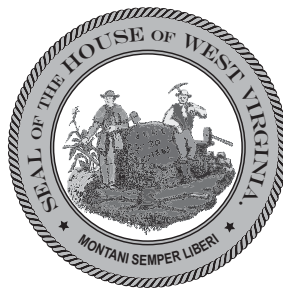


West Virginia Legislature

JOURNAL
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HOUSE of DELEGATES

Eighty-Third Legislature
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January 18, 2018

NINTH DAY

Thursday, January 18, 2018

NINTH 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 17, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 2028, Relating to the venue for suits and other actions against the state,

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

Com. Sub. for H. B. 2028 - "A Bill to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to the venue for suits and other actions against the state; allowing a plaintiff or petitioner to file a claim or petition against the state, a state officer, or state agency in the circuit court of a county in which the plaintiff or petitioner resides or in which a claim arose or, alternatively, in the circuit court of Kanawha County,"

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. 2938, Relating to deduction from jail sentence for litter cleanup,

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. 2938) was referred to the Committee on Finance.

Resolutions Introduced

Delegate Rowan offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 16 – “Requesting the Division of Highways to name bridge number 14-50/9-0.25 (14A130), locally known as Baptism Bridge, carrying County Route 50/9 over the Little Cacapon River in Hampshire County, located in the now nonexistent community of Frenchburg, the ‘Frenchburg Bridge’.”

Whereas, One James French was an early settler in the area and was the namesake for the community which later came to be known as Frenchburg; and

Whereas, Hampshire County is one of a few counties in the State of West Virginia that was not in favor of inclusion into the northern union during the Civil War, having had predominantly southern sympathies; and

Whereas, As a result of its southern stance during the Civil War, the town was razed by fire by Union forces sometime between November 1861 when two Ringgold Cavalry soldiers were killed near Frenchburg and Stonewall Jackson’s campaign to Berkeley Springs and Romney in January 1862; and

Whereas, Since Frenchburg was destroyed, it never recovered as a viable community, yet due to its past history, including having been surveyed by George Washington in addition to the foregoing, is endowed with a rich historical significance and heritage; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name bridge number 14-50/9-0.25 (14A130), locally known as Baptism Bridge, carrying County Route 50/9 over the Little Cacapon River in Hampshire County located in the now nonexistent community of Frenchburg, the “Frenchburg Bridge”.

Further Resolved, That the Division of Highways is hereby requested to erect signs at both entrances to bridge number 14-50/9-0.25 (14A130), locally known as Baptism Bridge, carrying County Route 50/9 over the Little Cacapon River in Hampshire County, located in the now nonexistent community of Frenchburg, the “Frenchburg Bridge”.

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

Delegates Phillips, Paynter, R. Miller, Eldridge, Dean and Marcum offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 17 – “Requesting the Division of Highways to name the bridge on WV 80 over Huff Creek in Logan County, bridge number 23-80-5.66 (23A089), locally known as the Huff Junction Beam Span, the ‘U. S. Army CPL F. Lee Noel Memorial Bridge’.”

Whereas, U. S. Army CPL F. Lee Noel was born on April 14, 1928, in Wilsondale in Wayne County to E. R. Noel, Sr. and Vacey Ann Marcum Noel and died on September 3, 2014; and

Whereas, U. S. Army CPL F. Lee Noel graduated in 1948 from Lenore High School where he lettered in basketball; and

Whereas, U. S. Army CPL F. Lee Noel was inducted into the U. S. Army on December 5, 1950, served in the 3rd Armored Division, the Korean Conflict and was honorably discharged on November 14, 1956; and

Whereas, U. S. Army CPL F. Lee Noel was employed by Island Creek Coal Company as a heavy equipment operator for 41 years and owned the Pic Pac grocery stores in Man and Justice; and

Whereas, U. S. Army CPL F. Lee Noel served as an Elder, Trustee, Sunday School Superintendent, and in the Choir in the Man Church of God during his nearly 50 years of membership; and

Whereas, U. S. Army CPL F. Lee Noel was the bass singer in the Evangeleers Quartet, was a member of the Lions Club at Man for over 25 years, and loved golfing with his family; and

Whereas, U. S. Army CPL F. Lee Noel is survived by his wife of nearly 60 years, Billie Redmond Noel, two children, Nancy (Ron) Lemon and Norman (Danita) Noel, four grandchildren, and four great-grandchildren; and

