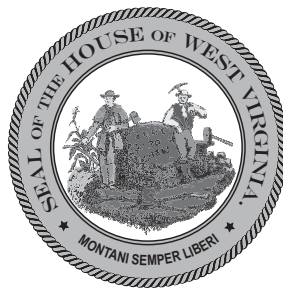


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



January 30, 2018
TWENTY-FIRST DAY

Tuesday, January 30, 2018

TWENTY-FIRST 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 Monday, January 29, 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. 2612, Repealing section relating to unattended motor vehicles and penalties,

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

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

Your Committee on the Judiciary has had under consideration:

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

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

Com. Sub. for H. B. 4138 - "A Bill to amend §29-3-16a of the Code of West Virginia, 1931, as amended, relating to requiring each public or private school and daycare center that uses a fuel-burning heating system or other fuel-burning heating device that emits combustion gases to install carbon monoxide detectors in certain locations,"

And,

H. B. 4199, Permitting a nursing home to use trained individuals to administer medication,

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

Com. Sub. for 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, defining terms, authorizing an AMAP to administer medication in nursing home, providing certain exemptions from chapter thirty licensing requirements, establishing requirements for training curricula and competency evaluation procedures, establishing procedures by which an AMAP must administer medication, requiring nursing homes using an AMAP to establish an administrative monitoring system, permitting a registered professional nurse to withdraw authorization for an AMAP to administer medications in certain circumstances, allowing certain fees to be collected, providing limits on administration of medication by an AMAP, providing that use of an AMAO in nursing homes is permissive, and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting,”

With the recommendation that the committee substitutes each do pass.

Delegate Hanshaw, Chair of 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 29th day of January, 2018, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 263, Eliminating film tax credits.

Messages from the Executive

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on January 29, 2018, he approved **S. B. 263**.

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. 7 - “A Bill to amend and reenact §21-5-1 and §21-5-12 of the Code of West Virginia, 1931, as amended, all relating to claims under the Wage Payment and Collection Act; defining the term ‘wages’; providing that no action may be brought for collection of accrued fringe benefits until written notice is provided by the employee, or his or her representative, to the employer; providing written notice requirements; providing mailing requirements; providing the employer an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for employer to remit payment as specified in the accepted cure offer; providing that a claim may be brought for failure of the employer to timely effect the accepted cure offer; providing that the statute of limitations shall be tolled; providing that the written notice is a jurisdictional prerequisite for accrued fringe benefit claims; providing an effective date; providing that the notice requirement is not applicable to claims exclusively for unpaid wages; requiring employers to notify their employees of the notice requirement; providing means of notice to employees; requiring the commissioner to issue rules to the extent necessary to effectuate employee notice; and providing that plaintiff is not entitled to liquidated damages or costs and attorneys’ fees under certain circumstances”; 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

Com. Sub. for S. B. 51 - "A Bill to amend and reenact §48-6-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-205 and §48-9-206 of said code, all relating to domestic relations; removing language related to child support from code section governing the awarding of spousal support and separate maintenance; directing court to consider certain factors to decide amount and duration of spousal support and separate maintenance; removing the 24-month time frame for a description of the allocation of caretaking and other parenting responsibilities performed from the matters contained in permanent parenting plan; clarifying that the court may accommodate the preferences of a child 14 years of age and older if the court determines it is in the best interests of the child; directing court to allocate custodial responsibility so that custodial time spent with each parent achieves certain objectives; directing courts to consider which parent will encourage and accept a positive relationship between child and other parent and which parent is more likely to keep other parent involved in child's life and activities; and eliminating language prohibiting court from considering divisions of functions arising from temporary arrangements after separation in determining proportion of caretaking functions each person previously performed for child"; 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. 280 - "A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights"; which was referred to the Committee on Roads and Transportation then the Judiciary.

Resolutions Introduced

Delegates Martin, Butler, Hamrick, Hill, Jennings, Howell and Foster offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 35 - "Requesting the Division of Highways to name bridge number 21-33-21.23 EB-WB (21A093, 52), locally known as Glady Fork W-Beam bridge (EB & WB), carrying US 33 over Stonecoal Creek in Lewis County, the 'USMC LCpl George W. Henry, Jr. Memorial Bridge'."

