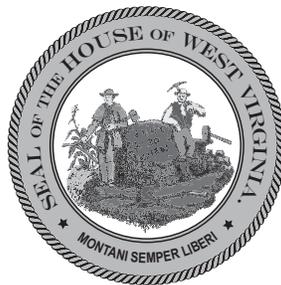


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Third Legislature  
Second Regular Session

Held at Charleston  
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February 1, 2018  
TWENTY-THIRD DAY



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Thursday, February 1, 2018

**TWENTY-THIRD DAY**

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

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

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

The Clerk proceeded to read the Journal of Wednesday, January 31, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4200**, Relating generally to the state's spending units,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4200) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 4156**, Establishing the qualifications of full and part time nursing school faculty members,

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

**Com. Sub. for H. B. 4156** – “A Bill to amend and reenact §30-7-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-7-5a, all relating to school of nursing faculty requirements; establishing the qualifications of full and part time nursing school faculty members; granting exceptions; and defining a term,”

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. 2693**, Relating to state ownership of wildlife,

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

**Com. Sub. for H. B. 2693** - "A Bill to amend and reenact §20-2-3 of the Code of West Virginia, 1931, as amended, relating to state ownership of wildlife,"

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. 4230**, Relating to credit for reinsurance,

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

**Com. Sub. for H. B. 4230** - "A Bill to amend and reenact §33-4-15a of the Code of West Virginia, 1931, as amended, relating to credit for reinsurance; purpose; establishing requirements for domestic insurers to be allowed a credit; requirements for reinsurers; establishing where assets that provide security to fund United States obligations are to be maintained by a non-United States insurer or reinsurer; providing for the filing and valuation of claims, and the distribution of assets of an insolvent non-United States insurer or reinsurer; providing for an asset or reduction from liability for reinsurance ceded by a domestic insurer when certain requirements are not met; defining a qualified United States financial institution; providing authority to the Insurance Commissioner to promulgate legislative and emergency rules; effective date,"

And,

**H. B. 4329**, Requiring pawnbrokers to providing certain information to law-enforcement agencies,

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

**Com. Sub. for H. B. 4329** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating to requiring pawnbrokers to providing certain information to law-enforcement agencies; specifying pawnbrokers requirement to transmit pawn and purchase information electronically to a third-party database; defining terms; providing reportable data through third-party database; providing that pawnbrokers are responsible for establishing and maintaining the database; providing that law-enforcement agencies may be charged for access to the database; providing who may access reportable data through the database; and specifying pawnbroker requirements,"

With the recommendation that the committee substitutes each do pass.

### Messages from the Senate

A message from the Senate, by

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

**Com. Sub. for S. B. 46** - "A Bill to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended, relating to permitting pharmacists to inform customers about lower cost

alternatives to prescribed drugs”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 71** - “A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to defining the term ‘veteran’ as that term pertains to veteran-owned businesses”; which was referred to the Committee on Veterans’ Affairs and Homeland Security 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. 184** - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating generally to authorizing and directing the Division of Highways to promulgate certain legislative rules as filed, as modified, and as amended, and repealing a rule; authorizing the Division of Highways to promulgate a legislative rule relating to the disposal, lease, and management of real property and appurtenant structures, and relocation assistance; directing the Division of Highways to promulgate a legislative rule relating to employment procedures; and repealing the Division of Highways legislative rule relating to waste tire remediation/environmental clean-up”; 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

