A-6, §19-12A-6a, and §19-12A-8, all relating to the operation of state-owned farms; clarifying that state-owned farms are managed by the Commissioner of the Department of Agriculture; removing reference to Farm Management Commission; defining the term 'commissioner'; removing language regarding organization and duties of Farm Management Commission; removing language regarding prior transfer of institutional land to the Farm Management Commission; replace outdated language referencing the Department of Health and Human Resources and Division of Corrections and Rehabilitation; providing that state institutions may purchase items from vendors that state-owned farms cannot directly produce; and removing references to farm management director and replacing with commissioner"; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

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. 402 - "A Bill to amend and reenact §19-1A-3b of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to investigate and enforce timber theft violations on all lands"; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

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. 510 - "A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to medical professional liability; setting out requirements for an expert who signs a certificate of merit; allowing for admissibility of certificate of merit in actions against health care providers; and allowing testimony in a judicial proceeding or by deposition upon issuing a certificate of merit"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 635 - "A Bill to amend and reenact §5B-2A-5, §5B-2A-6, §5B-2A-8, §5B-2A-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-3-14 of said code; to amend and reenact §22-11-10 of said code; to amend and reenact §22-30-3 and §22-30-24 of said code; to amend and reenact §22A-1-21 and §22A-1-35 of said code; to amend and reenact §22A-1A-1 and

§22A-1A-2 of said code; to amend and reenact §22A-2-2, §22A-2-12, and §22A-2-13 of said code; to amend said code by adding thereto a new section, designated, §22A-2-80; to amend and reenact §22A-2A-405 of said code; to amend and reenact §22A-8-5 of said code; and to amend said code by adding thereto a new article, designated §22A-13-1, §22A-13-2, §22A-13-3, §22A-13-4, §22A-13-5, and §22A-13-6, all relating generally to coal mining activities; eliminating the requirement for submission of the community impact statement; requiring review of new mining activity for submission to the Office of Coalfield Community Development; eliminating requirements for submission of certain additional information; requiring the submission of certain information related to land and infrastructure needs upon request of the Office of Coalfield Community Development; requiring and authorizing the Secretary of the Department of Environmental Protection to promulgate rules relating to mine subsidence protection for dwelling owners; authorizing the Secretary of the Department of Environmental Protection to promulgate rules for permit modification and renewal fees for surface mining operations pursuant to the Water Pollution Control Act; authorizing the Secretary of the Department of Environmental Protection to promulgate rules relating to exemptions pursuant to the Aboveground Storage Tank Act; requiring a miner who was issued an assessment to either pay the fine or appeal a violation within 30 days; requiring the Office of Miners' Health, Safety, and Training Mine Rescue Team be provided to a coal operation where the operation has no mine rescue team available within one hour's drive; permitting employers to drug test an employee involved in an accident that results in physical injuries or damage to equipment or property; requiring miners testing positive for drug use to undergo a mandatory minimum six-month suspension; eliminating timing requirements for submission of a detailed mine ventilation plan to the Director of the Office of Miners' Health, Safety, and Training; authorizing the Director of the Office of Miners' Health, Safety, and Training to promulgate emergency rules for establishing a course of instruction for apprentice miners; requiring apprentice miners to work 90 days in a mine within sight and sound of a mine foreman or assistant foreman; permitting the Director of the Office of Miners' Health, Safety, and Training to decertify miners who fail to perform daily examinations; allowing the Director of the Office of Miners' Health, Safety, and Training to use the employer's tracking data of the designated daily examiner; authorizing the Director of the Office of Miners' Health, Safety, and Training to promulgate rules generally; amending standards for controlling and monitoring exhaust gases for diesel-powered underground coal mining equipment; allowing certified competent miners to supervise up to two apprentice miners; and establishing the Mine Trespass Act"; which was referred to the Committee on Energy.

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 Rules:

S. C. R. 35 - "Designating days for the display of the Honor and Remember Flag at the West Virginia Veterans Memorial at the West Virginia State Capitol."