Whereas, Lance Corporal Henry was born January 19, 1945, to George Ward Henry and Mary Magdalene Henry of Weston; and

Whereas, Instead of finishing high school, Lance Corporal Henry enlisted in the United States Marines Corps on September 5, 1966, and was assigned to Company B, First Battalion, Fifth Marines in Operation Swift; and

Whereas, On September 5, 1967, Lance Corporal Henry and his unit came under intense enemy rifle fire. In the ensuing battle he was, despite immediate medical attention by a hospital corpsman, mortally wounded and died instantaneously due to the severity of his wounds; and

Whereas, In a letter dated September 11, 1967, from Lieutenant Colonel P. L. Hilgartner to Lance Corporal Henry's mother, Mary Henry, the colonel said, "George was well liked and respected by all who knew him and would be greatly missed by his many friends in the Battalion...A memorial service

for George was held in the Battalion Chapel and was attended by the officers and men of the Battalion"; and

Whereas, Lance Corporal Henry's mother received another letter of condolence from Major General Don J. Robertson dated October 2, 1967; and

Whereas, It is fitting that a proper memorial be established for this young man who gave his life in service to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 21-33-21.23 EB-WB (21A093, 21A152), locally known as Gladly Fork W-Beam bridge (EB & WB), carrying US 33 over Stonecoal Creek in Lewis County, the "USMC LCpl George W. Henry, Jr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the "USMC LCpl George W. Henry, Jr. 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.

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

H. C. R. 36 - "Requesting the Division of Highways to name bridge number 23-14-0.05 (23A368), locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River in Logan County, the 'Betty Jo Delong Memorial Bridge'."

Whereas, Betty Jo Chambers Delong, the daughter of coal miner Harry Chambers and

Postmaster Geraldine Lowe Chambers, attended Dehue-Chambers Grade School, in Dehue, Logan County, West Virginia; and

Whereas, Betty Jo Chambers was a Golden Horseshoe winner and graduated from Logan High School in Logan County; and

Whereas, Miss Chambers married Don Thomas Delong from Lyburn, West Virginia, and the couple had two children, Donnetta Rainwater, a teacher at Logan Middle School, and Donald Rex Delong, owner of Eastern Petroleum; and

Whereas, Betty Jo Delong grew up with brothers and sisters Donna Lou Hipshire, Dorothy Young, Grover Chambers, Thelma Willis Eplin, Harry Chambers, Gerri Ball, Cora Tooley and Alice Price; and

Whereas, Betty Jo Delong was proud of the Chambers family's long association with the Rum Creek area; and

Whereas, At one time the Chambers family owned property reaching from Rum Creek to Lowe's Mountain; and

Whereas, Betty Jo Delong worked at several jobs in Logan County but later in her career was employed at the Logan County Courthouse, where she worked in the record room and was in charge of the deed books; and

Whereas, Betty Jo Delong is still remembered for updating the county's system of obtaining deeds and land proposals; and

Whereas, Betty Jo Delong worked tirelessly to help members of her community, especially the elderly; and

Whereas, Betty Jo Delong assisted with the visit to Logan County of John F. Kennedy when he was a presidential candidate; and

Whereas, Betty Jo Delong died of cancer at the age of 42; and

Whereas, At the time of her death, all offices of the courthouse were closed out of respect for Betty Jo Delong's service to the many people of Logan County; and

Whereas, It is fitting that an enduring memorial be established in the name of Betty Jo Delong in an area where she and her family have for so long been a part of the fabric of the community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-14-0.05 (23A368), locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River in Logan County, the "Betty Jo Delong Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Betty Jo Delong 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.

Motions

Pursuant to House Rule 57, Delegate Robinson moved to indefinitely postpone consideration of Com. Sub. for H. B. 4006.

The Speaker replied that the bill was not currently before the House. Therefore, the motion was not in order.

Bills Introduced

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

By Delegates Moore, Shott, Hanshaw, Kessinger, Harshbarger, Summers, Sobonya, Fast, Queen, Byrd and Capito:

H. B. 4347 - "A Bill to amend and reenact §15-2-24d of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §17B-2-6a, all relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund;

allowing taxpayers to make voluntary contributions from the taxpayer's state income tax refund to the State Police Forensic Laboratory Fund; permitting each person applying for the issuance of or renewal of a driver's license to voluntarily contribute to the State Police Forensic Laboratory Fund; requiring the Division of Motor Vehicles to provide a form through which such voluntary contributions can be made; and requiring the Division of Motor Vehicles to remit the voluntary contributions on a monthly basis to the State Treasurer for deposit in the State Police Forensic Laboratory Fund"; to the Committee on Roads and Transportation then Finance.