**Com. Sub. for S. B. 237** - “A Bill to amend and reenact §64-7-1, §64-7-2, and §64-7-3 of the Code of West Virginia, 1931, as amended, relating generally to authorizing and directing certain agencies within the Department of Revenue to promulgate certain legislative rules as filed, modified, and amended; relating to authorizing the State Tax Department to promulgate a legislative rule relating to farm-to-food bank tax credit; authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer; authorizing the State Tax Department to promulgate a legislative rule relating to property transfer tax; authorizing the State Tax Department to promulgate a legislative rule relating to municipal sales and service and use tax administration; directing the State Tax Department to promulgate a legislative rule relating to a personnel rule for the Tax Division; authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules; and authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 242** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-38; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3zz; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring

health insurance providers to provide coverage for long-term antibiotic therapy for a patient with Lyme disease”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 327** - “A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the crime of extortion; and providing that extorting anything of value, including sexual contact and sexual intercourse, or an image of an intimate body part qualifies as extortion and subjects a person to a criminal penalty”; 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. 385** - “A Bill supplementing and amending by decreasing existing appropriations and adding new appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2018, organization 0608, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2018, organization 0621, by supplementing, amending, adding, and decreasing the appropriations for the fiscal year ending June 30, 2018”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 388** - “A Bill supplementing and amending by decreasing and increasing existing appropriations and adding a new appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2018, organization 0209, and to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2018, organization 0221, by supplementing, amending, decreasing, and increasing existing appropriations and adding a new appropriation for the fiscal year ending June 30, 2018”; which was referred to the Committee on Finance.

### Resolutions Introduced

Delegate Bates offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 37** - “Amending Joint Rules of the Senate and House of Delegates.”

*Resolved by the Legislature of West Virginia:*

That the joint rules of the Senate and House of Delegates be amended by adding thereto a new rule 31, to read as follows:

**Failure to Enact the Budget by Fiftieth Day.**

31. Beginning on the fiftieth day of each regular session, no bill may be advanced on the floor of either house until a budget has been enacted by the Legislature and presented to the Governor.

Upon enactment of the Budget Bill, no bill may be considered that will cause fiscal impact to the fiscal year addressed by the Budget Bill without a companion supplemental bill being concurrently advanced. During consideration of any bill that does not have a companion supplemental bill, upon a point of order raised by any member, the Chair shall rule on whether the bill will have fiscal impact on the enacted Budget Bill. Upon a ruling of the Chair that a fiscal impact will occur, the bill shall by order of the Chair, be either tabled or referred to the Committee on Finance. Further consideration of the bill is precluded without a companion supplemental bill also being concurrently considered by the house to amend the enacted Budget Bill to reflect the fiscal impact of the bill. If, upon referral, the Finance Committee reports to its respective house that the legislation mitigates the effect attributable to an increase the costs of the legislation, or has no fiscal impact, then the bill may be returned to its previous place on the body's active calendar. Alternatively, if there is a fiscal impact, then a companion supplemental bill to address the fiscal impact must be concurrently advanced with the bill. The bill may only be further considered by either house if the companion supplemental bill has been concurrently advanced to accommodate the fiscal impact to the enacted Budget Bill.

At any time, if the Governor vetoes an enacted budget bill, the provisions of this rule shall not apply for the remainder of that regular session.

Unless reauthorized, the provisions of this rule expire on January 1, 2020.

Delegates Marcum, Thompson, Hicks, Phillips and Dean offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 38** - "Requesting the Division of Highways to name bridge number 30-3/5-16.65 (30A020), locally known as Lowney Singing Bridge, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the 'U. S. Army SGT Benny Fleming Memorial Bridge'."

Whereas, Sergeant Fleming was born on June 9, 1948, to Goodlow and Lora Evans Fleming of Wilsondale and passed away August 30, 2013; and

Whereas, Sergeant Fleming was a lifelong resident of Mingo County and it was there that he raised a family and made a living as a coal miner. Throughout his life, he overcame many obstacles, all while maintaining a great attitude. This made him the man he would eventually become; and

Whereas, As a young boy, Sergeant Fleming spent his days exploring the very countryside he would eventually call home. He attended Lowney Grade School near his family home, and graduated from Lenore High School in 1966. That same year, he enlisted in the U. S. Army. In the five years he served, he was promoted to the level of Army Sergeant E-5, served in Vietnam, and eventually received an honorable discharge. After returning home, he worked for the West Virginia Department of Highways; and

