

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



February 21, 2018
FORTY-THIRD DAY

Wednesday, February 21, 2018

FORTY-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 Tuesday, February 20, 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. 4214, Increasing penalties for unlawfully possessing or digging ginseng,

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

Com. Sub. for H. B. 4214 - "A Bill to amend and reenact §19-1A-3a of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-3-35 of said code, all relating to ginseng; requiring a dealer to keep a photocopy of a valid identification card of all persons involved in a purchase or sale of ginseng, increasing civil and criminal penalties for violations of uncertified ginseng,"

And,

H. B. 4546, Relating to where an application for a marriage license may be made,

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

Com. Sub. for H. B. 4546 - "A Bill to amend and reenact §48-2-102 of the Code of West Virginia, 1931, as amended, relating to where marriage license applicants may apply for a marriage license in this state,"

With the recommendation that the committee substitutes each 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:

Com. Sub. for S. B. 181, Authorizing MAPS promulgate legislative rules,

And,

Com. Sub. for S. B. 348, Allowing for disposal of service weapons of special DNR police officers,

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

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

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

H. B. 4153, Imposing a health care related provider tax on certain health care organizations,

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. 4153) was referred to the Committee on Finance.

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

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

H. B. 4366, Relating to the approval of additional beds for intermediate care facilities,

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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4366) was referred to the Committee on the Judiciary.

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

H. B. 4563, Removing the severance tax on oil and gas produced from low producing wells,

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. 4563) was referred to the Committee on Finance.

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

H. B. 2534, Authorizing local units of government to adopt local energy efficiency,

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. 2534) was referred to the Committee on Finance.

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 21st day of February, 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:

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

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

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

H. B. 4623, Relating to obtaining substance abuse treatment services,

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

Com. Sub. for H. B. 4623 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, §16-53-4 and §16-53-5; to amend and reenact §27-1-11 of said code; and to amend and reenact §61-8D-3 of said code, all relating to obtaining substance abuse treatment services; permitting certain testing; requiring reporting to the department; requiring the department to conduct an assessment; permitting a petition for involuntary commitment to be filed in certain circumstances providing rulemaking authority; permitting the department to report abuse and neglect in certain situations; and setting forth a criminal penalty,"

With the recommendation that the committee substitute do pass.

Messages from the Executive

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on February 20, 2018, he approved **Com. Sub. for H. B. 4020**.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 4380, Making a supplementary appropriation to the Department of Agriculture.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 4381, Making a supplementary appropriation to the Department of Education.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 4384, Making a supplementary appropriation to the Department of Transportation.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 4386, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2018, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 319 - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to allowing, in certain instances, individuals completing a secondary education program in a public, private, or home school and individuals obtaining a GED or equivalent to be eligible for the PROMISE scholarship; and eliminating the requirement of a 3.0 grade point average for eligibility”; which was referred to the Committee on Education then Finance.

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. 398 - “A Bill to amend and reenact §46A-4-101 and §46A-4-107 of the Code of West Virginia, 1931, as amended, all relating to requirements for making consumer loans in West Virginia; modifying the authority to make regulated consumer loans; providing that a person must first obtain a license from the Commissioner of Banking authorizing him or her to make regulated consumer loans before engaging in the business of making regulated consumer loans, taking assignments of, or undertaking direct collection of, payments from or enforcement of rights against consumers arising from regulated consumer loans; and adjusting threshold amounts of consumer loans for which certain finance charges can be imposed”; 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. 406 - “A Bill to amend and reenact §9-5-26 of the Code of West Virginia, 1931, as amended, relating to supplemental Medicare and Medicaid reimbursement; and clarifying that ground emergency medical transportation services providers are eligible for reimbursement from Medicare”; which was referred to the Committee on Banking and Insurance then 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

Com. Sub. for S. B. 415 - “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, and §29-22D-24, 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, after a federal law against such wagering is no longer in effect; 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; providing for four types of licenses to be issued related to sports betting; establishing license requirements and prohibitions; authorizing licensing fees; requiring adoption and posting of house rules; defining duties of an operator conducting sports wagering; requiring the posting of betting limits; authorizing 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; clarifying that privilege tax is in lieu of certain other taxes; providing that credits are not allowed against the privilege tax; providing that certain expenditures related to sports wagering are facility modernization improvements eligible for recoupment; defining how moneys deposited in the West Virginia Lottery Sports Wagering Fund shall be distributed; authorizing certain agreements between the West Virginia Lottery and law enforcement; imposing civil penalties for certain violations; establishing crimes related to unauthorized sports wagering and imposing criminal penalties; establishing crimes related to authorized sports wagering and imposing criminal penalties; providing for the forfeiture of property for certain violations; preempting this article from state and local law; and establishing certain exemptions from federal law"; 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 450 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to collecting and analyzing statistical information pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by physicians; providing for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports"; which was referred to the Committee on Health and Human Resources then Finance.