By Delegates Hanshaw and Shott:

H. B. 4348 - "A Bill to amend and reenact §5A-11-3 of the Code of West Virginia, 1931, as amended; relating to the powers and duties of the Public Land Corporation; allowing the proceeds of public lands to be given to the agency or institution assigned the public land; authorizing the Public Land Corporation to retain proceeds to cover any expenses incurred; requiring all agencies and institutions provide an annual inventory of public lands; and including in the annual report to the Legislature those agencies or institutions that do not comply with annual inventory reporting requirements to the Public Land Corporation"; to the Committee on Government Organization then Finance.

By Delegates Hanshaw, Lovejoy, Shott and Summers:

H. B. 4349 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-35-5, relating to microprocessor permit; establishing permit requirements and limitations; clarifying types of microprocessor kitchens; requiring percentage of produce from garden or farm of microprocessor; requiring recordkeeping and labeling; clarifying foods requiring permit and exempted foods; setting forth permit inspections and fees; allowing suspensions and recalls; limiting sales; and providing prohibitions"; to the Committee on Agriculture and Natural Resources then Health and Human Resources.

By Delegates Howell, Hamrick, Hill, Martin, Criss, Walters, Paynter, Moore, Statler, Kessinger and Fast:

H. B. 4350 - "A Bill to amend and reenact §47-1A-2 of the Code of West Virginia, 1931, as amended, relating to eliminating the regulation of upholstery; and modifying and eliminating certain definitions"; to the Committee on Government Organization.

By Delegates Paynter, Phillips, Maynard, Dean, McGeehan, Jennings, Howell, Hamrick, Butler, Fast and Kessinger:

H. B. 4351 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §23-2-1b, relating to the classification of owner operators and independent contractors who contract with licensed and registered trucking companies as non-employees under worker's compensation law"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Statler, Hamrick, Espinosa, Howell, Frich, Pethel, Fleischauer, Hornbuckle and Atkinson:

H. B. 4352 - "A Bill to amend and reenact §18-9A-7 of the Code of West Virginia, 1931, relating to authorizing the State Board of Education to provide up to \$225,000 per year, out of existing funds, for five years, to assist county boards of education in converting their maintenance vehicles to compressed natural gas or propane; and providing that a county board is responsible for 30 percent of the cost, the state board 70 percent"; to the Committee on Education then Finance.

By Delegates Walters, Maynard, Ambler, R. Romine, Criss, Phillips, Storch, Moore, Harshbarger and Paynter:

H. B. 4353 - "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to establishing a fee for the expungement of certain criminal convictions upon proper petition"; to the Committee on the Judiciary then Finance.

By Delegate Canestraro:

H. B. 4354 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-3f, relating to reallocating and dedicating up to \$30 million of the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin; providing for distribution of the moneys to the districts of the Division of Highways by the State Treasurer; establishing amounts each natural gas and oil-producing Division of Highways district and counties within a district are to receive; requiring moneys be used solely for the secondary roads; providing duties of State Tax Commissioner and Division of Highways; requiring reports of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; providing an effective date; and authorizing legislative and emergency rules"; to the Committee on Energy then Finance.

By Delegates Wagner and Pethel:

H. B. 4355 - "A Bill to amend and reenact §8-19-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-19-2b; to amend and reenact §24-2-1, §24-2-2, §24-2-3, and §24-2-4b of said code, all relating generally to the jurisdiction of the Public Service Commission; excluding the setting and adjustment of rates, fees, charges of municipal power systems from the jurisdiction of the Public Service Commission; clarifying the commission's jurisdiction as modified by Chapters one hundred sixty-one and two hundred nine, Acts of the Legislature, Regular Session, 2017 over Internet protocol-enabled service, voice-over Internet protocol-enabled service, storm water services by a public service district, political subdivisions providing separate or combined water and/or sewer services, and certain telephone company transactions"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Canestraro, Storch, Pethel, Boggs and Fluharty:

H. B. 4356 - "A Bill to amend and reenact §22-6-8 of the Code of West Virginia, 1931, as amended, relating to requiring an oil and gas royalty be based at the point of sale between the lessor and an unaffiliated bona fide purchaser in an arms-length transaction, or, in the alternative the amount that would have been received in an arms-length transaction; requiring the sales price to be the highest value without costs; requiring the lessee to bear post-production costs incurred by the lessee; and barring the use by lessee of the netback method of calculating the amount to be paid to the owner of the working interest"; to the Committee on Energy then the Judiciary.