Whereas, Sergeant Fleming began working underground in the coal mines in the early to mid-1970s, when the danger of working underground was at its highest. He worked for Dehue Mines in Logan until they closed, and then went to work at Rawl Sales Rocky Hollow for nearly 15 years until he suddenly became sick while on vacation with his family. He was diagnosed with transverse myelitis. After spending months in the hospital, and at a rehabilitation center, he was left paralyzed from the waist down, and confined to a wheelchair; and

Whereas, When faced with an obstacle such as this, most people would have given up, but not Sergeant Fleming. He had to learn how to use his hands again, and how to sit up again. He learned

how to cook, clean, do laundry, and be self-sufficient. Eventually, he would mow his own grass, and the grass of his sister, just to keep busy. He also became active in helping facilities become handicapped accessible. It was very important to him to be able to get in and out of places without having to ask for assistance; and

Whereas, Sergeant Fleming had two daughters, Mabelle and Teresa. He loved them dearly. They married and had children of their own. Mabelle had his first grandchild, Jarrid, in 1991. This gave Benny something to get stronger for, and something to look forward to. Jarrid was his whole world. He would spend weekends with Benny, and he would feed him, bathe him, and change his diaper, all while being confined to a wheelchair; and

Whereas, Five years later, Mabelle had Sergeant Fleming's second grandchild, Seann Cameron. He and Benny spent their time fishing, riding four wheelers, and Benny would point out deer and bear tracks to his grandson. Some weekends, Benny would keep both boys. That was when he was at his happiest; and

Whereas, In August of 1998, Teresa had Sergeant Fleming's third grandchild, a boy named Carson. Just as he did with the grandsons before him, Sergeant Fleming loved to spend time with him, watching him play basketball and talk about trains. He too would spend the night with Benny, and he would see to it that he was well taken care of; and

Whereas, Because of his grandkids, the last years of Sergeant Fleming's life were his happiest. In 2002, he was the official scorekeeper for his grandson Jarrid's baseball team, and never missed a game. He traveled to the away games, as well as the home games, and treated Jarrid's teammates as if they were his own. He would buy the kids drinks, hotdogs, and candy at the games, and they loved him as if he were their own grandpa. He also spent time with his companion and life partner, Cathy Perry. They were at their happiest when spending time outdoors and sharing memories; and

Whereas, In his last few years, Sergeant Fleming began reflecting on his life. He began compiling notes and started the process of writing a short story about the life and times of growing up in the 1950s. He titled it "Growing Up Lowney". It tells the story of when he was young, and going to Lowney Grade School near his childhood home. He goes into great detail, and tells everything he can remember of growing up in that area of Mingo County. He typed the story himself, and surprised his children and grandchildren each with a copy. The seven-page story is Benny's legacy. It is a small glimpse into the type of man that he was. Although confined to a wheelchair for the last 25 years of his life, Benny overcame many obstacles with the love and support of his family. He overcame them to become a loving father, extraordinary grandfather, and outstanding member of the community, all with a smile on his face; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Sergeant Fleming. With his short story titled "Growing Up Lowney", and the bridge known as the Lowney Singing Bridge, the irony is clear. It would be a testament to the strong, loving family man that was taken from us way too soon; therefore, be it

*Resolved by the West Virginia Legislature:*

That the Division of Highways is hereby requested to name bridge number 30-3/5-16.65 (30A020), locally known as Lowney Singing Bridge, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the "U. S. Army SGT Benny Fleming Memorial Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “U. S. Army SGT Benny Fleming Memorial Bridge”; and, be it

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

Delegates Miley, Ambler, Anderson, Barrett, Bates, Brewer, Byrd, Campbell, Canestraro, Caputo, Cooper, Criss, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Ferro, Hornbuckle, Iaquina, Isner, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, R. Miller, Moye, Paynter, Pethel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, R. Romine, Rowe, Sobonya, Sponagle, Statler, Storch, Summers, Thompson, Upson, Ward, Williams and Wilson offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 39** - “Requesting the Joint Committee on Government and Finance to study the sustainability of the state’s current system of higher education and how the state can better support the public institutions of higher education.”