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. 451 - "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §20-7-9 of said code, all relating generally to hunting and fishing; authorizing the use of certain technologies for hunting coyote, fox, racoon, opossum, and skunk; regulating firearm use and possession in certain places; prohibiting the use of a drone or unmanned aircraft to wound, harass, or transport wildlife; allowing certain persons to carry a rifle or shotgun for self-defense, with certain exceptions; creating a misdemeanor and providing penalties for catching, taking, killing or attempting to catch, take, or kill any fish by any means within 200 feet of agency personnel stocking fish into public waters; removing limit on starting time for Sunday hunting on private lands with the landowner's permission; providing that the misdemeanor offenses of hunting, trapping, or fishing on the lands of another person, entering posted lands, violations of trout fishing laws and rules, and destroying posted land signs will all carry penalties equivalent to the

penalty for the offense of criminal trespass; providing increased penalties upon conviction of second and subsequent violations of certain natural resources laws; permitting Sunday hunting on public lands; permitting noodling, or fishing for catfish using one's bare hands; and making technical changes"; which was referred to the Committee on Agriculture and Natural 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. 475 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-16-3a, all relating generally to industrial hemp; authorizing the Commissioner of Agriculture to create and administer an industrial hemp seed certification program; authorizing the commissioner to obtain and develop seed varieties for industrial hemp production; permitting holders of an industrial hemp license to obtain a license for the development of industrial hemp varieties for certification; authorizing imposition of a fee to be determined by the commissioner; authorizing emergency rulemaking and requiring legislative rulemaking; and requiring the program be consistent with state and federal law”; which was referred to the Committee on Agriculture and Natural Resources 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

S. B. 479 - “A Bill to amend and reenact §6-9-1a, §6-9-7, §6-9-8, and §6-9-9a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §6-9-9b, all relating to audits, reviews, and monitoring of local government offices; defining terms; clarifying applicable audit requirements; establishing a small government monitoring program; authorizing the Auditor, acting in the capacity as chief inspector, to oversee and maintain the monitoring program; directing the Auditor to prescribe policies and procedures for the monitoring program; authorizing cooperative agreements with higher education institutions to perform and participate in the monitoring program; changing the expenditure threshold for performance of annual audits; clarifying the notification and publication requirements when misfeasance, malfeasance, or nonfeasance is discovered as part of an audit, examination, or investigation; lowering the time frame in which a legal authority has to take action upon recommendations from an audit; raising the cost limits for certain municipalities for performance of services by the chief inspector; removing Class III municipalities from the cost limits; adding cost limits for municipalities policemen and firemen pension and relief funds; authorizing chief inspector to designate certain reports as confidential; and declaring that audit work papers created by the chief inspector division are confidential and not deemed public records”; which was referred to the Committee on Government and Organization then Finance.

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. 494 – “A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to providing that, effective July 1, 2018, members and retirants of the State Teachers Retirement System shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association”; which was referred to the Committee on Pensions and Retirement then 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

Com. Sub. for S. B. 512 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-19, relating to granting courthouse security officers arrest powers under certain circumstances; authorizing certain West Virginia courthouse security officers to carry concealed firearms while off duty with court approval; setting forth firearm training and qualification requirements; requiring supervising authority to issue photo identification and certification cards; specifying policy content; and stating legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act"; which was referred to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 4011, Requiring agencies, when submitting a new rule or changes, to also identify two existing rules that could be repealed; 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. 179**), and there were—yeas 84, nays 14, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Brewer, Canestraro, Caputo, Diserio, Ferro, Fleischauer, Iaquinta, Isner, Longstreth, Pushkin, Pyles, Robinson, Rowe and Williams.

Absent and Not Voting: Deem and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4011) 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. 4022, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft; 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. 180**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Fleischauer and Fluharty.

Absent and Not Voting: Deem and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4022) 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. 4079, Promulgating administrative rules by various executive or administrative agencies of the state; 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. 181**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fluharty, Folk, Gearheart, McGeehan, Paynter, Sponaugle and Walters.

