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FORTY-FOURTH DAY

Thursday, February 22, 2018

FORTY-FOURTH DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, February 21, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for H. B. 4296, on Third Reading, Special Calendar, to the House Calendar; H. B. 4241, on Second Reading, Special Calendar, to the House Calendar; and S. B. 181 and S. B. 348, on First Reading, Special Calendar, to the House Calendar.

Committee Reports

Delegate Hanshaw, Chair of the 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 bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 154, Authorizing Department of Administration to promulgate legislative rules,

Com. Sub. for S. B. 163, Authorizing DEP promulgate legislative rules,

Com. Sub. for S. B. 184, Authorizing DOT promulgate legislative rules,

Com. Sub. for S. B. 267, Increasing salaries of certain state employees,

S. B. 379, Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR,

S. B. 382, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund,

S. B. 384, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR.

Com. Sub. for S. B. 386, Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission,

And,

S. B. 388, Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration.

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. 2383, Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years,

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

Com. Sub. for H. B. 2383 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to the Redistricting Office of the Joint Committee on Government and Finance and proposed maps for redistricting congressional and legislative districts; establishing factors and goals to be considered and followed in the mapping process for redistricting congressional and legislative districts; and, providing for advertisement, comment and public hearing related to proposed maps for redistricting congressional and legislative districts,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. C. R. 41, Relating to a study of a statewide virtual library,

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

Com. Sub. for H. C. R. 41, Requesting the Joint Committee on Government and Finance to study and make recommendations regarding the development of a statewide virtual library,

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 4223, Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's receptive and expressive language,

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.

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 4223) to the Committee on Finance.

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. 4014, Relating to reorganization of the West Virginia Department of Health and Human Resources,

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

Com. Sub. for H. B. 4014 –“A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, §5-30-7, and §5-30-8; to amend said code by adding thereto a new article, designated §5-30A-1, §5-30A-2, and §5-30A-3; to amend said code by adding thereto a new article, designated §5-30B-1, §5-30B-2, §5-30B-3, §5-30B-4, §5-30B-5, §5-30B-6, §5-30B-7, §5-30B-8, and §5-30B-9; to amend said code by adding thereto a new article, designated §5-30C-1, §5-30C-2, §5-30C-3, §5-30C-4, §5-30C-5, §5-30C-6, §5-30C-7, §5-30C-8, and §5-30C-9; to amend and reenact §5F-1-2 and §5F-1-3a of said code; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend and reenact §5F-3-2 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §8-19-18 of said code; by adding thereto a new article, designated §9-10-1 and §9-10-2; to amend and reenact §15-12-2a and §15-12-2b of said code; to amend and reenact §16-1-2 of said code; to amend and reenact §16-3-1 of said code; to amend and reenact §16-5T-2 of said code; to amend and reenact §17-5-4 of said code; to amend and reenact §24-2-5 of said code; by adding thereto a new article, designated §27-10-1, §27-10-2, §27-10-3, §27-10-4, §27-10-5, §27-10-6, §27-10-7, and §27-10-8; by adding thereto a new article, designated §27-10A-1, §27-10A-2, and §27-10A-3; to amend and reenact §30-6-31 of said code; to amend and reenact §31-15A-2 and §31-15A-3 of said code, all relating to reorganization of the West Virginia Department of Health and Human Resources; continuing the Office of Inspector General; setting out qualifications for the Inspector General; setting out powers and duties of the Inspector General; continuing the Office of Health Facility Licensure and Certification; setting out powers and duties of the Office of Health Facility Licensure and Certification; requiring certain licenses from the Office of Health Facility Licensure and Certification; continuing the Medicaid Fraud Control Unit; setting out powers and duties of the Medicaid Fraud Control Unit; setting out certain criminal offenses and civil remedies; requiring the creation of certain programs by the Inspector General; setting forth the requirements and procedures for certain programs; defining certain terms; enumerating certain executive departments; setting compensation for certain cabinet secretaries; creating the Department of Healthcare Facilities; defining the organization, powers and duties of the Department of Healthcare Facilities and its secretary; setting forth the qualifications for certain cabinet secretaries; transferring control of certain facilities to the Department of Healthcare Facilities; setting forth the administration of certain facilities; requiring the secretary of the Department of Healthcare Facilities to propose certain rules; making various technical corrections and removing outdated language and reference to obsolete entities,”