Whereas, It is only fitting that we name this bridge to honor U. S. Army CPL F. Lee Noel; therefore, be it

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name the bridge on WV 80 over Huff Creek in Logan County, bridge number 23-80-5.66 (23A089), locally known as the Huff Junction Beam Span, the "U. S. Army CPL F. Lee Noel Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army CPL F. Lee Noel 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 Phillips, Paynter, R. Miller, Eldridge, Dean and Marcum offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 18 - "Requesting the Division of Highways to name bridge number 23-119-15.47 (23A102), locally known as Chapmanville RR overpass, carrying U. S. 119 over CSX Railroad in Logan County the 'U. S. Army PFC O. T. (Teaberry) Mullins Memorial Bridge'."

Whereas, O. T. (Teaberry) Mullins was born December 18, 1923, the son of John M. and Martha Farley Mullins at Ferrellsburg, West Virginia. He moved to Chapmanville, West Virginia, in 1953; and

Whereas, O. T. (Teaberry) Mullins is survived by his children, Connie Mullins Guthrie and Jill Mullins; and

Whereas, PFC O. T. (Teaberry) Mullins served in the Army Air Corp, having been drafted July 8, 1943. He received the Army Achievement Medal, Army Commendation Medal, Army Good Conduct Medal, Asia Pacific Campaign Medal, WW II Army Occupation of Okinawa Medal, and WW II Victory Medal; and

Whereas, PFC Mullins was a Life Member of the American Legion and VFW. He was a Conductor for CSX Transportation 42 years and on the Chapmanville Town Council for 47 years. He was the owner of Mullins License Service and Teaberry Motor Sales, salesman for Paul Cooke Ford, sales manager for Boone Motors and served on the Chapmanville Police Department; and

Whereas, Naming the bridge on Rt. 119 in Chapmanville, Boone County, the "U. S. Army PFC O. T. (Teaberry) Mullins Memorial Bridge" is an appropriate recognition of the contributions he made to his country, state, community and Boone County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-119-15.47 (23A102), locally known as Chapmanville RR overpass, carrying U. S. 119 over CSX Railroad in Logan County the "U. S. Army PFC O. T. (Teaberry) Mullins Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U. S. Army PFC O. T. (Teaberry) Mullins 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.

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

By Delegates Marcum, Hicks and Isner:

H. J. R. 105 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof; and amending section four, article VII thereof, all relating to limiting the terms of the office of Senators, Delegates, and Governor; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

Bills Introduced

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

By Delegates Summers, R. Romine, Ellington, Walters, Rohrbach, Maynard, Householder, C. Miller, Cooper, Dean and Ambler:

H. B. 4014 - "A Bill to repeal §16-1-5 of the Code of West Virginia, 1931, as amended; to repeal §16-2G-1 of said code; to repeal §16-4A-1, §16-4A-2, §16-4A-3, §16-4A-4, §16-4A-5 and §16-4A-6 of said code; to repeal §16-4E-1, §16-4E-2, §16-4E-3, §16-4E-4, §16-4E-5