Absent and Not Voting: Deem and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4079) passed.

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

On this question, the yeas and nays were taken (**Roll No. 182**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Deem and Summers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4079) takes effect from its passage.

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

Com. Sub. for H. B. 4478, Authorizing public schools to distribute excess food to students; 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. 183**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Blair.

Absent and Not Voting: Deem and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4478) 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. 4621, Relating to removing reference to certain entities with respect to work; 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. 184**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Marcum and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4621) passed.

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

Second Reading

Com. Sub. for S. B. 71, Defining “veteran” as it pertains to veteran-owned business; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 237, Authorizing Department of Revenue promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF REVENUE TO PROMULGATE LEGISLATIVE RULES.

§64-7-1. State Tax Department.

(a) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-13DD-5 of this code, modified by the State Tax Department to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 1, 2017, relating to the State Tax Department (farm-to-food bank tax credit, 110 CSR 13DD), is authorized, with the following amendment set forth below:

On page two, by striking out all of subsection 2.10; and, on page two, by striking out all of subdivision 4.1.e.

(b) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-10-5t of this code, relating to the State Tax Department (payment of taxes by electronic funds transfer, 110 CSR 10F), is authorized.

(c) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-22-5 of this code, relating to the State Tax Department (property transfer tax, 110 CSR 22), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §11-10-11c of this code, modified by the State Tax Department to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 8, 2017, relating to the State Tax Department (municipal sales and service and use tax administration, 110 CSR 28), is authorized.

(e) The Legislature directs the State Tax Department, pursuant to the authority given to the department in §11B-1-8 of this code, to promulgate the legislative rule filed in the State Register by the department on January 12, 2018, relating to the State Tax Department (personnel rule for the Tax Division, 110 CSR 42), is authorized, with the amendment set forth below:

On page twenty-three, subsection 12.2., after the word “manner.” by inserting the following: “The Tax Commissioner shall comply with West Virginia and federal law prohibiting nepotism, favoritism, discrimination or unethical practices related to employment and promotion, and the public employee grievance system.”

§64-7-2. Lottery Commission.

The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §29-22-5 of this code, modified by the Lottery Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2017, relating to the Lottery Commission (state lottery rules, 179 CSR 1), is authorized.

§64-7-3. Racing Commission.

The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §19-23-6 and §19-23-8 of this code, relating to the Racing Commission (thoroughbred racing, 178 CSR 1), is authorized with the amendments set forth below:

On page thirty-nine, subdivision 24.1.f., to read as follows:

24.1.f. The fees that shall be paid to the Racing Commission for occupational permits issued effective for calendar year 2012 and thereafter are set forth in table 178-1A at the end of this rule.

And,

That Table 178-1A read as follows:

TABLE 178-1 A
OCCUPATIONAL PERMIT FEES
(Effective for calendar year 2012 and thereafter)

Stable Name	\$40.00
Corporation	\$40.00
Vendor	\$40.00
Owner (with registration of colors)	\$30.00
Owner-Trainer (same person)	\$60.00
Trainer	\$30.00
Assistant Trainer	\$30.00
Jockey	\$30.00
Apprentice Jockey	\$20.00
Jockey Agent	\$20.00

Practicing Veterinarian	\$30.00
Veterinarian's Assistant	\$20.00
Blacksmith	\$30.00
Authorized Agent (must apply for permit and pay permit fee for each person represented)	\$20.00
Mutuel Employee	\$20.00
Photographers, totalisator, film patrol	\$20.00
Stable Foreman	\$20.00
Starter	\$30.00
Assistant Starter	\$20.00
Association Racing Secretary	\$30.00
Association Assistant Racing Secretary	\$30.00
Paddock Judge	\$20.00

TABLE 178-1 A

continued

OCCUPATIONAL PERMIT FEES

(Effective for calendar year 2012 and thereafter)

Horsemen's Bookkeeper	\$20.00
Clerk of Scales	\$20.00
Clocker	\$20.00
Timer	\$20.00
Horse Identifier	\$20.00
Jockey Room Custodian	\$20.00
Placing Judge	\$20.00
Outrider	\$20.00

Stable Hand	\$20.00
Concession	\$20.00
Maintenance	\$20.00
Groom	\$20.00
Admission	\$20.00
Pony Riders	\$20.00
Parking	\$20.00
Security	\$20.00
Exercise Rider	\$20.00
Video Lottery employees	\$20.00
Others not specified	\$20.00

The bill was then ordered to third reading.