H. B. 4016, Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency,

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

Com. Sub. for H. B. 4016 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9B-1, §6-9B-2, §6-9B-3 and §6-9B-4, all relating directing

the West Virginia Auditor to develop and maintain a searchable financial transparency website; enumerating certain legislative findings; defining certain terms; setting forth the necessary contents of the website; setting forth the date by which the website is to be developed and made publicly available; requiring that certain governmental agencies provide the Auditor with certain information to be made publicly available on the website; and requiring the Auditor to publicly identify any governmental agency that fails to comply with certain requirements,”

And,

H. B. 4166, Establishing a special revenue fund to be known as the “Capital Improvements Fund — Department of Agriculture Facilities”,

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

Com. Sub. for H. B. 4166 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e, and to amend and reenact §19-12A-6a of said code, all relating to establishing and funding a special revenue fund to be known as the ‘Capital Improvements Fund — Department of Agriculture Facilities’; identifying expenditures that may be made from the fund; identifying the source of moneys for the fund; eliminating certain deposits in the General Revenue Account; and permitting deposits into certain funds,”

With the recommendation that the committee substitutes each do pass.

Messages from the Executive

Mr. Speaker, Mr. Armstead presented a communication from His Excellency, the Governor, advising that on February 21, 2018, he approved **H. B. 2612**, **Com. Sub. for H. B. 4135**, **H. B. 4146** and **S. B. 62**.

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

S. B. 498 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-3a, relating to Cabwaylingo State Forest; creating a pilot project permitting all-terrain or recreational vehicles on designated roads and trails in Cabwaylingo State Forest; permitting the director to designate roads, trails, and campgrounds; permitting the director to establish special season and permit; applying the ATV, UTV, and Motorcycle Responsibility Act to the project; and requiring Legislative Auditor to review project and file report”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

Special Calendar

Third Reading

Com. Sub. for S. B. 71, Defining “veteran” as it pertains to veteran-owned business; 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. 187**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ferro, Lynch and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 71) passed.

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

Com. Sub. for S. B. 237, Authorizing Department of Revenue promulgate legislative rules; 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. 188**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Folk, Marcum, Paynter, Upson and Walters.

Absent and Not Voting: Deem, Lynch and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 237) passed.

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

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

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

On this question, the yeas and nays were taken (**Roll No. 189**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Folk.

Absent and Not Voting: Deem, Lynch 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 S. B. 237) 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. 3061, Encouraging mastery-based education through the Innovation In Schools program; 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. 190**), 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, Lynch 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. 3061) 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. 4207, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement; 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. 191**), 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, Lynch 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. 4207) 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. 4368, Relating to voluntary assignments of wages by state employees who have been overpaid; on third reading, coming up in regular order, was read a third time.

During debate, Delegate Fluharty directed a question to guests in the galleries which drew an audible answer.

The Speaker informed the guests that such displays are not allowed under the Rules of the House and admonished the members to not encourage guests to violate the Rules.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 192**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Eldridge, Fluharty, Hornbuckle and Marcum.

Absent and Not Voting: Deem, Lynch 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. 4368) 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. 4422, Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds; 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. 193**), 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, Lynch and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4422) 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. 4424, Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials; 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. 194**), 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, Lynch 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. 4424) 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. 4451, Creating the West Virginia Sentencing Commission; 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. 195**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Deem, Lynch 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. 4451) 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. 4511, Modifying bail requirements; 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. 196**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Fast, Kessinger and Pack.

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. 4511) 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. 4617, Clarifying where a charge of DUI may be brought against an individual; 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. 197**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Canestraro and R. Miller.

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 (H. B. 4617) 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. 4618, Relating to the authority of the Division of Protective Services; 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. 198**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Pushkin, Rowe and Sponaule.

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. 4618) 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. 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 third reading, coming up in regular order, was read a third time.