and §16-4E-6 of said code; to repeal §16-22-1, §16-22-2, §16-22-3, §16-22-4, §16-22-5 and §16-22-6 of said code; to repeal §16-22A-1, §16-22A-2, §16-22A-3 and §16-22A-4 of said code; to repeal §16-22B-1, §16-22B-2, §16-22B-3 and §16-22B-4 of said code; to repeal §16-24-8 of said code; to repeal §16-37-1, §16-37-2, §16-37-3, §16-37-4 and §16-37-5 of said code; to repeal §16-38-1, §16-38-2, §16-38-3, §16-38-4, §16-38-5, §16-38-6 and §16-38-7 of said code; to repeal §16-44-1 and §16-44-2 of said code; to repeal §16-45-1, §16-45-2, §16-45-3, §16-45-4 and §16-45-5 of said code; to amend and reenact §5-6-4 of said code; to amend and reenact §5-14-3 of said code; to amend and reenact §5F-1-2 and §5F-1-3a of said code; to amend and reenact §5F-2-1, §5F-2-2 and §5F-2-7 of said code; to amend and reenact §5F-3-1 and §5F-3-2 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §8-19-18 of said code; to amend and reenact chapter 9 of said code; to amend and reenact §15-12-2a and §15-12-2b of said code; to amend and reenact §16-1-2, §16-1-3 and §16-1-6 of said code; to amend said code by adding thereto six new sections designated §16-1-3a, §16-1-5a, §16-1-5b, §16-1-6a, §16-1-6b and §16-1-6c; to amend and reenact §16-2-2 and §16-2-9 of said code; to amend and reenact §16-3-4 of said code; to amend and reenact §16-3D-2 of said code; to amend and reenact §16-8-1 and §16-8-2 of said code; to amend said code by adding thereto four new sections designated §16-8-3, §16-8-4, §16-8-5 and §16-8-6; to amend and reenact §16-29E-2, §16-29E-3, and §16-29E-5 of said code; to amend and reenact §17C-5-6a of said code; to amend and reenact §17C-5A-3 of said code; to amend and reenact §18-4-2 of said code; to amend and reenact §18-5-22c of said code; to amend and reenact §18-7A-3 of said code; to amend and reenact §18-9E-3 and §18-9E-5, of said code; to amend and reenact §18-10K-2 of said code; to amend and reenact §18C-3-1 of said code; to amend and reenact §19-11D-1 and §19-11D-3 of said code; to amend and reenact §19-12A-6 of said code; to amend and reenact §19-16A-4 of said code; to amend and reenact §20-2-28 of said code; to amend and reenact §22-15-10 of said code; to amend and reenact §22-28-4 and §22-28-5 of said code; to amend and reenact §22C-4-10 of said code; to amend and reenact §25-1-3 of said code; to amend and reenact chapter 27 of said code; to amend and reenact §30-3-4, §30-3-5 and §30-3-8 of said code; to amend and reenact §30-16-19 of said code; to amend and reenact §31-15A-2 and §31-15A-3 of said code; to amend and reenact §48-1-236 of said code; to amend and reenact §48-14-401 of said code; to amend and reenact §48-18-101, §48-18-108 and §48-18-126 of said code; to amend and reenact §48-19-103 of said code; to amend and reenact §48-22-104 of said code; to amend and reenact §48-23-301 of said code; to amend and reenact §48-26-501, §48-26-502 and §48-26-503 of said code; to amend and reenact §49-1-206 and §49-1-208 of said code; to amend and reenact §49-2-901, §49-2-902, §49-2-903, §49-2-905, §49-2-906 and §49-2-913 of said code; to amend and reenact §49-7-204 of said code; to amend and reenact §61-12-3, §61-12-4 and §61-12-6 of said code; and to amend and reenact §62-13-5 of said code, all relating to reorganization of the West Virginia Department of Health and Human Resources; creating the Departments of Health and Compliance, Human Services and Healthcare Facilities; creating the Office of Inspector General; setting out powers and duties of cabinet secretaries and Inspector General; setting out powers and duties of newly created departments and Office of Inspector General; transferring various functions, personal and authority from existing department to the newly created departments; creating various bureaus within the newly created departments; setting forth powers and duties of commissioners of bureaus; setting forth powers and duties of the bureaus; transferring and restructuring various existing functionality among bureaus; revising, rearranging and recodifying the laws of the State of West Virginia relating to health care, human services and behavioral health; providing for various transition plans; requiring restructuring to remain as revenue neutral as possible; transferring the Division of Juvenile

Services from the Department of Military Affairs and Public Safety to the newly created Department of Human Services; placing autonomous healthcare licensing boards within the newly created Department of Health and Compliance for administrative purposes; defining terms; making various technical corrections and removing outdated language”; to the Committee on Health and Human Resources then Finance.

By Delegates Iaquina, Ferro, Brewer, Kessinger, A. Evans, Lynch, E. Evans, Paynter, Bates, Hornbuckle and Hamrick:

H. B. 4172 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-52-1 and §16-52-2, all relating to the establishment and implementation of a crisis line and mobile application for the public to freely and anonymously access to combat the crisis in this state posed by substance abuse, substance addiction, substance overdose, and suicide”; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

By Delegate Summers:

H. B. 4173 - “A Bill to amend and reenact §62-1C-1a and §62-1C-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-11F-4 of said code, all relating to bail in criminal cases; requiring the Supreme Court of Appeals of West Virginia to adopt an evidence-based standardized pretrial risk assessment to be used by a court or magistrate; requiring the court or magistrate to set bail at the minimum amount considered reasonable to ensure appearance of the defendant; and when the court or magistrate may set bail contrary to the pretrial risk assessment”; to the Committee on the Judiciary.

