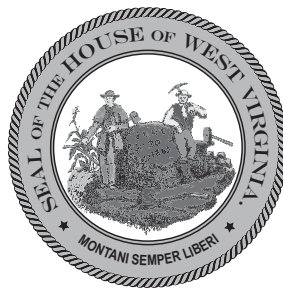


West Virginia Legislature

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February 26, 2018
FORTY-EIGHTH DAY

Monday, February 26, 2018

FORTY-EIGHTH 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 Friday, February 23, 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. 2383, on Second Reading, Special Calendar, to the House Calendar; Com. Sub. for H. B. 4494, on First Reading, Special Calendar, to the House Calendar; and Com. Sub. for H. B. 4154, Com. Sub. for H. B. 4158, Com. Sub. for H. B. 4238 and Com. Sub. for 4623, on Second Reading, House Calendar, to the Special Calendar.

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:

Com. Sub. for S. B. 133, Exempting renewal of certain contracts entered into during declared state of emergency,

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 (Com. Sub. for S. B. 133) was referred to the Committee on the Judiciary.

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. 288, Regulating cremation, embalming and directing of funeral service,

And,

Com. Sub. for S. B. 355, Dissolving IS&C Division under Office of Technology,

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

In accordance with the former direction of the Speaker, the bills (Com. Sub. for S. B. 288 and Com. Sub. for S. B. 355) were each 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 23rd 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 S. B. 165, Authorizing DHHR promulgate legislative rules.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Hanshaw, Harshbarger, Byrd, Robinson, R. Miller, Pushkin, Sobonya, Hollen, Canestraro, Lane and Zatezalo:

H. B. 4629 - "A Bill to repeal §31G-1-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §31G-2-1 of said code; and to repeal §31G-4-1, §31G-4-2, and §31G-4-3 of said code; all relating to broadband enhancement and expansion policies generally; repealing language relating to pilot project for cooperative associations by political subdivisions; providing that a political subdivision of this state may be a qualified person for the purposes of forming a cooperative association; and repealing the article setting forth provisions relating to make ready pole access."

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (H. B. 4629) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 4431, Establishing the Mountaineer Trail Network Recreation Authority,

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

Com. Sub. for H. B. 4431 - A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, §20-14A-12, and §20-14A-13, all relating to establishing the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; providing definitions; establishing the Mountaineer Trail Network Recreation Authority; providing for a method of appointment to the board of the authority; prescribing the terms of appointment; describing the powers and duties of the authority; limiting the liability of landowners; setting forth purchasing and bidding procedures; providing civil remedies; providing for conflicts of interest; providing criminal penalties; providing for severability; establishing an effective date; and authorizing rule-making, @

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for H. B. 4431) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 4235, Permitting full-time nonresident students attending an in-state college or university to purchase lifetime resident hunting, trapping, and fishing licenses,

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

Com. Sub. for H. B. 4235 – “A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to permit full-time nonresident students attending an in-state college or university to purchase lifetime resident statewide hunting, trapping and trout fishing and fishing licenses,”