Com. Sub. for H. B. 3061, Encouraging mastery-based education through the Innovation In Schools program; 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. 4207, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement; 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. 4296, Establishing the Southern West Virginia Lake Development Study Commission; 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. 4368, Relating to voluntary assignments of wages by state employees who have been overpaid; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4422, Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds; 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. 4424, Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Hanshaw and R. Miller, the bill was amended on page two, section three, line thirty-one, by striking out the words "or appointed to" and inserting in lieu thereof the words "to, appointed to, or given the authority to act in".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4451, Creating the West Virginia Sentencing Commission; 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. 4511, Modifying bail requirements; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4617, Clarifying where a charge of DUI may be brought against an individual; 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. 4618, Relating to the authority of the Division of Protective Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4625, Relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund; on second reading, coming up in regular order, was, at the request of Delegate Cowles, and by unanimous consent, placed at the foot of the calendar.

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. 2843, Permitting Class III and Class IV municipalities to be included in the West Virginia Tax Increment Act,

Com. Sub. for H. B. 2983, Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress,

H. B. 4219, Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System,

Com. Sub. for H. B. 4241, Transitioning foster children into managed care,

Com. Sub. for H. B. 4289, Relating to disability pensions of municipal employees,

Com. Sub. for H. B. 4347, Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund,

Com. Sub. for H. B. 4502, Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception,

Com. Sub. for H. B. 4542, Allowing public service districts to accept payment by credit card,

Com. Sub. for H. B. 4607, Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails,

Com. Sub. for H. B. 4619, Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth,

And,

H. B. 4624, Relating to West Virginia coordinate systems.

At 1:19 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 5:30 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

Special Calendar

Second Reading

- continued -

H. B. 4625, Relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund; on second reading, having been postponed until this time, was read a second time.

An amendment, offered by Delegates Miley, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Lovejoy, Lynch, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson and Williams was reported by the Clerk on page two, section twenty, line twenty-seven, by striking out the words "such amount of the first twenty" and inserting in lieu thereof the words "one hundred".

Delegate Miley then asked and obtained unanimous consent to withdraw three other amendments which were cosponsored by the same members as the previously reported amendment and had been filed with the Clerk.

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

The yeas and nays having been ordered, they were taken (**Roll No. 185**), and there were—yeas 36, nays 59, absent and not voting 5, 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, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson, Ward and Williams.

Absent and Not Voting: Deem, Hicks, Marcum, Summers and White.

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

The bill was ordered to engrossment and third reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 186**), and there were—yeas 61, nays 34, absent and not voting 5, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Deem, Hicks, Marcum, Summers and White.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

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. 477 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, relating to the creation of a five-year sunset on all tax credits established by the same chapter”; which was referred to the Committee on Government Organization then Finance.

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. 495 - “A Bill to amend and reenact §33-20-4 of the Code of West Virginia, 1931, as amended, relating to commercial insurance rates; and designating specific insurance coverages which are exempt from rate filing requirements”; which was referred to the Committee on Banking and Insurance then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

S. C. R. 2 - “Requesting the Division of Highways name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the ‘Walter E. Swiger, Jr., Memorial Bridge’.”

Whereas, Walter E. Swiger, Jr., was a lifelong resident of Harrison County, a graduate of Victory High School and West Virginia Business College; and

Whereas, Walter E. Swiger, Jr., retired after 43 years in petroleum marketing having operated his own business; and

Whereas, Walter E. Swiger, Jr., was appointed to the Harrison County Solid Waste Authority in 1990 by the Harrison County Commission and served as chairman of the authority; and

Whereas, Walter E. Swiger, Jr., was chosen as the Volunteer of the Year by the Association of West Virginia Solid Waste Authorities during their twelfth annual conference in the fall of 2000; and

Whereas, Walter E. Swiger, Jr., was an outstanding community leader with many years of service in various organizations serving the local emergency planning committee, Clarksburg Lions Club, Central West Virginia Community Action Association and others; and

Whereas, As chairman, Walter E. Swiger, Jr., worked to help develop a recycling ordinance for the county and established a recycling hotline and was recognized in several issues of The Solid Waste Reporter for his leadership in “one of the top integrated waste management programs in West Virginia”; and

Whereas, Walter E. Swiger, Jr., worked with county education leaders through the solid waste authorities’ efforts as Partner in Education with 10 county schools; and

Whereas, Walter E. Swiger, Jr., passed away on November 5, 2015 and it is fitting that a permanent memorial be established to honor his work; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the “Walter E. Swiger, Jr., 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 “Walter E. Swiger, Jr., Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportations then Rules:

S. C. R. 12 - “Requesting the Division of Highways to name bridge number 22-10-28.14 (22A038), locally known as West Hamlin Bridge carrying WV 10 over the Guyandotte River in Lincoln County, the ‘U. S. Army SP4 Darrell Gregory Triplett Memorial Bridge’.”