Whereas, The Legislature previously approved HCR 94 in the 2011 Regular Session of the Legislature supporting the Honor and Remember Flag as an official emblem of the service and sacrifice by the brave men and women of the United States armed forces who have given their lives in the line of duty; and

Whereas, The Legislature also approved HCR 91 in the 2015 Regular Session of the Legislature designating days on which the Honor and Remember Flag may be displayed, which are: Armed Forces Day, the third Saturday in May; Memorial Day, the last Monday in May; Flag Day, June 14; Independence Day, July 4; National POW/MIA Recognition Day; and Veterans Day, November 11; and

Whereas, In order to fully recognize the ultimate sacrifice of those service members who the Honor and Remember Flag sets out to honor, the State of West Virginia should additionally adopt that in the case of display at the West Virginia Veterans Memorial at the West Virginia State Capitol, the Honor and Remember Flag should be displayed any day on which the flag of the United States is displayed; therefore, be it

Resolved by the Legislature of West Virginia:

That this Legislature designates days for the display of the Honor and Remember Flag at the West Virginia Veterans Memorial at the West Virginia State Capitol; and, be it

Further Resolved, That in the case of display at the West Virginia Veterans Memorial at the West Virginia State Capitol, the Honor and Remember Flag should be displayed any day on which the flag of the United States is displayed; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Director of the General Services Division.

Leaves of Absence

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

Miscellaneous Business

Pursuant to House Rule 132, consent was requested and obtained to print the remarks of Delegate Sypolt regarding the donation to benefit foster children in the Appendix to the Journal.

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

- Delegates Cowles, Fast, Hardy, Kessinger and Waxman for H. B. 2049
- Delegate Hansen for H. B. 2863
- Delegate Hill for H. B. 2953

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

- Delegate Cadle for H. B. 2974

At 6:23 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 22, 2019.

SPECIAL CALENDAR

Friday, February 22, 2019

45th Day

11:00 A.M.

UNFINISHED BUSINESS

- H. R. 5 - Honoring U. S. Army SPC4 Carmel Harvey Jr., Medal of Honor recipient
- H. C. R. 13 - Chief Robert Edward Dorsey Memorial Highway
- Com. Sub. for H. C. R. 32 - Requesting the Secretary of the Department of Transportation to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways
- H. C. R. 48 - Urging the Commissioner of the Bureau for Public Health to designate Alzheimer's disease and other dementias as a public health issue

THIRD READING

- Com. Sub. for S. B. 13 - Relating to distributions from State Excess Lottery Fund (ESPINOSA) (REGULAR)
- S. B. 442 - Supplementing, amending, and decreasing appropriation to Insurance Commission (CRISS) (EFFECTIVE FROM PASSAGE)
- S. B. 443 - Supplemental appropriation of federal moneys to DHHR divisions (CRISS) (EFFECTIVE FROM PASSAGE)
- S. B. 444 - Supplemental appropriation to DHHR divisions (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2532 - Allowing certain donations by persons renewing their driver's license or vehicle registration (CRISS) (REGULAR)
- Com. Sub. for H. B. 2540 - Prohibiting the waste of game animals, game birds or game fish (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2541 - Requiring certain safety measures be taken at public schools (HAMRICK) (REGULAR)
- H. B. 2730 - Increasing the compensation of the membership of the State Police and the salaries for public school teachers and school service personnel (FINANCE COMMITTEE TITLE AMENDMENT PENDING) (HOUSEHOLDER) (JULY 1, 2019)

- Com. Sub. for H. B. 2807 - Creating an additional modification to the West Virginia adjusted gross income of shareholders of S corporations engaged in banking (CRISS) (REGULAR)
- H. B. 2829 - Relating to the termination of severance taxes on limestone and sandstone (CRISS) (REGULAR)
- H. B. 2872 - Authorizing law-enforcement officers to assist the State Fire Marshal (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2901 - Allowing for the establishment of a secondary location for racetrack video lottery terminals (STORCH) (REGULAR)
- H. B. 2934 - West Virginia Lottery Interactive Wagering Act (SHOTT) (REGULAR)
- H. B. 2968 - Adding remote service unit to the definition of customer bank communications terminals (SHOTT) (REGULAR)
- H. B. 3134 - Establishing criminal penalties for negligent homicide, and increasing criminal penalties for reckless driving (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 26 - Permitting certain employees of educational service cooperatives participate in state's teacher retirement systems (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 489 - Relating to Pharmacy Audit Integrity Act (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2229 - Adding violations of law upon which a public servant's retirement plan may be forfeited (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2452 - Creating the West Virginia Cybersecurity Office (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2550 - Creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program (HOUSEHOLDER) (REGULAR)
- H. B. 2598 - Relating to submitting a certifying statement attesting to status as a charitable or public service organization (PACK) (REGULAR)
- Com. Sub. for H. B. 2617 - Relating to the form for making offer of optional uninsured and underinsured coverage by insurers (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2690 - Relating to guaranty associations (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2694 - Relating to the state's ability to regulate hemp (HOWELL) (REGULAR)