Whereas, West Virginia is moving through a dramatic transformation during which fundamental regulatory and supply and demand changes have sufficiently altered the trajectory of the state’s coal and natural gas sectors. The state is facing significant budgetary challenges and a current path that is not sustainable; and

Whereas, The best way to further the state’s priorities is not to rely on decades-old models that seek to preserve the status quo, but instead, lies in questioning whether our current way of doing business is sustainable and in identifying new solutions; and

Whereas, It is essential that the leaders of the state reinvent the manner in which the state conducts business in order to meet certain goals, including the goal of maintaining productive institutions of higher education that educate the workforce of tomorrow and continue to be economic engines that help to drive the state’s economy; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is requested to study and review the sustainability of the state’s current system of higher education and how the state can better support the public institutions of higher education; and, be it

*Further Resolved*, That in conducting the study, the Committee review the following issues related to success of the institutions. How to increase retention and graduation rates; how to maintain affordable tuition; how to increase access to institutions; how to promote economic achievement through education; and, be it

*Further Resolved*, That in conducting the study, the Committee review the following issues related to efficiency of institutional oversight: The amount of time institutions spend on multiple levels of approvals and reporting activities to the State; the amount of time institutions spend interacting with the State Treasurer’s and Auditor’s offices; and whether the Higher Education Policy Commission should be a coordinating or second-step governing body; and, be it

*Further Resolved*, That in conducting the study, the Committee review the following issues related to institutional funding: Whether all 18 of the state’s four-year and two-year institutions are viable as currently constituted; how the institutions should be transformed if they are not currently viable;

whether the institutions should share administrative expenses; and the effectiveness of the governing boards at each institution; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session 2019, on its findings, conclusions and recommendations together with drafts of any legislation to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Maynard, Dean, Eldridge, Moye and Rohrbach offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 40** - "Requesting the Division of Highways to name bridge number 41-1-12.89 (41A006), locally known as 'Artie Bridge', carrying County Route 1 over Clear Fork in Raleigh County the 'U. S. Air Force SMSgt Billie E. "Bunky" Hodge Bridge'."

Whereas, Billie Hodge was born in the town of Artie in Raleigh County in 1939; and

Whereas, Billie Hodge attended Clear Fork High School where he graduated valedictorian of his class while serving as President of the National Honor Society at Clear Fork; and

Whereas, Upon graduation from high school, Billie Hodge enlisted in the United States Air Force where he served in various duty locations, including Korea, Guam and Taiwan. He also served in various locations in the United States, including Nevada in the 1980s where he participated in the implementation of the U.S. military's stealth aircraft technology; and

Whereas, Billie Hodge retired from the Air Force after serving therein for 26 years as a Senior Master Sergeant and moved his family back to his roots in Raleigh County where he demonstrated exceptional civic expression and community-based good works; and

Whereas, Billie Hodge took in scores of foster children over the years who needed a home and loving and tender care, which Billie and his wife were always willing to supply; and

Whereas, Billie Hodge passed away on September 23, 2015; and

Whereas, Billie Hodge left a legacy of good works and community leadership in multiple ways and it is only fitting that a lasting memorial be made to his exceptional life; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 41-1-12.89 (41A006), locally known as "Artie Bridge", carrying County Route 1 over Clear Fork in Raleigh County the "U. S. Air Force SMSgt Billie E. 'Bunky' Hodge Memorial Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge proclaiming the name to be the "U. S. Air Force SMSgt Billie E. 'Bunky' Hodge Memorial Bridge"; and, be it