And,

H. B. 4338, Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety,

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

Com. Sub. for H. B. 4338 – “A Bill to repeal §25-1-1, §25-1-1a, §25-1-3, §25-1-3a, §25-1-3b, §25-1-3c, §25-1-4, §25-1-5, §25-1-5a, §25-1-6, §25-1-7, §25-1-8, §25-1-11, §25-1-11a, §25-1-11b, §25-1-11c, §25-1-11d, §25-1-11e, §25-1-11f, §25-1-13, §25-1-14, §25-1-15, §25-1-16, §25-1-16a, §25-1-17, §25-1-18, §25-1-19, §25-1-20, §25-1-21 and §25-1-22 of the Code of West Virginia, 1931, as amended; to repeal §28-5-7, §28-5-8a, §28-5-23, §28-5-24 and §28-5-27 of said code; to repeal §31-20-1, §31-20-1a, §31-20-2, §31-20-3, §31-20-4, §31-20-5, §31-20-5a, §31-20-5b, §31-20-5c, §31-20-5d, §31-20-5e, §31-20-5f, §31-20-5g, §31-20-5h, §31-20-8, §31-20-8a, §31-20-9, §31-20-9a, §31-20-10, §31-20-10a, §31-20-10b, §31-20-11, §31-20-12, §31-20-13, §31-20-14, §31-20-15, §31-20-20, §31-20-22, §31-20-23, §31-20-24, §31-20-27, §31-20-27a, §31-20-28, §31-20-29, §31-20-30, §31-20-30a, §31-20-31, and §31-20-32 of said code; to repeal §62-12-14, §62-12-14a, §62-12-15 and §62-12-25 of said code; to repeal §62-13-3, §62-13-4, §62-13-5 and §62-13-6a of said code; to amend and reenact §6-7-2a of said code; to amend said code by adding thereto a new chapter, designated §15A-1-1, §15A-1-2, §15A-1-3, §15A-1-4, §15A-1-5, §15A-2-1, §15A-2-2, §15A-2-3, §15A-2-4, §15A-2-5, §15A-2-6, §15A-2-7, §15A-2-8, §15A-2-9, §15A-2-10, §15A-2-11, §15A-2-12, §15A-2-13, §15A-2-14, §15A-2-15, §15A-2-16, §15A-2-17, §15A-2-18, §15A-2-19, §15A-2-20, §15A-2-21, §15A-2-22, §15A-2-23, §15A-2-24, §15A-2-25, §15A-2-26, §15A-2-27, §15A-2-28, §15A-2-29, §15A-2-30, §15A-2-31, §15A-2-32, §15A-2-33, §15A-2-34, §15A-2-35, §15A-2-36, §15A-3-1, §15A-3-2, §15A-3-3, §15A-3-4, §15A-3-5, §15A-3-6, §15A-3-7, §15A-4-1, §15A-4-2, §15A-4-3, §15A-4-4, §15A-4-5, §15A-5-1, §15A-5-2, §15A-5-3, §15A-5-4, §15A-5-5, §15A-5-6, §15A-5-7, §15A-6-1, §15A-6-2 and §15A-6-3; and to amend and reenact §19-12A-5 of said code, all relating generally to supervision of persons committed to the custody of the Division of Corrections, Division of Juvenile Services and the Regional Jail and Correctional Facility Authority; Consolidating Supervision Authority of the Division of Corrections, Division of Juvenile Services and the Regional Jail and Correctional Facility Authority; creating the Division of Administrative Services and the Division of Corrections and Rehabilitation in the Department of Military Affairs and Public Safety; transferring certain authority to the Division of Corrections and Rehabilitation; abolishing certain divisions and authorities; setting forth legislative intent; setting forth the institutions to be controlled by the

Commissioner of Corrections and Rehabilitation; establishing law enforcement powers; establishing employment criteria; establishing rules for offenders and inmates; establishing certain funds and programs; creating the Bureau of Prisons and Jails and setting forth its duties and responsibilities; establishing the Bureau of Juvenile Services and setting forth its duties and responsibilities; establishing the Bureau of Community Corrections and setting forth its duties and responsibilities; creating the Regional Jail and Corrections Authority Board and setting forth its duties and responsibilities; setting forth compensation; providing criminal penalties; defining terms; and requiring rule-making,”

With the recommendation that the committee substitutes each do pass.

At the respective requests of Delegate Cowles, and by unanimous consent, Com. Sub. for H. B. 4235 was taken up for immediate consideration, read a first time and ordered to second reading.

At the respective requests of Delegate Cowles, and by unanimous consent, Com. Sub. for H. B. 4338 was taken up for immediate consideration, read a first time and ordered to second reading.