Whereas, Darrell Gregory Triplett was born in West Hamlin and was an honor graduate of Guyan Valley High School in 1965. He was a veteran of the Vietnam War, with only a month left in the army, he was coming home on a weekend pass to celebrate his twenty-first birthday when he was killed in a plane crash at Yeager Airport in 1968; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SP4 Darrell Gregory Triplett and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-10-28.14 (22A038), locally known as West Hamlin Bridge carrying WV 10 over the Guyandotte River in Lincoln County, the “U. S. Army SP4 Darrell Gregory Triplett 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 SP4 Darrell Gregory Triplett Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 14 - "Requesting the Division of Highways to name bridge number 40-60-0.03 (40A142), locally known as the Culloden Railroad Overpass, carrying US Route 60 over CSX Railroad in Putnam County, the 'U. S. Army SPC 4 William L. Amos Memorial Bridge'."

Whereas, William L. Amos was born on October 7, 1940, in Cabell County; and

Whereas, William L. Amos attended Cabell County schools and graduated from Milton High School in 1958; and

Whereas, William L. Amos served his country as a SPC 4 in the Army, HHC, 1st Battalion, 28th Infantry, 1st Infantry Division; and

Whereas, SPC 4 William L. Amos was killed in action on July 27, 1967, in Binh Duong Province, South Vietnam; and

Whereas, SPC 4 William L. Amos was the recipient of the Purple Heart, the Combat Infantryman Badge, the Vietnam Service Medal, the Vietnam Campaign Medal, and the National Defense Service Medal; and

Whereas, The Milton City Council, American Legion Post 139, the Veterans of Foreign Wars, Milton Post 9796, and the Milton Rotary Club have submitted individual resolutions to name the bridge after SPC 4 William L. Amos; and

Whereas, No fewer than 158 individuals have also signed a petition to name the bridge after SPC 4 William L. Amos; and

Whereas, It is fitting and proper that SPC 4 William L. Amos be honored by having this bridge named for a soldier who gave the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name bridge number 40-60-0.03 (40A142), locally known as Culloden Railroad Overpass, carrying US Route 60 over CSX Railroad in Putnam County, the "U. S. Army SPC 4 William L. Amos 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 "U. S. Army SPC 4 William L. Amos Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate hereby is directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

S. C. R. 15 - "Requesting the Division of Highways to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the 'U. S. Marine Corps SGT Stephen E. Drummond Memorial Bridge'."

Whereas, Stephen E. Drummond was born January 15, 1931, in Spelter, West Virginia, the son of General Shafter Drummond and Ruby Freeman Drummond; and

Whereas, Stephen E. Drummond had three brothers, Robert, Eugene, and Shafter "Brud" Drummond; and

Whereas, Stephen E. Drummond graduated from Victory High School in Clarksburg, West Virginia, and married Natalie Dodd, his childhood sweetheart, who was born on the same day and preceded him in death in 2009, and with whom he raised two children, daughter Ricki and son Jeff; and

Whereas, Stephen E. Drummond was drafted after high school graduation and became a proud U. S. Marine. After basic training, he saw intense combat in Korea. One day before his tour of duty was to end in Korea, his leg was severely wounded by shrapnel at the Battle of Vegas during an intense Chinese offensive; and

Whereas, SGT Stephen E. Drummond and other U. N. soldiers were captured and he was held as a prisoner of war for four months; and

Whereas, SGT Stephen E. Drummond was released as a prisoner of war with the signing of the armistice on July 27, 1953; and

Whereas, SGT Stephen E. Drummond was awarded the Purple Heart Medal, a United Nations Service Medal, the National Defense Service Medal, and the Korean Ambassador for Peace Medal; and