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

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

**By Delegate Bates:**

**H. J. R. 110** - "Proposing an amendment to the Constitution of the State of West Virginia, amending, article IV thereof by adding thereto a new section, designated section thirteen, relating to the arrangement of congressional, senatorial and delegate districts after census by creating a State Apportionment Commission; designating for appointment, terms of office, duties of and eligibility for commissioners; establishing process for commission to develop plans; providing that State Apportionment Commission must submit redistricting plans to each house; providing that each house may reject its plan by a two-thirds vote of the members elected; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

**Bills Introduced**

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

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

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

**H. B. 4376** - "A Bill expiring funds to the balance of the Department of Health and Human Resources, Division of Health — Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, in the amount of \$2,953,990 from the Department of Health and Human Resource, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resource, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2018, organization 0506, to the Department of Health and Human Resource, Division of Health – Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, and to the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax, Medicaid State Share Fund, fund 5090, fiscal year 2018, organization 0511, by supplementing and amending chapter one, Acts of the Legislature, 1st extraordinary session, 2017, known as the budget bill"; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

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

**H. B. 4377** - "A Bill making a supplementary appropriation from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services, fund 5365, fiscal year 2018, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

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

**H. B. 4378** - "A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Bureau of Senior Services - Lottery Senior Citizens Fund, fund 5405, fiscal year 2018, organization 0508, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

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

**H. B. 4379** - "A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2018, organization 0803, for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4380** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Agriculture, Fund 8736, fiscal year 2018, Organization 1400, and to the Department of Agriculture – State Conservation Committee, Fund 8783, fiscal year 2018, Organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4381** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2018, organization 0402, and to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2018, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4382** - "A Bill supplementing and amending by decreasing and increasing existing appropriations and adding a new appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2018, organization 0209, and to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2018, organization 0221 by supplementing, amending, decreasing and increasing existing appropriations and adding a new appropriation for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4383** - "A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2018, organization 0506, and to the Bureau of Senior Services, fund 0420, fiscal year 2018, organization 0508 by supplementing, amending, increasing and decreasing the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4384** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Transportation, Division of Public Transit, fund 8745, fiscal year 2018, organization 0805, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4385** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2018, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4386** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2018, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4387** - "A Bill supplementing and amending by decreasing existing appropriations and adding new appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2018, organization 0608, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2018, organization 0621 by supplementing, amending, adding, and decreasing the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4388** - "A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2018, Organization 0471, and to the Higher Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2018, Organization 0471, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4389** - "A Bill expiring funds to the balance of the West Virginia Enterprise Resource Planning Board - Enterprise Resource Planning System Fund, fund 9080, fiscal year 2018, organization 0947, in the amount of \$1,133,000 from the Auditor's Office – Securities Regulation Fund, fund 1225, fiscal year 2018, organization 1200, and in the amount of \$1,133,000 from the Treasurer's Office, Banking Services Expense Fund, fund 1322, fiscal year 2018, organization 1300 for the fiscal year ending June 30, 2018"; to the Committee on Finance.

**By Delegates Ellington, Hamrick and Summers:**

**H. B. 4390** - "A Bill to amend and reenact §30-30-16 and §30-30-18 of the Code of West Virginia, 1931, as amended, all relating to provisionally licensed social workers with the Department of Health and Human Resources; eliminating special requirements for department provisionally licensed social workers; requiring amendment of a legislative rule of the Board of Social Work; repealing a rule of the department; clarifying an individual's voluntary pursuit of provisional license; grandfathering those

department employees with a provisional license; and exempting from licensure persons employed as children and adult services workers with the department except for certain senior and supervisory staff"; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Ellington, Foster, Householder, McGeehan, Rohrbach, Sobonya, Summers and Sypolt:**