Messages from the Executive

Mr. Speaker, Mr. Armstead presented a communication from His Excellency, the Governor, advising that on February 23, 2018, he approved **Com Sub. for H. B. 2546**

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. 30 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i; and to amend and reenact §20-2-16 of said code, all relating to hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; providing that dogs used to track mortally wounded deer or bear are not to be taken into possession by a natural resource police officer; and clarifying the handling of dogs caught chasing deer”; 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

S. B. 112 - “A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to natural resources police officers; finding that the administrative and law-enforcement activities of the natural resources police officers are important to the state’s conservation of fish and wildlife; and clarifying that the subsistence allowance is pensionable”; which was referred to the Committee on Agriculture and Natural 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. 307 - “A Bill to amend and reenact §17-16-1 of the Code of West Virginia, 1931, as amended, relating to declaring that fundraising conducted by a volunteer fire department, school -sponsored or -approved group, bona fide charity, or nonprofit entity on a state highway or roadway within the boundaries of a municipality does not constitute an obstruction or nuisance if done

during daylight hours, at signal controlled intersections requiring all vehicles to stop, or at a location approved by municipal law enforcement”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 359 - “A Bill to amend and reenact §27-5-1 of the Code of West Virginia, 1931, as amended, relating generally to mental hygiene proceedings; eliminating requirement that new mental hygiene commissioners undergo a minimum of three days training in mental hygiene areas; removing requirement that training program include training in manifestations of mental illness and addiction; and authorizing the Supreme Court to establish curricula for mental hygiene commissioners and those magistrates designated by the chief judge of a judicial circuit to hold probable cause and emergency detention hearings involving involuntary hospitalization”; which was referred to the Committee on the Judiciary 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. 467 - “A Bill to amend and reenact §29-21-6 and §29-21-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-21-9a, all relating generally to Public Defender Services; transferring initial authority to review, approve, modify, or refuse panel attorney vouchers from circuit courts to Public Defender Services; providing for resubmission or reconsideration of vouchers previously modified or refused; establishing procedures for handling of modified or refused vouchers; maintaining final authority over payment of vouchers with circuit courts; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to contract for noncriminal legal services; providing for payment of contracts; authorizing agency to reduce or reject vouchers or requests for payment; requiring panel attorneys to maintain time-keeping records to enable the attorney to determine time expended on a daily basis; authorizing Governor by executive order to borrow funds from the Revenue Shortfall Reserve Fund to pay appointed counsel and establish repayment requirements; requiring Secretary of Administration’s clarification that borrowing is necessary; expiring authorization to borrow on January 1, 2020; setting record-keeping standards; requiring prompt processing and payment of vouchers; revising the rates of compensation for various types of cases; and authorizing the executive director to promulgate emergency rules”; which was referred to the Committee on the Judiciary 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. 491 - “A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to distribution of portions of the filing fee charged for the expungement of certain criminal convictions upon proper petition”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 493 - "A Bill to repeal §33-26B-1, §33-26B-2, §33-26B-3, §33-26B-4, §33-26B-5, §33-26B-6, §33-26B-7, §33-26B-8, §33-26B-9, §33-26B-10, §33-26B-11, §33-26B-12, §33-26B-13, §33-26B-14, §33-26B-15, and §33-26B-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-26A-2, §33-26A-3, §33-26A-5, §33-26A-6, §33-26A-7, §33-26A-8, §33-26A-9, §33-26A-11, §33-26A-12, §33-26A-14, and §33-26A-19 of said code, all relating to guaranty associations; repealing West Virginia Health Maintenance Organization Guaranty Association Act; and updating West Virginia Life and Health Insurance Guaranty Association Act to maintain consistency with National Association of Insurance Commissioners Life and Health Insurance Guaranty Association Model Act"; 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 passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 501 - "A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to the accrued benefit of retirees in the Deputy Sheriff Retirement System"; 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. 535 - "A Bill to amend and reenact §30-29-4 of the Code of West Virginia, 1931, as amended, relating to increasing a fee added to the usual court costs of all criminal proceedings; and increasing fee added to the amount of any cash or property bond posted for violation of any criminal law, the proceeds of which are dedicated to the funding of training, professional development, and certification programs for law-enforcement officers and to paying the expenses of the Law Enforcement Professional Standards Subcommittee"; which was referred to the Committee on the Judiciary 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. 549 - "A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to equalizing the criminal penalties for intimidating and retaliating against public officers and employees, jurors, and witnesses; increasing penalty for intimidation of such persons to a felony; and establishing criminal penalties"; 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. 576 - "A Bill to amend and reenact §29-12D-1a of the Code of West Virginia, 1931, as amended; and to amend and reenact §59-1-11 and §59-1-28a of said code, all relating to the Patient Injury Compensation Fund; changing the dates for collection of fees to be deposited in the Patient Injury Compensation Fund; updating definitions; providing for transfer of remaining funds; and changing the amount of certain circuit clerk filing fees"; which was referred to the Committee on the Judiciary then Finance.