By Delegates Hanshaw and Shott:

H. B. 4174 - “A Bill to amend and reenact §3-5-13 and §3-5-13a of the Code of West Virginia, 1931, as amended, all relating to primary elections and nominating procedures; and designating the placement of nonpartisan judicial offices on the primary election ballot”; to the Committee on the Judiciary.

By Delegates Sobonya, Summers, Criss, Rohrbach and Hollen:

H. B. 4175 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to requiring payment for health care services”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegate Walters:

H. B. 4176 - “A Bill to amend and reenact §33-2-21a of the Code of West Virginia, 1931, as amended, relating to allowing the West Virginia Insurance Commissioner to self-insure state agencies Workers’ Compensation programs in lieu of purchasing state agencies Workers Compensation Insurance”; to the Committee on Banking and Insurance then Finance.

By Delegate Lane:

H. B. 4177 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to prohibiting smoking of tobacco products in a motor vehicle while an individual sixteen years of age or less is present; defining terms; violation of section a secondary misdemeanor offense; and providing a penalty”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Summers, Longstreth, Ellington, Espinosa and Householder:

H. B. 4178 - "A Bill to amend and reenact §16-5C-2 and §16-5C-5 of the Code of West Virginia, 1931, as amended, all relating to permitting certain portions of certified nurse aide training to be provided through distance learning technologies"; to the Committee on Education then Health and Human Resources.

By Delegates A. Evans, R. Romine, Hamilton, Lynch, Sobonya, C. Miller, Folk, Rowan, Frich, Summers and Fast:

H. B. 4179 - "A Bill to amend and reenact §16-7-5 of the Code of West Virginia, 1931, as amended, relating to transferring milk rules and regulations from Department of Health and Human Resources to Department of Agriculture; requiring consultation with Department of Health and Human Resources; and striking outdated language"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Hamilton, A. Evans, R. Romine, Love, Eldridge, Jennings, Lynch, Hollen and Wagner:

H. B. 4180 - "A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and authorizing the Director of the Division of Natural Resources to establish procedures and a fee schedule for individuals applying for limited permit hunts"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Iaquinta, Howell, Hamrick, Dean, Ferro, Hartman, Pyles, Wagner, Queen, Diserio and Eldridge:

H. B. 4181 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16C-9a, relating to permitting unused, unexpired, nonnarcotic drugs to be distributed to free health care clinics in the state from deceased nursing home patients or residents with the consent of the family of the decedent"; to the Committee on Health and Human Resources then the Judiciary.

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

H. B. 4182 - "A Bill to amend and reenact §20-1-2 and §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-1-7a, all relating to authorizing the Director of the Division of Natural Resources to implement a sound silvicultural management plan for state park lands, which may include the harvesting and sale of timber; providing requirements for the sale of timber located on state park lands; providing requirements for the deposit and expenditure of proceeds; and authorizing emergency rulemaking authority"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Espinosa, R. Romine, Upson, Higginbotham, Rohrbach, Kelly, Cooper, Westfall, Dean:

H. B. 4183 - "A Bill to amend and reenact §18-28-3 of the Code of West Virginia, 1931, as amended, relating generally to standardized testing requirements for nonpublic schools; removing restrictions on specific forms of nationally normed achievement tests that must be administered; requiring standardized tests to be administered to nonpublic students at same grade levels and subject areas required in public schools; requiring standardized achievement test administered to be published or normed within ten years from the date of

administration; allowing additional testing at sole discretion of school; limiting accountability for composite scores to grade levels and subject areas required in public schools; removing requirement that every child be tested; and requiring minimum student participation rate on test for composite score to be valid"; to the Committee on Education.

By Delegate Hanshaw:

H. B. 4184 - "A Bill to amend and reenact §17B-2-7 of the Code of West Virginia, 1931, as amended, relating to directing the commissioner to amend a current legislative rule relating to the road skills examination by removing the reference to parallel parking"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Hamilton, R. Romine, A. Evans, Rowan, Ambler, Harshbarger, Cooper, Statler, Eldridge, Rodighiero and Campbell:

H. B. 4185 - "A Bill to amend and reenact §20-7-1d and §20-7-1f of the Code of West Virginia, 1931, as amended, all relating to awarding service weapons to special natural resources police officers upon retirement; disposal of service weapon when replaced due to routine wear; and furnishing uniform for burial"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Westfall, Householder, Upson, C. Miller, Frich, White, Lane, Kessinger, Moore, Criss and Nelson:

H. B. 4186 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating generally to guaranteed asset protection waivers; providing short title and legislative intent of section; defining certain terms; specifying requirements for offering guaranteed asset protection waivers; requiring contractual liability or other insurance policies on guaranteed asset protection waivers in certain circumstances; providing for disclosures and cancellation; exempting commercial transactions; excluding waivers from consumer sales and service tax; and providing that section to apply retrospectively"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Foster, Graves, Butler, Summers, Zatezalo, R. Miller, Barrett, Isner, Hollen and Blair:

H. B. 4187 - "A Bill to amend and reenact §61-7-14 of the code of West Virginia, 1931, as amended, relating to creating the "Business Liability Protection Act"; the right to limit possession of firearms on certain premises; providing definitions; misdemeanor criminal offense and penalty; prohibiting employers from certain specific actions against a person when that person possesses a firearm legally, including a condition of employment; providing a duty of care of public and private employers and immunity from liability; authorizing the Attorney General to enforce this statute, including the right to sue or seek injunctive relief; and providing for civil fines"; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

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

H. B. 4188 - "A Bill to amend and reenact §5A-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5A-2B-1, §5A-2B-2, §5A-2B-3, §5A-2B-4, §5A-2B-5, and §5A-2B-6, all relating to creating the Shared Services Section within the Finance Division of the Department of Administration for accounting and financial reporting services; authorizing the appointment of a deputy director;

providing rule-making authority; defining services offered; allowing for fees; applicability and exemptions; providing for reports to the Legislature and Governor; providing for reporting of certain information by spending units to the Shared Services Section; establishing deadlines for information necessary for the consolidated annual financial report; establishing a liaison between spending units and the Department of Administration to facilitate compiling the consolidated annual financial report; providing for a plan of corrective action and probation for spending units; authorizing the Department of Administration to contract for accounting services; and creating a new special revenue fund”; to the Committee on Government Organization then Finance.

By Delegates Howell, Walters, Hamrick, Zatezalo, Kelly, Hollen, Atkinson, Kessinger, Jennings, Sypolt and Anderson:

H. B. 4189 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-49a, relating to prohibiting certain persons from operating state-owned vehicles; and rulemaking”; to the Committee on the Judiciary.

By Delegates Howell, Walters, Hamrick, Zatezalo, Kelly, laquinta, Hollen, Atkinson, Kessinger, Jennings and Sypolt:

H. B. 4190 - “A Bill to amend and reenact §5A-3-33d, §5A-3-33e, and §5A-3-33f of the Code of West Virginia, 1931, as amended, all relating to the debarment of vendors providing goods and services to the state and its subdivisions; providing for vendor debarment for fraudulent acts of an employee; specifying a period of debarment; and prohibiting contracts with vendors who employ debarred individuals”; to the Committee on Government Organization then the Judiciary.

By Delegates Howell, Walters, Hamrick, Zatezalo, Kelly, Hollen, Atkinson, Kessinger, Jennings, Sypolt and Anderson:

H. B. 4191 - “A Bill to amend and reenact §5A-3-48 of the Code of West Virginia, 1931, as amended, relating to prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle; authorizing those employees to use personal vehicles and be reimbursed at the regular mileage rate for travel on state business; and requiring promulgation of rules relating to this amendment”; to the Committee on the Judiciary.

By Delegates Howell, Queen, Walters, Hamrick, Zatezalo, Kelly, laquinta, Hollen, Atkinson, Kessinger and Sypolt:

H. B. 4192 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-3-3d, relating to prohibiting lobbying by certified candidates for a seat in the West Virginia Legislature”; to the Committee on the Judiciary.

By Delegates Canestraro, R. Miller, Sobonya, Hollen, Barrett, E. Evans, Summers and Lovejoy:

H. B. 4193 - “A Bill to amend and reenact §62-1D-6 and §62-1D-9 of the Code of West Virginia, 1931, all relating to allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance obtained in state court in criminal proceedings both in state courts and federal courts; and providing that certain information that had previously been excluded may now be used for obtaining an arrest warrant or an indictment”; to the Committee on the Judiciary.