Whereas, After returning home to Spelter, SGT Stephen E. Drummond earned a bachelor's degree from Fairmont State College and a Master's Degree from Miami University of Ohio, and began a career of more than 20 years as a mentor, coach, teacher, principal, administrator, and superintendent in various school systems; and

Whereas, Following retirement, SGT Stephen E. Drummond enjoyed traveling, visiting family members, and creating and selling his invention, Tara-Lite, for which he held a design patent; and

Whereas, SGT Stephen E. Drummond died November 23, 2013; and

Whereas, It is fitting to dedicate an enduring memorial to SGT Stephen E. Drummond in recognition of his service to his country, to his community, and to the teaching profession; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the "U. S. Marine Corps SGT Stephen E. Drummond 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. Marine Corps SGT Stephen E. Drummond Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

S. C. R. 16 - "Requesting that the Division of Highways name bridge number 17-7-4.07 (17A042), locally known as Sardis Bridge, carrying County Route 7 over Tenmile Creek in Harrison County, the 'Sardis District Veterans Memorial Bridge'."

Whereas, Naming this bridge after all the men and women who have served in the United States armed forces from the Sardis District is a fitting and enduring memorial to commemorate their service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-7-4.07 (17A042), locally known as Sardis Bridge, carrying County Route 7 over Tenmile Creek in Harrison County, the "Sardis District Veterans 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 "Sardis District Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Industry and Labor then Rules:

S. C. R. 32 - "Recognizing the importance of industrial hemp and beginning the process toward entering into an interstate compact in order to assure the viability of industrial hemp production in West Virginia and surrounding states."

Whereas, The United States Congress passed the Agriculture Act of 2014, which allowed universities and state departments of agriculture to begin cultivating industrial hemp for limited purposes. The cultivation of industrial hemp could be used in a wide range of products, including fibers, textiles, paper, construction and insulation materials, cosmetic products, animal feed, food, and beverages. Industrial hemp could be used in more than 25,000 products spanning nine markets, including agriculture, textiles, recycling, automotive, furniture, food/nutrition/beverages, paper, construction materials, and personal care; and

Whereas, Although hemp comes from the cannabis plant, it is distinguished from marijuana products by its use, physical appearance, and lower concentration of tetrahydrocannabinol or THC. The Agriculture Act of 2014 defines industrial hemp as having a THC content of 0.3 percent or less. Hemp producers often cultivate the plant to grow taller, denser, and with a single stalk. Industrial hemp producers use the plant for its seeds, flowers, and stalk; and

Whereas, West Virginia is one of at least 34 states that passed legislation related to industrial hemp in order to encourage the cultivation of hemp for commercial, research, or pilot programs. West Virginia and all other states with industrial hemp programs must adhere to strict requirements for registration, licensing, or permitting, including criminal background checks, registration of location of grow sites, periodic reviews, record keeping requirements, and extensive documentation of the program. Access to viable seed is a challenge for research programs and potential commercial growers because hemp is still regulated under the federal Controlled Substances Act, which makes transportation across state lines a criminal offense even when both states have adopted laws allowing for research; and

Whereas, United States Attorney General Jefferson B. Sessions, III, sent a memorandum to all United States Attorneys on January 4, 2018, that lifted a previous protocol and requested United States Attorneys to prosecute marijuana related offenses in the Controlled Substances Act in the same manner as other offenses; and

Whereas, Bipartisan legislation in Congress since 2015 has failed to amend the Controlled Substances Act to make clear that hemp, which contains THC of 0.3 percent or less, is not a controlled substance. The uncertainty surrounding the ability to grow and transport industrial hemp in the United States may lead to greater development and research of the product occurring in other countries; and

Whereas, Article One, Section Ten, Clause Three of the United States Constitution provides a mechanism for states to enter into interstate compacts; and

Whereas, The Legislature finds that West Virginia should take the lead in organizing and developing a potential interstate compact regarding industrial hemp that will allow West Virginia and the United States to retain a leadership role in research and development of industrial hemp; therefore, be it,

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes the importance of industrial hemp and beginning the process toward entering into an interstate compact in order to assure the viability of industrial hemp production in West Virginia and surrounding states; and, be it

Further Resolved, That the Legislature hereby directs legislative staff to work with the Council of State Governments to develop a working group to draft an interstate compact regarding industrial hemp; and, be it

Further Resolved, That the Legislature directs legislative staff and members of the Legislature to work with the Commissioner of Agriculture of West Virginia and the Council of State Governments to develop a basic draft of an interstate compact regarding industrial hemp; and, be it