Resolutions Introduced

Delegates Statler, Maynard, Cooper, Jennings, Sypolt, R. Miller, Fast, Lovejoy, Love, Ambler and Adkins offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 84 - "Requesting the Department of Health and Human Resources and the Bureau for Medical Services review and update Medicaid reimbursement rates for ground and air ambulance services."

Whereas, West Virginia Ambulance squads are dedicated to providing the utmost health care to the citizens of West Virginia. West Virginia Ambulance squads are often the first to respond to scenes of accidents and medical emergencies to provide life-saving care and transport in times of need and West Virginia ambulance agencies are critical to the state's response to the declared national emergency related to opioid and other drug overdoses often administering lifesaving care; and

Whereas, The state's rural population and mountain topography make it difficult and increasingly costly to maintain rapid emergency response and most ambulance agencies in West Virginia receive minimal funding from state, county, and local governments to support their services. Ambulance squads are dependent on reimbursement by payers such as Medicaid, Medicare and commercial health insurance to maintain emergency medical coverage in West Virginia; and

Whereas, Medicaid medical reimbursements for ground ambulance services have not been increased in over 17 years. The rates for reimbursements paid by Medicaid for ground ambulance services are generally used by other health benefit payors in setting their own allowable reimbursement rates and, therefore, the failure to adjust Medicaid reimbursement rates unnaturally depresses coverage for the reasonable costs of all ambulance transport; and

Whereas, In that 17-year period ambulance agencies have experienced significant increases in all costs of service delivery including fuel, liability insurance, workers' compensation, required medical supplies and equipment, employee compensation and other expenses since the last Medicaid ambulance rate increase. Over 70 ambulance agencies have closed in the last 10 years, many citing rising costs and low Medicaid reimbursement rates as reasons for their closure; and additional ambulance agencies currently face closure without additional funding; slowing response times and access to critical emergency medical care in rural, medically underserved communities; therefore, be it,

Resolved by the Legislature of West Virginia:

That the Department of Health and Human Resources and the Bureau for Medical Services review and update Medicaid reimbursement rates for ground and air ambulance services; and, be it

Further Resolved, That the Department of Health and Human Resources and the Bureau for Medical Services report to the House Government Organization Committee, the findings of their rate review for providers of ground and air ambulance services by June 1, 2018; and, be it

Further Resolved, That the Department of Health and Human Resources and the Bureau for Medical Services establish a process to thereafter review on an annual basis the rates paid for ambulance services to ensure rates are adequate to maintain vital emergency medical services for the citizens and taxpayers of West Virginia; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Department of Health and Human Resources and the Bureau for Medical Services.

Delegates Howell, Capito, Criss, Espinosa, A. Evans, Fast, Gearheart, Hamrick, Hill, Martin, Moore, Pack, Rowan, Statler, Storch and Westfall offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 85 - "Requesting the legislatures and departments of transportation of Maryland, Pennsylvania and Virginia to endorse and pursue the construction of a new four-lane, limited access highway, extending Interstate Highway 99 from its present terminus at Bedford, Pennsylvania, to Covington, Virginia."

Whereas, Communities located along the route of United States Highway Route 220 in Pennsylvania, Maryland, West Virginia, and Virginia, have enjoyed the benefit of access to a federal highway, but have become underserved as higher-quality, dedicated transportation corridors have developed in other areas; and

Whereas, U.S. Highway 220 does not meet the engineering and access standards of an interstate highway and, due to its outdated standards, it has become an impediment to growth and development along its path; and

Whereas, Modern, limited-access highways with east-west routings are now reaching this region, there is no comparable north-south route available to the people of these areas of Pennsylvania, Maryland, West Virginia, and Virginia; and

Whereas, The nearest north-south interstate highway, Interstate 81, is overcrowded and suffers from dangerous traffic loads and frequent traffic back-ups; and