By Delegates R. Miller, Canestraro, Eldridge, Summers, Hollen, Maynard, Marcum and Isner:

H. B. 4194 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1 and §62-16-2, all relating to custody and disposal of seized controlled substances and drugs; creating a designated custodian evidence officer in each law-enforcement agency in the state; providing procedure for chemical analysis and destruction or disposal after a trial; providing procedure for collection and disposition of unused medicine or controlled substances found at the scene of a death; and providing that no criminal liability or professional discipline may be imposed for destroying unused medicine or controlled substances found at the scene of a death, when done in good faith"; to the Committee on the Judiciary.

By Delegates R. Miller, Canestraro, Eldridge, Hanshaw, Campbell, Maynard, Marcum, Robinson and Isner:

H. B. 4195 - "A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to burglary and entry of a dwelling or outhouse, establishing the offense of criminal trespassing of a dwelling; and providing misdemeanor criminal penalty"; to the Committee on the Judiciary.

By Delegates R. Miller, Hollen, Campbell, Maynard, Robinson and Isner:

H. B. 4196 - "A Bill to amend and reenact §61-3-18 of the Code of West Virginia, 1931, as amended, relating to receiving or transferring stolen property; and providing that to knowingly possess stolen goods is an element of the offense of receiving or transferring stolen property"; to the Committee on the Judiciary.

By Delegates Summers, Westfall, White, Criss and Rohrbach:

H. B. 4197 - "A Bill to amend and reenact §24-6-5 of the Code of West Virginia, 1931, as amended, related to requiring persons employed to dispatch emergency calls in county emergency dispatch centers to complete a training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation"; to the Committee on Fire Departments and Emergency Medical Services then Health and Human Resources.

By Delegates Frich, Statler, Fleischauer, Pyles, Williams, Ward and Summers:

H. B. 4198 - "A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to adding one to the number of magistrates serving Monongalia County"; to the Committee on the Judiciary then Finance.

By Delegates Ellington, Sobonya, Longstreth and Householder:

H. B. 4199 - "A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Graves, Hamrick, Jennings, Ward, Howell, Pyles, Sypolt, Hill, Diserio, Criss and Paynter:

H. B. 4200 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5A-2-35 and §5A-2-36, all relating generally to the state's spending units; requiring comprehensive annual financial reports; requiring training; requiring notice; requiring reporting; prescribing penalties for noncompliance; providing for an administrative appeal; and establishing deadlines for creation of the comprehensive annual financial report"; to the Committee on Government Organization then Finance.

By Delegates Lynch, Iaquinta, Hartman, Cooper, Pack, Deem, Anderson, A. Evans, McGeehan and Hollen:

H. B. 4201 - "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to permitting vehicles displaying disabled veterans special registration plates to park in places where persons with mobility impairments may park"; to the Committee on Roads and Transportation then the Judiciary.

House Calendar

Third Reading

H. B. 4005, Clarifying that appeals to the Supreme Court are a matter of right; 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. 3**), 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: Gearheart and Hornbuckle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4005) 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 H. B. 4020, Making technical corrections in the code when referencing chapter 49; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 3089, Relating to the adoption of instructional resources for use in the public schools,

Com. Sub. for H. B. 4002, Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020,

Com. Sub. for H. B. 4013, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state,

And,

H. B. 4026, Exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Gearheart and Hornbuckle.

Miscellaneous Business

Delegate Rohrbach asked and obtained unanimous consent that the remarks of Delegate Thompson during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2654, H. B. 2696, H. B. 2936, H. B. 4035 and H. B. 4165.

Delegate Overington filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2871.

Delegate Westfall filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4175.

At 11:35 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 19, 2018.

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

HOUSE CALENDAR

Friday, January 19, 2018

10th Day

11:00 A. M.

THIRD READING

Com. Sub. for H. B. 4020 - Making technical corrections in the code when referencing chapter 49 (SHOTT) (REGULAR)

SECOND READING

Com. Sub. for H. B. 3089 - Relating to the adoption of instructional resources for use in the public schools (ESPINOSA) (REGULAR)

Com. Sub. for H. B. 4002 - Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020 (SHOTT) (REGULAR)

Com. Sub. for H. B. 4013 - Clarifying venue in West Virginia state courts as it applies to nonresidents of the state (SHOTT) (REGULAR)

H. B. 4026 - Exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act (ELLINGTON) (REGULAR)

FIRST READING

Com. Sub. for H. B. 2028 - Relating to the venue for suits and other actions against the state (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, JANUARY 19, 2018

HOUSE CONVENES AT 11:00 A.M.

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

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

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

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

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