The Speaker addressed the House stating that there had previously been requests pursuant to House Rule 49 due to Delegates or their family members being PEIA system participants. The Speaker ruled that any impact on Delegates making such a request in regard to H. B. 4625 would be as a member of a class of persons possibly to be affected by the passage of the bill and directed the members to vote.

He further stated that any such members wishing to have this noted in the Journal to inform the Clerk, which was done by Delegates Ambler, Anderson, Ferro, Frich, Lynch, Moye, Pack, Zatezalo and Mr. Speaker, Mr. Armstead.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 199**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4625) passed.

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

At 2:18 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 -

Com. Sub. for H. B. 2843, Permitting Class III municipalities to be included in the West Virginia Tax Increment Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Statler, the bill was amended on page seventeen, after section seven, by adding a new section, designated section eight, to read as follows:

“§7-11B-8. Project plan – approval.

(a) The county commission or municipality creating the district shall cause the preparation of a project plan for each development or redevelopment district and the project plan shall be adopted by order of the county commission, or ordinance adopted by the governing body of the municipality, after it is approved by the executive director of the Development Office. This process shall conform to the procedures set forth in this section.

(b) Each project plan shall include:

(1) A statement listing the kind, number and location of all proposed public works or other improvements within the district and on land outside but contiguous to the district;

(2) A cost-benefit analysis showing the economic impact of the plan on each levying body that is at least partially within the boundaries of the development or redevelopment district. This analysis shall show the impact on the economy if the project is not built and is built pursuant to the development or redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected levying body and sufficient information from the developer for the agency, if any proposing the plan, the county commission be asked to approve the project and the Development Office to evaluate whether the project as proposed is financially feasible;

(3) An economic feasibility study;

(4) A detailed list of estimated project costs;

(5) A description of the methods of financing all estimated project costs, including the issuance of tax increment obligations and the time when the costs or monetary obligations related thereto are to be incurred;

(6) A certification by the county assessor of the base assessed value of real and tangible personal property having a tax situs in a development or redevelopment district: *Provided*, That if such certification is made during the months of January or February of each year, the county assessor may certify an estimated base assessed value of real and tangible personal property having a tax situs in a development or redevelopment district: *Provided, however*, That prior to issuance of tax increment obligations, the county assessor shall certify a final base assessed value for the estimated base assessed value permitted by this section;

(7) The type and amount of any other revenues that are expected to be deposited to the tax increment financing fund of the development or redevelopment district;

(8) A map showing existing uses and conditions of real property in the development or redevelopment district;

(9) A map of proposed improvements and uses in the district;

(10) Proposed changes of zoning ordinances, if any;

(11) Appropriate cross-references to any master plan, map, building codes and municipal ordinances or county commission orders affected by the project plan;

(12) A list of estimated nonproject costs;

(13) A statement of the proposed method for the relocation of any persons, businesses or organizations to be displaced;

(14) A certificate from the executive director of the workers' compensation commission, the commissioner of the Bureau of Employment Programs and the State Tax Commissioner that the project developer is in good standing with the workers' compensation commission, the Bureau of Employment Programs and the state Tax Division; and

(15) A certificate from the sheriff of the county or counties in which the development or redevelopment district is located that the project developer is not delinquent on payment of any real and personal property taxes in such county.

(c) If the project plan is to include tax increment financing, the tax increment financing portion of the plan shall set forth:

(1) The amount of indebtedness to be incurred pursuant to this article;

(2) An estimate of the tax increment to be generated as a result of the project;

(3) The method for calculating the tax increment, which shall be in conformance with the provisions of this article, together with any provision for adjustment of the method of calculation;

(4) Any other revenues, such as payment in lieu of tax revenues, to be used to secure the tax increment financing; and

(5) Any other provisions as may be deemed necessary in order to carry out any tax increment financing to be used for the development or redevelopment project.

(d) If less than all of the tax increment is to be used to fund a development or redevelopment project or to pay project costs or retire tax increment financing, the project plan shall set forth the portion of the tax increment to be deposited in the tax increment financing fund of the development or redevelopment district and provide for the distribution of the remaining portion of the tax increment to the levying bodies in whose jurisdiction the district lies.