Whereas, Interstate 81 has been the subject of multiple proposals and research to alleviate this traffic load, including proposals to build extra lanes or separate, dedicated routes for truck traffic; and

Whereas, Construction of modifications to Interstate 81 would involve significant expense with relatively little additional benefit to the areas through which it passes; and

Whereas, The construction of a north-south oriented interstate highway along the general path of the current U.S. Highway 220 would both alleviate the traffic load on Interstate 81 and provide a path for the development of potentially productive regions in the states concerned; therefore, be it

Resolved by the Legislature of West Virginia:

That the legislatures and departments of transportation of Maryland, Pennsylvania, and Virginia are hereby requested to endorse and pursue the construction of a new four-lane, limited access highway, extending Interstate Highway 99 from its present terminus at Bedford, Pennsylvania, to Covington, Virginia.

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the West Virginia Division of Highways, to the Secretary of the Maryland Department of Transportation, the Secretary of the Pennsylvania Department of Transportation, and the Commissioner of the Virginia Department of Transportation.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

H. C. R. 2, U. S. Marine Corps PFC James Ralph Heeter Memorial Bridge,

H. C. R. 4, U. S. Army SPC4 Gary Wayne Morgan Memorial Bridge,

H. C. R. 9, U. S. Air Force Major Neil L. Ferrell Memorial Bridge,

H. C. R. 25, U. S. Army SPC David A. Hess Memorial Bridge,

H. C. R. 35, USMC LCpl George W. Henry, Jr. Memorial Bridge,

H. C. R. 61, U. S. Army PFC Cornelious Wiley Memorial Bridge,

H. C. R. 65, U. S. Army CPL George Browning Memorial Road,

And,

H. C. R. 68, U. S. Army SGT Douglas Thompson Memorial Road.

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

Third Reading

Com. Sub. for H. B. 2889, Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer; 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. 214**), 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 Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2889) 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. 4214, Increasing penalties for unlawfully possessing or digging ginseng; 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. 215**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk, Gearheart, Isner, McGeehan, Moore, Upson and Wilson.

Absent and Not Voting: Deem and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4214) 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. 4444, Clarifying the authority of the State Fire Commission in adopting a state building code; 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. 216**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Deem and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4444) 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. 4465, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; 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. 217**), 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 Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4465) 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. 4481, Relating to mandatory inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, nursing; 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. 218**), 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, Fleischauer and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4481) 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. 4539, Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses; on third reading, coming up in regular order, was read a third time.

Delegate R. Miller requested to be excused from voting on the passage of H. B. 4539 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 219**), 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 Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4539) 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. 4546, Relating to where an application for a marriage license may be made; 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. 220**), 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 Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4546) 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. 4550, Providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists; 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. 221**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Caputo, Eldridge, Miley, Sobonya, Summers, Wagner and Ward.

Absent and Not Voting: Deem and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4550) passed.

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

Second Reading

Com. Sub. for H. B. 2982, Relating to allowing Powerball, Mega Millions and Hot Lotto ticket winners to remain anonymous; 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. 4014, Relating to reorganization of the West Virginia Department of Health and Human Resources; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page twenty-three, by striking out all of §5F-1-2 and inserting new §5F-1-2 to read as follows:

“§5F-1-2. Executive departments created; offices of secretary created.

(a) There are created, within the executive branch of the state government, the following departments:

- (1) Department of Administration;
- (2) Department of Education and the Arts;
- (3) Department of Environmental Protection;
- (4) Department of Health and Human Resources;
- (5) Effective July 1, 2018, Department of Healthcare Facilities;
- (6) Effective July 1, 2018, Office of the Inspector General;
- ~~(5)~~ (7) Department of Military Affairs and Public Safety;
- ~~(6)~~ (8) Department of Revenue;
- ~~(7)~~ (9) Department of Transportation;
- ~~(8)~~ (10) Department of Commerce; and
- ~~(9) Effective July 1, 2014~~ (11) Department of Veterans' Assistance.

(b) Each department will be headed by a secretary appointed by the Governor with the advice and consent of the Senate. Each secretary serves at the will and pleasure of the Governor.