**H. B. 4391** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, §9-3-7, relating to requiring the Department of Health and Human Resources to phase in a statewide program to implement work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP); to limit SNAP recipients to three months of benefits in any 36-month period unless the recipient is working or participating in a work, educational, or volunteer program for at least 20 hours a week; and requiring discontinuance of a federal waiver"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ellington, Hanshaw, Householder, Shott and Summers:**

**H. B. 4392** - "A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to Medicaid subrogation liens of the Department of Health and Human Resources; harmonizing subrogation law with recent changes to federal laws by removing restrictions on amounts subject to recovery by the department; adding certain insurance coverage as subject to subrogation; removing all provisions relating to allocation for medical expenses in a judgment or settlement; and setting effective date"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ward, Howell, Hollen, Paynter, Frich, Phillips, Martin, Kelly, Butler, Fast and Dean:**

**H. B. 4393** - "A Bill to amend and reenact §61-6-22 of the Code of West Virginia, 1931, as amended, relating to increasing penalty for wearing a mask while committing a crime; providing for a minimum sentence of two years"; to the Committee on the Judiciary.

**By Delegates A. Evans, Hartman, Hamilton and R. Romine:**

**H. B. 4394** - "A Bill to amend and reenact §20-3-5 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §20-3-5a, all relating to forest fires; clarifying civil and criminal penalties for failure to remove flammable material, failure to create a safety strip, or permitting fire to escape; and creating a prescribed burn program"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Pushkin, Rowe, Dean, Fleischauer, Lane, Robinson, Byrd, Longstreth and Love:**

**H. B. 4395** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to permitting certain felons to work in licensed behavioral health facilities; setting conditions and limitations; and requiring rule-making"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Espinosa, Moore, McGeehan, Westfall, Householder, Storch and Ambler:**

**H. B. 4396** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22D-1, §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-5, §29-22D-6, §29-22D-7, §29-22D-8, §29-22D-9, §29-22D-10, §29-22D-11, §29-22D-12, §29-22D-13, §29-22D-14, §29-22D-15, §29-22D-16, §29-22D-17, §29-22D-18, §29-22D-19, §29-22D-20, §29-22D-21, §29-22D-22, §29-22D-23, §29-22D-24, and §29-22D-25 of said code, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery Sports Wagering activities; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule making authority; limiting sports wagering to existing racetrack casinos

and the casino in a historic resort hotel; establishing license requirements and prohibitions; adopting house rules and the posting of the same; defining duties of an operator conducting sports wagering; requiring the posting of betting limits; adopting sports wagering agreements with other governments; prohibiting unauthorized sports wagering in this state; creating the West Virginia Lottery Sports Wagering Fund; authorizing the collection of license fees; authorizing the West Virginia Lottery to collect an administrative allowance from gross sports wagering receipts; authorizing the West Virginia Lottery to levy and collect a tax in the amount of 10 percent of adjusted gross sports wagering receipts; defining how moneys deposited in the West Virginia Lottery Sports Wagering Fund shall be distributed; establishing the role of law enforcement; imposing civil and criminal penalties; establishing crimes; providing for the forfeiture of property for certain violations; preempting this article from state and local law; establishing exemption from federal law; and allowing for the shipment of gambling devices used for sports wagering"; to the Committee on the Judiciary then Finance.

**By Delegate Bates:**

**H. B. 4397** - "A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting pay of members of the Legislature when a budget bill has not been passed during a regular session"; to the Committee on the Judiciary then Finance.

**By Delegates Thompson, Marcum, Hicks, Rodighiero and Eldridge:**

**H. B. 4398** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-41, relating to specifying the grade point average required for student participation in interscholastic athletics at the high school level"; to the Committee on Education.