By Delegates Shott, Hanshaw, Boggs, Capito, Foster, Moore, Queen, Barrett, Byrd and Harshbarger:

H. B. 4357 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31H-1-1, §31H-1-2, §31H-2-1, §31H-2-2, §31H-2-3, and §31H-2-4, all relating to the establishment of the West Virginia Small Wireless Facilities Deployment Act; making legislative findings; defining terms; providing for access to public rights-of-way for the collocation of small wireless facilities; providing for certain permit requirements; requiring permits to be issued on a nondiscriminatory basis; providing for the collection of fees and setting the amount of fees; and providing for certain local zoning, indemnification, insurance, and bonding requirements"; to the Committee on the Judiciary then Finance.

By Delegates Hamilton, Eldridge, Rodighiero, Hicks, Marcum and Westfall:

H. B. 4358 - "A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to increasing the compensation of members and chairperson of the Board of Parole"; to the Committee on the Judiciary then Finance.

By Delegates Westfall, Lovejoy, Byrd, Lane, Kessinger, Queen, Atkinson and Graves:

H. B. 4359 - "A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to the removal of animals left unattended in motor vehicles; defining terms, setting

forth conditions to rescue and retrieve an animal in danger in an unattended vehicle; providing for written notice to the owner of the motor vehicle; providing for payment of fees and costs associated with the maintenance, care and medical treatment of an animal; limiting search of a motor vehicle during rescue; providing for seizure of items found in certain circumstances; providing for civil and criminal immunity to persons, their employees or agents who retrieve an animal; and providing for criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegates Hill, Howell, Hamrick, Higginbotham, Hanshaw, Hamilton, Hollen, Householder, Harshbarger and Hicks:

H. B. 4360 - "A Bill to amend and reenact §30-1-12 of the Code of West Virginia, 1931, as amended, relating to boards of examination; and requiring each board to maintain a free public access online site to view its books and registers"; to the Committee on Government Organization then Finance.

By Delegates Iaquinta, Williams, Cooper, A. Evans, R. Romine, Dean, Longstreth, Byrd, Robinson, Hornbuckle and Boggs:

H. B. 4361 - "A Bill to amend and reenact §9A-1-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Veterans Council to annually honor each West Virginian graduating from the U. S. Military Academy, the U. S. Naval Academy, the U. S. Air Force Academy and the U. S. Coast Guard Academy with the highest grade point average by bestowing upon him or her the West Augusta Award"; to the Committee on Veterans' Affairs and Homeland Security then Education.

By Delegates Iaquinta, Pethel, Cooper, A. Evans, R. Romine, Dean, Hornbuckle, Boggs, Miley, Hartman and Williams:

H. B. 4362 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2-41, relating to recognizing outstanding students who are top achievers in scholastic studies"; to the Committee on Education then Finance.

By Delegates Ward, Phillips, Frich, Walters, Anderson, Zatezalo, Kelly, Howell, Criss, Rohrbach and Graves:

H. B. 4363 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, §11-13EE-5, §11-13EE-6, §11-13EE-7, §11-13EE-8, and §11-13EE-9, all relating generally to creating a tax credit for a manufacturer or power generating facility in West Virginia that purchases and uses coal, oil or gas from an entity that has paid the severance tax on the coal, oil or gas"; to the Committee on Energy then Finance.