(c) Effective July 1, 2018, unless the context indicates otherwise, any reference in this code to the Secretary of the Department of Health and Human Resources shall be and refer to the secretary of the department which has control over the functions referenced in any section, article of chapter of this code which had previously been granted to the Secretary of the Department of Health and Human Resources.

(d) Effective July 1, 2018, unless the context indicates otherwise any reference to any powers, duties, functions or responsibility set forth in this code of the Secretary of the Department of Health and Human Resources shall transfer and become the powers, duties, functions and responsibility of the secretary which has either expressly been granted that power, duty, function or responsibility in any section, article or chapter of this code that power, duty, function or responsibility would logically

be within the Department of Health Care Facilities and over which the appropriate secretary has control.”

And,

On page twenty-five, by striking out §5F-2-1 in its entirety and inserting a new §5F-2-1 to read as follows:

“§5F-2-1. Transfer and incorporation of agencies and boards; funds.

(a) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Administration:

- ~~(1)~~ Building Commission provided in ~~§5-6-1 et seq.~~ of this code;
- ~~(2)~~ (1) Public Employees Insurance Agency provided in §5-16-1 *et seq.* of this code;
- ~~(3)~~ (2) Governor’s Mansion Advisory Committee provided in §5A-5-1 *et seq.* of this code;
- ~~(4)~~ (3) Commission on Uniform State Laws provided in §29-1A-1 *et seq.* of this code;
- ~~(5)~~ (4) West Virginia Public Employees Grievance Board provided in §6C-3-1 *et seq.* of this code;
- ~~(6)~~ (5) Board of Risk and Insurance Management provided in §29-12-1 *et seq.* of this code;
- ~~(7)~~ (6) Boundary Commission provided in §29-23-1 *et seq.* of this code;
- ~~(8)~~ (7) Public Defender Services provided in §29-21-1 *et seq.* of this code;
- ~~(9)~~ (8) Division of Personnel provided in §29-6-1 *et seq.* of this code;
- ~~(10)~~ (9) The West Virginia Ethics Commission provided in §6B-2-1 *et seq.* of this code;
- ~~(11)~~ (10) Consolidated Public Retirement Board provided in §5-10D-1 *et seq.* of this code; and
- ~~(12)~~ (11) Real Estate Division provided in §5A-10-1 *et seq.* of this code.

(b) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Commerce:

(1) Division of Labor provided in §21-1-1 *et seq.* of this code, which includes:

(A) Occupational Safety and Health Review Commission provided in §21-3A-1 *et seq.* of this code; and

(B) Board of Manufactured Housing Construction and Safety provided in §21-9-1 *et seq.* of this code.

(2) Office of Miners’ Health, Safety and Training provided in §22A-1-1 *et seq.* of this code. The following boards are transferred to the Office of Miners’ Health, Safety and Training for purposes of administrative support and liaison with the Office of the Governor:

(A) Board of Coal Mine Health and Safety and Coal Mine Safety and Technical Review Committee provided in §22A-6-1 *et seq.* of this code;

(B) Board of Miner Training, Education and Certification provided in §22A-7-1 *et seq.* of this code; and

(C) Mine Inspectors' Examining Board provided in §22A-9-1 *et seq.* of this code.

(3) The West Virginia Development Office provided in §5B-2-1 *et seq.* of this code;

(4) Division of Natural Resources and Natural Resources Commission provided in §20-1-1 *et seq.* of this code;

(5) Division of Forestry provided in §19-1A-1 *et seq.* of this code;

(6) Geological and Economic Survey provided in §29-2-1 *et seq.* of this code; and

(7) Workforce West Virginia provided in chapter 21A of this code, which includes:

(A) Division of Unemployment Compensation;

(B) Division of Employment Service;

(C) Division of Workforce Development; and

(D) Division of Research, Information and Analysis.

(8) ~~Division~~ Office of Energy, within the Development Office, provided in §5B-2F-1 *et seq.* of this code.

(9) ~~Division of Tourism~~ West Virginia Tourism Office and Tourism Commission provided in §5B-2I-1 *et seq.* of this code;

(c) The Economic Development Authority provided in §31-15-1 *et seq.* of this code is continued as an independent agency within the executive branch.