- Com. Sub. for H. B. 2718 - Requiring purchasers of roundwood to collect and maintain certain information (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2770 - Fairness in Cost-Sharing Calculation Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2802 - Uniform Partition of Heirs Property Act (SHOTT) (REGULAR)
- H. B. 2816 - Removing the terms “hearing impaired,” “hearing impairment,” and “deaf mute” from the West Virginia Code and substituting terms (PACK) (REGULAR)
- H. B. 2827 - Removing the residency requirements for hiring deputy assessors (HOWELL) (REGULAR)
- H. B. 2828 - Relating to Qualified Opportunity Zones (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2830 - Establishing Next Generation 911 services in this state (HOUSEHOLDER) (REGULAR)
- H. B. 2837 - Relating to the licensing of advance deposit wagering (SHOTT) (REGULAR)
- H. B. 2926 - Requiring the Secretary of the Department of Veterans’ Affairs to study the housing needs of veterans (PACK) (REGULAR)
- Com. Sub. for H. B. 2991 - Relating to the Ryan Brown Addiction Prevention and Recovery Fund (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 3024 - West Virginia Business Ready Sites Program (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3045 - Exempting certain complimentary hotel rooms from hotel occupancy tax (HOUSEHOLDER) (REGULAR)
- H. B. 3132 - Relating to exempting providers that serve no more than 30 patients with office-based medication-assisted treatment (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3133 - Relating to requiring a parolee or probationer found to have suffered with addiction to participate in a support service (SHOTT) (REGULAR)
- H. B. 3135 - Expiring funds to the balance of the Department of Commerce, Development Office (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

FIRST READING

- Com. Sub. for S. B. 518 - Restricting sale and trade of dextromethorphan (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (ELLINGTON) (REGULAR)

- S. B. 545 - Relating to HIV testing (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2079 - Removing certain limitations on medical cannabis grower, processor and dispensary licenses (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2179 - Allowing nonmembers of a political party to request that party's partisan ballot at a primary election (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 (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2441 - Removing certain requirements related to wages for construction of public improvements (SHOTT) (REGULAR)
- H. B. 2497 - Relating to the whistle-blower law (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2595 - Establishing the West Virginia Division of Natural Resources Police Officer Retirement System (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2670 - Relating to damages for medical monitoring (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2945 - Relating to vendors paying a single annual fee for a permit issued by a local health department (HOUSEHOLDER) (REGULAR)
- H. B. 2953 - Permitting a critical access hospital to become a community outpatient medical center (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2976 - Economic Diversification Act of 2019 (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 3021 - Relating to the disposition of permit fees, registration fees and civil penalties imposed against thoroughbred horse racing licensees (HOUSEHOLDER) (REGULAR)
- H. B. 3095 - Establishing a minimum monthly retirement annuity for certain retirants (HOUSEHOLDER) (REGULAR)
- H. B. 3136 - Relating to the Centers for Medicare and Medicaid Services (HOUSEHOLDER) (REGULAR)
- H. B. 3137 - Relating to the personal income tax fund (HOUSEHOLDER) (REGULAR)

HOUSE CALENDAR

Friday, February 22, 2019

45th Day

11:00 A. M.

SECOND READING

- Com. Sub. for H. B. 2008 - Relating to nonpartisan election of justices of the Supreme Court of Appeals (SHOTT) (REGULAR)
- H. B. 2692 - Relating to primary elections and procedures (HOWELL) (REGULAR)
- H. B. 2819 - Relating generally to contractors (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- H. B. 2932 - Transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2980 - Mine Trespass Act (SHOTT) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

FRIDAY, FEBRUARY 22, 2019

PUBLIC HEARING

COMMITTEE ON FINANCE

8:00 A.M. – HOUSE CHAMBER

H. B. 2730, INCREASING THE COMPENSATION OF THE MEMBERSHIP OF THE STATE POLICE AND THE SALARIES FOR PUBLIC SCHOOL TEACHERS AND SCHOOL SERVICE PERSONNEL.

COMMITTEE ON FINANCE

9:00 A.M. – ROOM 460M

COMMITTEE ON THE JUDICIARY

9:00 A.M. – ROOM 418M

COMMITTEE ON EDUCATION

9:00 A.M. – ROOM 432M

COMMITTEE ON GOVERNMENT ORGANIZATION

9:00 A.M. – ROOM 215E

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

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