(e) The county commission or governing body of the municipality that established the tax increment financing fund shall hold a public hearing at which interested parties shall be afforded a reasonable opportunity to express their views on the proposed project plan being considered by the county commission or the governing body of the municipality.

(1) Notice of the hearing shall be published as a Class II legal advertisement in accordance with section two, article three, chapter fifty-nine of this code.

(2) ~~Prior~~ At least 30 days prior to this publication, a copy of the notice and a copy of the proposed project plan shall be sent by first-class mail to the chief executive officer of all other levying bodies having the power to levy taxes on property located within the proposed development or redevelopment district.

(f) Approval by the county commission or the governing body of a municipality of an initial development or redevelopment project plan must be within one year after the date of the county assessor's certification required by subdivision (6), subsection (b) of this section: *Provided*, That additional development or redevelopment project plans may be approved by the county commission or the governing body of a municipality in subsequent years, so long as the development or redevelopment district continues to exist. The approval shall be by order of the county commission or ordinance of the municipality, which shall contain a finding that the plan is economically feasible."

The bill was then ordered to engrossment and third reading.

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; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4219, Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System; 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. 4289, Relating to disability pensions of municipal employees; 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. 4347, Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund; 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. 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; 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. 4542, Allowing public service districts to accept payment by credit card; 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. 4607, Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails; 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. 4619, Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4624, Relating to West Virginia coordinate systems; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

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

Com. Sub. for H. B. 4158, Relating to municipal home rule,

Com. Sub. for H. B. 4214, Increasing penalties for unlawfully possessing or digging ginseng,

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

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

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

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

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

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

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

And,

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

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 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. 4486, Relating to persons required to obtain a license to engage in the business of currency exchange,

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. 4218, Relating to medical professional liability,

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

Com. Sub. for H. B. 4218 - " A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to medical professional liability; clarifying the required qualifications and basis for an expert who signs the screening certificate of merit,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2982, Relating to allowing Powerball, Mega Millions and Hot Lotto ticket winners to remain anonymous,

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

Com. Sub. for H. B. 2982 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-15a; and to amend and reenact §29B-1-4 of said code, all relating to allowing draw game winners to remain anonymous; providing that a person entitled to collect proceeds exceeding one million dollars from a winning draw game ticket may remain

anonymous in regards to his or her name, personal contact information, and likeness; providing that if a person entitled to collect proceeds exceeding one million dollars from a draw game wishes to remain anonymous, then he or she shall contact the State Lottery Director in writing or appear at the state lottery headquarters in person; providing where such request to remain anonymous may be mailed or emailed; providing that upon such a request, the director will contact the person requesting anonymity and schedule an appointment to meet; providing that a draw game winner who elects to remain anonymous must remit 5% of his or her winnings to the State Lottery Fund; establishing an effective date of January 1, 2019; and providing for new exemptions under the Freedom of Information Act,”

H. B. 4036, Increasing the maximum salaries of family case coordinators and secretary-clerks,

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

Com. Sub. for H. B. 4036 - “A Bill to amend and reenact §51-2A-6 of the Code of West Virginia, 1931, relating generally to salaries of family court employees; and increasing the maximum salaries of family case coordinators and secretary-clerks,”

H. B. 4309, Restricting the sale and trade of dextromethorphan,

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

Com. Sub. for H. B. 4309 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-417, relating to restricting the sale and trade of dextromethorphan; defining terms, setting age limits; requiring proof of age from a purchaser unless from the purchaser’s outward appearance the person making the sale would reasonably presume the purchaser to be at least 25 years of age, establishing a crime for violating the provisions of this section; and establishing a criminal fine,”

H. B. 4394, Relating to forest fires,

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

Com. Sub. for H. B. 4394 - “A Bill to amend and reenact §20-3-5 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §20-3-5a, all relating to forest fires; requiring all flammable material must be removed from the area immediately surrounding material to be burned for a distance which ensures the fire will at all times be contained; requiring that a safety strip shall in no event be less than ten feet wide; establishing a crime for any person or employee who sets or causes to be set any fire which escapes the safety strip and causes damage to the lands of another; and creating a prescribed fire program,”

And,

H. B. 4453, Relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review,

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

Com. Sub. for H. B. 4453 - “A Bill to amend and reenact §9-2-13 of the Code of West Virginia, 1931, as amended, relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review; correcting an error by changing ‘not’ to ‘or’; and making other technical changes,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Rules has had under consideration:

H. C. R. 30, U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge,

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

Com. Sub. for H. C. R. 30, U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge,

With the recommendation that the committee substitute be adopted.