(d) The Water Development Authority and the Water Development Authority Board provided in §22C-1-1 *et seq.* of this code is continued as an independent agency within the executive branch.

(e) The following agencies and boards, including all of the allied, advisory and affiliated entities, are transferred to the Department of Environmental Protection for purposes of administrative support and liaison with the office of the Governor:

(1) Air Quality Board provided in §22B-2-1 *et seq.* of this code;

(2) Solid Waste Management Board provided in §22C-3-1 *et seq.* of this code;

(3) Environmental Quality Board, or its successor board, provided in §22B-3-1 *et seq.* of this code;

(4) Surface Mine Board provided in §22B-4-1 *et seq.* of this code;

(5) Oil and Gas Inspectors' Examining Board provided in §22C-7-1 *et seq.* of this code;

(6) Shallow Gas Well Review Board provided in §22C-8-1 *et seq.* of this code; and

(7) Oil and Gas Conservation Commission provided in §22C-9-1 *et seq.* of this code.

(f) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Education and the Arts:

(1) Library Commission provided in §10-1-1 *et seq.* of this code;

(2) Division of Culture and History provided in §29-1-1 *et seq.* of this code; and

(3) Division of Rehabilitation Services provided in §18-10A-1 *et seq.* of this code.

(g) The Educational Broadcasting Authority provided in §10-5-1 *et seq.* of this code is part of the Department of Education and the Arts for the purposes of administrative support and liaison with the office of the Governor.

(h) Effective July 1, 2018, the following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Health and Human Resources:

~~(1) Human Rights Commission provided in article eleven, chapter five of this code;~~

~~(2) Division of Human Services provided in article two, chapter nine of this code;~~

~~(3) Bureau for Public Health provided in article one, chapter sixteen of this code;~~

~~(4) Office of Emergency Medical Services and the Emergency Medical Service Advisory Council provided in article four-c, chapter sixteen of this code;~~

~~(5) Health Care Authority provided in article twenty-nine-b, chapter sixteen of this code;~~

~~(6) Commission on Mental Retardation provided in article fifteen, chapter twenty-nine of this code;~~

~~(7) Women's Commission provided in article twenty, chapter twenty-nine of this code; and~~

~~(8) (1) The Bureau for Child Support Enforcement Division provided in §48-1-1 et seq. of this code.~~

(2) Bureau for Public Health provided in §16-1-1 et seq. of this code.

(3) Bureau for Medical Services provided in §9-1-1 et seq. of this code

(4) Bureau for Behavioral Health provided in §27-2-1 et seq. of this code;

(5) Bureau for Child and Family Services provided in §49-1-1 et seq. of this code,

(6) The Office of Drug Control Policy provided in §16-5T-1 et seq. of this code;

(7) Health Care Authority provided in §16-29B-1 et seq. of this code;

(8) Commission on Intellectual Disability provided in §29-15-1 et seq. of this code;

(9) Human Rights Commission provided in §5-11-1 et seq. of this code;

(10) Women's Commission provided in §29-20-1 et seq. of this code;

(11) Children's Health Insurance Program provided in §5-16B-1 et seq. of this code.

(i) Effective July 1, 2018, the following state owned and operated facilities, including all of the allied, advisory, affiliated or related entities and funds associated with any facility, are incorporated in and administered as a part of the Department of Healthcare Facilities:

(1) The Welch Community Hospital;

(2) William R. Sharpe, Jr. Hospital;

(3) Mildred-Mitchell Bateman Hospital;

(4) Hopemont Hospital;

(5) John Manchin Health Care Center;

(6) Lakin Hospital;

(7) Jackie Withrow Hospital; and

(8) The West Virginia Children's Home.

(j) Effective July 1, 2018, the following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any facility, are incorporated in and administered as a part of the Office of the Inspector General:

(1) The Office of Health Facility Licensure as set forth in §5-30A-1 et seq.;

(2) The Medicaid Fraud Unit as set forth in §5-30B-1 et seq.; and

(3) Clearance for Access: Registry and Employment Screening Act as set forth in §5-30C-1 et seq. of this code.