Further Resolved, That the Legislature directs legislative staff, members of the Legislature, and the Commissioner of Agriculture of West Virginia along with any necessary Agriculture staff (hereinafter, "the working group") to work with similarly situated persons in other states in order to reach an agreement on language for an interstate compact regarding industrial hemp; and, be it

Further Resolved, That the working group created as a result of this resolution shall work diligently to return an interstate compact regarding industrial hemp for introduction in the 2019 regular session of the Legislature that has been agreed upon by the working group and a similarly situated working group from at least one other state.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

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. 4158, Relating to municipal home rule,

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

Com. Sub. for H. B. 4158 – “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; clarifying the authority of the Municipal Home Rule Board; allowing all municipalities to participate in the Municipal Home Rule Program; requiring certain notice prior to passing of an ordinance; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule or regulation that is contrary to certain laws governing the professional licensing or certification of public employees; creating a Home Rule Board Operations Fund; providing for annual assessment of participants; providing for fund expenditures; proscribing fiscal year end funds not transfer to the General revenue Fund; providing for petition procedures to protest enacted or amended ordinances; requiring ratification of certain ordinances by the voters in a municipal election; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019,”

H. B. 4238, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan,

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

Com. Sub. for H. B. 4238 – “A Bill to amend and reenact §8A-3-3 of the Code of West Virginia, 1931, as amended, relating to authorizing counties and municipalities to establish a joint airport hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety, and preventing hazardous conditions; describing requirements for written agreements; requiring submission of a plan and public hearing; providing for modifications to written agreements; and providing just compensation for diminution of property value,”

And,

H. B. 4550, Providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists,

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

Com. Sub. for H. B. 4550 – “A Bill to repeal §30-27-11a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-27-1 and §30-27-3 of said code; and to amend said code by adding thereto a new section, designated §30-27-8c, all relating to permits issued by the Board of Barbers and Cosmetologists; repealing the requirement for shampoo assistant to have permits; amending defined terms; and authorizing the board to establish an apprenticeship program for cosmetologists,”

With the recommendation that the committee substitutes each do pass.

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:

Com. Sub. for S. B. 283, Relating generally to procurement by state agencies,

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 (Com. Sub. for S. B. 283) was referred to the Committee on Finance.

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. 2889, Allowing military veterans with certain military ratings to qualify for examinations required of a probationary police officer,

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

Com. Sub. for H. B. 2889 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-14-15a, relating to allowing military veterans with certain military ratings to qualify for examinations required of a probationary police officer,”

H. B. 4444, Clarifying the authority of the State Fire Commission in adopting a State Building Code,

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

Com. Sub. for H. B. 4444 – “A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the State Fire Commission in adopting a State Building Code with regard to establishing building energy savings codes,”

And,

H. B. 4481, Relating to mandatory inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, nursing,

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

Com. Sub. for H. B. 4481 – “A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-14 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-7A-10 of said code; and to amend and reenact §30-14-11 of said code, all relating to the addition of mandatory, inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, registered professional nursing, and practical nursing so that licensees or registrants of those boards must report the professional incompetence or inability to practice of any licensee or registrant of any of those boards,”

With the recommendation that the committee substitutes each do pass.

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:

Com. Sub. for S. B. 271, Creating centralized Shared Services Section of Department of Administration,

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 (Com. Sub. for S. B. 271) was referred to the Committee on Finance.

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. 4465, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy,

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

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4539, Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses,

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

Leaves of Absence

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

Miscellaneous Business

Delegate Lane noted to the Clerk that she was absent on yesterday, February 20, 2018, when the votes were taken on Roll Nos. 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171, 172, 174, 175, 177 and 178 and had she been present she would have voted “Yea” thereon.

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:

- All Delegates during the debate regarding the amendment offered to H. B. 4625

- Delegates E. Evans, Fleischauer, Fluharty, Hornbuckle, Love, Lovejoy, Pushkin and Rowe regarding Com. Sub. for H. B. 4001

- All Delegates during the debate regarding Com. Sub. for S. B. 267 on yesterday

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

- Delegate Fast for H. B. 4028

- Delegate Hamilton for H. B. 4166

- Delegate Frich for H. B. 4558

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

- Delegate Byrd for H. C. R. 34

- Delegate Maynard for H. C. R. 63

- Delegate Howell for H. C. R. 75

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

- Delegate Canestraro for H. B. 4344

- Delegate Frich for H. B. 4458

At 7:10 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 22, 2018.