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

Your Committee on Rules has had under consideration:

H. C. R. 3, U. S. Army Cpl David Michael Hopkins and U.S. Army Cpl Romey Earl Hughart, Jr. Memorial Bridge,

H. C. R. 5, U. S. Army PFC Jessie Franklin Crow Memorial Bridge,

Com. Sub. for H. C. R. 13, U. S. Army SGM Bill E. Jeffrey Memorial Road,

H. C. R. 33, U. S. Army 2LT Clarence Dragoo Memorial Bridge,

H. C. R. 47, U. S. Army SPC 4 William L. Amos Memorial Bridge,

H. C. R. 64, USMC Cpl Hershel "Woody" Williams Highway,

H. C. R. 75, PVT George Howell, Continental Army Memorial Highway,

And,

H. C. R. 78, U. S. Marine Corps PFC Danny Marshall Memorial Bridge,

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

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. 4187, Business Liability Protection Act,

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

Com. Sub. for H. B. 4187 - "A Bill to amend and reenact §61-7-14 of the code of West Virginia, 1931, as amended, relating to creating the "Business Liability Protection Act"; providing definitions; providing for the right to limit possession of firearms on certain premises; establishing misdemeanor

criminal offense and penalty for persons refusing to relinquish firearm or leave premises when requested; prohibiting employers from actions against individuals related to legal possession of firearm in a motor vehicle under certain circumstances; establishing limitations on a duty of care of public and private employers; providing for immunity from liability of public and private employers for compliance with the provisions of this statute; providing enforcement authority of the provisions of this statute to the Attorney General; providing remedies for violations of the provisions of this statute including injunctive relief, civil fines or both; providing for civil action by private persons to enforce provisions of statute; and enumerating remedies,”

With the recommendation that the committee substitute do pass.

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

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

Com. Sub. for S. B. 408, Licensing of nursing homes and assisted living residences,

And,

S. B. 411, Removing Commissioner of Bureau for Public Health from State Board of Sanitarians,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (Com. Sub. for S. B. 408 and S. B. 411) were each referred to the Committee on Government Organization.

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:

S. B. 441, Relating to health care provider taxes,

And,

Com. Sub. for S. B. 473, Requiring insurance coverage for the prescription drug Varenicline,

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

In accordance with the former direction of the Speaker, the bills (S. B. 441 and Com. Sub. for S. B. 473) were each 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. 4509, Relating to the establishment of substance abuse treatment facilities,

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

Com. Sub. for H. B. 4509 - "A Bill to amend and reenact §16-53-1 of the Code of West Virginia, 1931, as amended, relating to the establishment of substance abuse treatment facilities; and permitting the fund to provide funding to facilities that provide peer-support services,"

With the recommendation that the committee substitute 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.

Remarks by Members

Delegate Cooper was addressing the House when Delegate Marcum arose to a point of order, regarding the content of the Gentleman's remarks.

To which point, the Speaker admonished Delegate Cooper to refrain from remarks which disparage other members.

Delegate Pushkin requested unanimous consent that the remarks by Delegate Cooper be printed in the Appendix to the Journal.

Delegate Foster asked unanimous consent that the words spoken by Delegate Cooper which were objected to be stricken from the Appendix to the Journal, to which objection was heard.

Delegate Foster then moved that those words be stricken.

Thereafter, at the request of Delegate Foster, and by unanimous consent, his foregoing motion was withdrawn.

Delegate Foster asked unanimous consent that Delegate Cooper's remarks not be printed in the Appendix to the Journal, to which objection was heard.

Delegate Foster then moved that Delegate Cooper's remarks not be printed in the Appendix to the Journal.