By Delegates Hill, Summers, Rohrbach, Butler, Sobonya, Criss, Frich, Longstreth, Atkinson and Fleischauer:

H. B. 4364 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-20, relating to registration period for nurse aide registrants"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Dean, Wagner, R. Romine, Rowan, Thompson, Ambler, Iaquinta, Cooper, Folk, McGeehan and Paynter:

H. B. 4365 - "A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee"; to the Committee on the Judiciary then Finance.

By Delegates Ellington, Householder and Summers:

H. B. 4366 - "A Bill to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating to the approval of additional beds for intermediate care facilities; authorizing the

Secretary of the Department of Health and Human Resources to designate where the beds may be located; providing that eligibility will be determined on a case-by-case basis; providing that all other relevant regulatory laws apply; and providing that additional beds may be developed"; to the Committee on Health and Human Resources then the Judiciary.

House Calendar

Third Reading

Com. Sub. for H. B. 2799, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit; 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. 29**), and there were—yeas 91, nays 4, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Eldridge, Iaquina, Love and Marcum.

Absent and Not Voting: Capito, Cowles, Isner and Longstreth.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2799) 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. 4010, Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs; on third reading, coming up in regular order, was read a third time.

Delegate Pushkin was addressing the House when Delegate Zatezalo arose to a point of order, regarding the content of the Gentleman's remarks, to which point the Speaker asked the Delegate to confine his remarks to the bill before the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 30**), and there were—yeas 90, nays 5, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Caputo, Fleischauer, Pushkin, Robinson and Wagner.

Absent and Not Voting: Capito, Cowles, Isner and Longstreth.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4010) 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. 2831, Relating to the reconstitution of the Driver's Licensing Advisory Board; 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. 4006, Revising the processes through which professional development is delivered for those who provide public education; on second reading, coming up in regular order, was read a second time.

Delegates Gearheart, C. Miller and Espinosa moved to amend the bill on page twenty-two, section four, line thirty-nine, after the word “board” and the period, by striking out the remainder of the subsection and inserting in lieu thereof the following:

“In addition, the center shall provide statewide coordination for the continued growth and development of advanced placement programs in West Virginia high schools, including, but not limited to, serving as a liaison for The College Board, Inc., and providing for the training of advanced placement teachers.”

Delegate Espinosa was responding to questions by Delegate Moye when Delegate Folk arose to a point of order, regarding the content of the debate, to which point the Speaker reminded members to confine remarks to the amendment before the House.

The amendment was then adopted.

Delegate Robinson moved to indefinitely postpone consideration of Com. Sub. for H. B. 4006.

During debate on the motion, the Speaker admonished Delegate Robinson and instructed the Delegate to confine his remarks to the question before the House.

On this motion, Delegate Caputo demanded the yeas and nays which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 31**), and there were—yeas 33, nays 62, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Capito, Cowles, Isner and Longstreth.

So, a majority of the members present and voting not having voted in the affirmative, the motion to postpone the bill indefinitely did not prevail.

The bill was 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. 3020, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person,

Com. Sub. for H. B. 4233, Relating generally to fraudulent transfers,

And,

Com. Sub. for H. B. 4242, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court.

Leaves of Absence

At the request of Delegate Foster, and by unanimous consent, leaves of absence for the day were granted Delegates Capito, Cowles, Isner and Longstreth.

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 Eldridge on yesterday during Remarks by Members
- Delegate Deem during Remarks by Members
- Delegates Fast, Fleischauer and Pushkin for H. B. 4010
- Delegate Maynard during Remarks by Members
- Delegate Hornbuckle during Remarks by Members
- Delegate Nelson 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 Frich for H. B. 2612
- Delegate Fast for H. B. 2997
- Delegate Campbell for H. B. 3023
- Delegate Ward for H. B. 4287

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

- Delegate Hill for H. B. 2714
- Delegate R. Romine for H. B. 4344

At 1:08 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 31, 2018.

HOUSE CALENDAR

Wednesday, January 31, 2018

22nd Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2831 - Relating to the reconstitution of the Driver's Licensing Advisory Board (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4006 - Revising the processes through which professional development is delivered for those who provide public education (ESPINOSA) (JULY 1, 2018)

SECOND READING

- Com. Sub. for H. B. 3020 - Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4233 - Relating generally to fraudulent transfers (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4242 - Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court (SHOTT) (REGULAR)

FIRST 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)

**WEST VIRGINIA
HOUSE OF DELEGATES**

WEDNESDAY, JANUARY 31, 2018

HOUSE CONVENES AT 11:00 A.M.

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

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

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

**COMMITTEE ON EDUCATION
2:00 P.M. – ROOM 434M**

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