**By Delegates Lovejoy, Canestraro, R. Miller, Fluharty, Hornbuckle, Robinson, Sponaugle, Barrett, Byrd, Williams and Isner:**

**H. B. 4399** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2 and §1-7-3, all relating to net neutrality for state government; providing legislative findings; defining terms; requiring the state to utilize net neutral internet services and associated activities; and providing exceptions thereto"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Westfall:**

**H. B. 4400** - "A Bill to repeal §33-20F-6 of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-20F-3, §33-20F-5, and §33-20F-9 of said code, all relating to the West Virginia Physicians Mutual Insurance Company; removing language that is no longer relevant to the operation of the company as a private mutual insurance company; and adding language to accommodate policies written to physicians outside the State of West Virginia"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Ambler, Sobonya, Westfall, Frich, Cooper, Foster, Householder, Bates and Barrett:**

**H. B. 4401** - "A Bill to amend and reenact §47-1-21 of the Code of West Virginia, 1931, as amended, relating to the registration of business; removing a requirement that the Division of Labor charge an annual device registration fee; and removing a provision related to the fees that are collected pursuant to this section"; to the Committee on Industry and Labor then Finance.

**House Calendar**

**Third Reading**

**Com. Sub. for H. B. 4233**, Relating generally to fraudulent transfers; 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. 35**), and there were—yeas 99, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4233) 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. 4242**, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 36**), and there were—yeas 98, nays 1, absent and not voting none, with the nays being as follows:

Nays: Fast.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4242) passed.

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

### Second Reading

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

**H. B. 2612**, Repealing section relating to unattended motor vehicles and penalties,

**Com. Sub. for H. B. 4138**, Requiring certain public or private schools and daycare centers to install carbon monoxide detectors,

And,

**Com. Sub. for H. B. 4199**, Permitting a nursing home to use trained individuals to administer medication.

### First Reading

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

**Com. Sub. for H. B. 2655**, Defining and establishing the crime of cyberbullying,

**Com. Sub. for H. B. 2662**, Prohibiting the waste of game animals, game birds or game fish,

**Com. Sub. for H. B. 2696**, Relating to crossbow hunting,

**Com. Sub. for H. B. 4162**, Granting authority to the State Conservation Committee to contract for flood response,

And,

**Com. Sub. for H. B. 4251**, Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors.

### **Miscellaneous Business**

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

- Delegate Caputo during Remarks by Members
- Delegate E. Evans during Remarks by Members
- Delegate Eldridge during Remarks by Members
- Delegate Marcum during Remarks by Members
- Delegate Fast during Remarks by Members

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

- Delegate Hamrick for H. B. 4313
- Delegate Phillips for H. B. 4401

At 12:13 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 2, 2018.

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



## **HOUSE CALENDAR**

**Friday, February 2, 2018**

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

**11:00 A. M.**

### **THIRD READING**

- H. B. 2612 - Repealing section relating to unattended motor vehicles and penalties (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4138 - Requiring certain public or private schools and daycare centers to install carbon monoxide detectors (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4199 - Permitting a nursing home to use trained individuals to administer medication (SHOTT) (REGULAR)

### **SECOND READING**

- Com. Sub. for H. B. 2655 - Defining and establishing the crime of cyberbullying (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2662 - Prohibiting the waste of game animals, game birds or game fish (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2696 - Relating to crossbow hunting (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4162 - Granting authority to the State Conservation Committee to contract for flood response (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4251 - Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors (ESPINOSA) (REGULAR)

### **FIRST READING**

- Com. Sub. for H. B. 2693 - Relating to state ownership of wildlife (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4156 - Establishing the qualifications of full and part time nursing school faculty members (ESPINOSA) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 4230 - Relating to credit for reinsurance (SHOTT) (JANUARY 1, 2019)

Com. Sub. for H. B. 4329 - Requiring pawnbrokers to providing certain information to law-enforcement agencies (SHOTT) (REGULAR)

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**FRIDAY, FEBRUARY 2, 2018**

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

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**COMMITTEE ON FINANCE  
8:30 A.M. – ROOM 460M**

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

**COMMITTEE ON EDUCATION  
9:00 A.M. – ROOM 434M**

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





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