On this question, the yeas and nays were taken (**Roll No. 200**), and there were—yeas 85, nays none, absent and not voting 15, with the absent and not voting being as follows:

Absent and Not Voting: Dean, Deem, Ellington, Gearheart, Hartman, Hill, Hornbuckle, Kelly, Love, Pack, Phillips, Queen, C. Romine, Summers and White.

So, two thirds of the members present and voting having voted in the affirmative, the motion prevailed.

Miscellaneous Business

Pursuant to House Rule 94b, a member filed a form with the Clerk's Office to be removed as a cosponsor of the following bill: Delegate Queen for H. B. 4494

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 Anderson during the debate regarding H. B. 4625
- Delegates Caputo, Zatezalo, Eldridge, Ferro, Miley, Pethtel and E. Evans during Remarks by Members

At 7:17 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 23, 2018.

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

SPECIAL CALENDAR

Friday, February 23, 2018

45th Day

11:00 A. M.

UNFINISHED BUSINESS

- H. C. R. 3 - U. S. Army Cpl David Michael Hopkins and U.S. Army Cpl Romey Earl Hughart, Jr. Memorial Bridge
- H. C. R. 5 - U. S. Army PFC Jessie Franklin Crow Memorial Bridge
- Com. Sub. for H. C. R. 13 - U. S. Army SGM Bill E. Jeffrey Memorial Road
- Com. Sub. for H. C. R. 30 - U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge
- H. C. R. 33 - U. S. Army 2LT Clarence Dragoo Memorial Bridge
- Com. Sub. for H. C. R. 41 - Relating to a study of a statewide virtual library
- H. C. R. 47 - U. S. Army SPC 4 William L. Amos Memorial Bridge
- H. C. R. 64 - USMC Cpl Hershel 'Woody' Williams Highway
- H. C. R. 75 - PVT George Howell, Continental Army Memorial Highway
- H. C. R. 78 - U. S. Marine Corps PFC Danny Marshall Memorial Bridge

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

- Com. Sub. for H. B. 4289 - Relating to disability pensions of municipal employees (WALTERS) (REGULAR)
- Com. Sub. for H. B. 4347 - Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund (MOORE) (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 (HANSHAW) (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 (ESPINOSA) (JULY 1, 2018)
- H. B. 4624 - Relating to West Virginia coordinate systems (HOWELL) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2889 - Allowing military veterans with certain military ratings to qualify for examinations required of 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 (NELSON) (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)

FIRST READING

- Com. Sub. for H. B. 2383 - Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2982 - Relating to allowing Powerball, Mega Millions and Hot Lotto ticket winners to remain anonymous (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4014 - Relating to reorganization of the West Virginia Department of Health and Human Resources (NELSON) (REGULAR)
- Com. Sub. for H. B. 4016 - Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency (NELSON) (REGULAR)
- Com. Sub. for H. B. 4166 - Establishing a special revenue fund to be known as the "Capital Improvements Fund — Department of Agriculture Facilities" (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4187 - Business Liability Protection Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4218 - Relating to medical professional liability (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4309 - Restricting the sale and trade of dextromethorphan (SHOTT) (REGULAR)

- Com. Sub. for H. B. 4394 - Relating to forest fires (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4453 - Relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review (SHOTT) (REGULAR)
- H. B. 4486 - Relating to persons required to obtain a license to engage in the business of currency exchange (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4509 - Relating to the establishment of substance abuse treatment facilities (ELLINGTON) (REGULAR)

HOUSE CALENDAR

Friday, February 23, 2018

45th Day

11:00 A. M.

THIRD READING

Com. Sub. for H. B. 4296 - Establishing the Southern West Virginia Lake Development Study Commission (NELSON) (REGULAR)

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)

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

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.**

COMMITTEE ON THE JUDICIARY

IMMEDIATELY FOLLOWING PUBLIC HEARING – ROOM 418M

COMMITTEE ON FINANCE

9:00 A.M. – ROOM 460M

COMMITTEE ON GOVERNMENT ORGANIZATION

9:00 A.M. – ROOM 215E

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

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