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

SPECIAL CALENDAR

Thursday, February 22, 2018

44th Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 71 - Defining "veteran" as it pertains to veteran-owned business (COOPER) (REGULAR)
- Com. Sub. for S. B. 237 - Authorizing Department of Revenue promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3061 - Encouraging mastery-based education through the Innovation In Schools program (NELSON) (REGULAR)
- Com. Sub. for H. B. 4207 - Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4296 - Establishing the Southern West Virginia Lake Development Study Commission (NELSON) (REGULAR)
- Com. Sub. for H. B. 4368 - Relating to voluntary assignments of wages by state employees who have been overpaid (SHOTT) (REGULAR)
- H. B. 4422 - Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds (NELSON) (REGULAR)
- Com. Sub. for H. B. 4424 - Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4451 - Creating the West Virginia Sentencing Commission (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4511 - Modifying bail requirements (SHOTT) (REGULAR)
- H. B. 4617 - Clarifying where a charge of DUI may be brought against an individual (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4618 - Relating to the authority of the Division of Protective Services (SHOTT) (REGULAR)

H. B. 4625 - Relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund (NELSON) (REGULAR)

SECOND READING

Com. Sub. for H. B. 2843 - Permitting Class III municipalities to be included in the West Virginia Tax Increment Act (NELSON) (REGULAR)

Com. Sub. for H. B. 2983 - Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress (NELSON) (REGULAR)

H. B. 4219 - Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System (NELSON) (REGULAR)

Com. Sub. for H. B. 4241 - Transitioning foster children into managed care (NELSON) (REGULAR)

Com. Sub. for H. B. 4289 - Relating to disability pensions of municipal employees (NELSON) (REGULAR)

Com. Sub. for H. B. 4347 - Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund (NELSON) (REGULAR)

Com. Sub. for H. B. 4502 - Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception (SHOTT) (REGULAR)

Com. Sub. for H. B. 4542 - Allowing public service districts to accept payment by credit card (NELSON) (REGULAR)

Com. Sub. for H. B. 4607 - Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails (SHOTT) (REGULAR)

Com. Sub. for H. B. 4619 - Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth (NELSON) (JULY 1, 2018)

H. B. 4624 - Relating to West Virginia coordinate systems (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 181 - Authorizing MAPS promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 348 - Allowing for disposal of service weapons of special DNR police officers (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for H. B. 2889 - Allowing military veterans with certain military ratings to qualify for examinations required of a probationary police officer (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4158 - Relating to municipal home rule (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4214 - Increasing penalties for unlawfully possessing or digging ginseng (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4238 - Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4444 - Clarifying the authority of the State Fire Commission in adopting a State Building Code (HOWELL) (REGULAR)
- H. B. 4465 - Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4481 - Relating to mandatory inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, nursing (HOWELL) (REGULAR)
- H. B. 4539 - Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses (NELSON) (REGULAR)
- Com. Sub. for H. B. 4546 - Relating to where an application for a marriage license may be made (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4550 - Providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4623 - Relating to obtaining substance abuse treatment services (ELLINGTON) (REGULAR)

HOUSE CALENDAR

Thursday, February 22, 2018

44th Day

11:00 A. M.

SECOND READING

- S. B. 385 - Decreasing and adding appropriations out of Treasury to DHHR and MAPS (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4154 - Establishing the 2018 Regulatory Reform Act (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, FEBRUARY 22, 2018

**COMMITTEE ON FINANCE
FOLLOWING 8:30 A.M. HOUSE CHAMBER PRESENTATION
ROOM 460M**

**COMMITTEE ON RULES
10:45 A.M. – BEHIND CHAMBER**

**COMMITTEE ON HEALTH AND HUMAN RESOURCES
2:00 P.M. – ROOM 215E**

**COMMITTEE ON THE JUDICIARY
IMMEDIATELY FOLLOWING FLOOR SESSION
ROOM 418M**

FRIDAY, FEBRUARY 23, 2018

**PUBLIC HEARING – COMMITTEE ON THE JUDICIARY
8:30 A.M. – HOUSE CHAMBER
H. B. 2114, PROVIDING A PROCEDURE FOR WEST VIRGINIA TO SELECT
DELEGATES TO AN ARTICLE V CONVENTION FOR PROPOSING AMENDMENTS
TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.**

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