(k) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Military Affairs and Public Safety:

(1) Adjutant General's Department provided in §15-1A-1 et seq. of this code;

(2) State Armory Board provided in §15-6-1 et seq. of this code;

(3) Military Awards Board provided in §15-1G-1 et seq. of this code;

(4) West Virginia State Police provided in §15-2-1 et seq. of this code;

(5) Division of Homeland Security and Emergency Management and Disaster Recovery Board provided in §15-5-1 et seq. of this code and Emergency Response Commission provided in §15-5A-1 et seq. of this code;

(6) Sheriffs' Bureau provided in §15-8-1 *et seq.* of this code;

(7) Division of Justice and Community Services provided in §15-9A-1 *et seq.* of this code;

(8) Division of Corrections provided in chapter 25 of this code;

(9) Fire Commission provided in §29-3-1 *et seq.* of this code;

(10) Regional Jail and Correctional Facility Authority provided in §31-20-1 *et seq.* of this code;
and

(11) Board of Probation and Parole provided in §62-12-1 *et seq.* of this code.

~~(j)~~ (l) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Revenue:

(1) Tax Division provided in chapter 11 of this code;

(2) Racing Commission provided in §19-23-1 *et seq.* of this code;

(3) Lottery Commission and position of Lottery Director provided in §29-22-1 of this code;

(4) Insurance Commissioner provided in §33-2-1 *et seq.* of this code;

(5) West Virginia Alcohol Beverage Control Commissioner provided in §11-16-1 *et seq.* of this code and §60-2-1 *et seq.* of this code;

(6) Board of Banking and Financial Institutions provided in §31A-3-1 *et seq.* -one-a of this code;

(7) Lending and Credit Rate Board provided in chapter 47A of this code;

(8) Division of ~~Banking~~ Financial Institutions provided in §31A-2-1 *et seq.* of this code;

(9) The State Budget Office provided in ~~article two of this chapter~~ §11B-2-1 *et seq.* of this code;

(10) The Municipal Bond Commission provided in §13-3-1 *et seq.* of this code;

(11) The Office of Tax Appeals provided in §11-10A-1 of this code; and

(12) The State Athletic Commission provided in §29-5A-1 *et seq.* of this code.

~~(k)~~ (m) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Transportation:

(1) Division of Highways provided in §17-2A-1 *et seq.* of this code;

(2) Parkways, ~~Economic Development and Tourism~~ Authority provided in §17-16A-1 *et seq.* of this code;

(3) Division of Motor Vehicles provided in §17A-2-1 *et seq.* of this code;

- (4) Driver's Licensing Advisory Board provided in §17B-2-1 *et seq.* of this code;
- (5) Aeronautics Commission provided in §29-2A-1 *et seq.* of this code;
- (6) State Rail Authority provided in §29-18-1 *et seq.* of this code; and
- (7) Public Port Authority provided in §17-16B-1 *et seq.* of this code.

~~(t)~~ (n) ~~Effective July 1, 2011,~~ The Veterans' Council provided in §9A-1-1 *et seq.* of this code, including all of the allied, advisory, affiliated or related entities and funds associated with it, is incorporated in and administered as a part of the Department of Veterans' Assistance.

~~(m)~~ (o) Except for powers, authority and duties that have been delegated to the secretaries of the departments by the provisions of §5F-2-2 of this code, the position of administrator and the powers, authority and duties of each administrator and agency are not affected by the enactment of this chapter.

~~(n)~~ (p) Except for powers, authority and duties that have been delegated to the secretaries of the departments by the provisions of §5F-2-2 of this code, the existence, powers, authority and duties of boards and the membership, terms and qualifications of members of the boards are not affected by the enactment of this chapter. All boards that are appellate bodies or are independent decision makers shall not have their appellate or independent decision-making status affected by the enactment of this chapter.

~~(o)~~ (q) Any department previously transferred to and incorporated in a department by prior enactment of this section means a division of the appropriate department. Wherever reference is made to any department transferred to and incorporated in a department created in §5F-1-2 of this code, the reference means a division of the appropriate department and any reference to a division of a department so transferred and incorporated means a section of the appropriate division of the department.

~~(p)~~ (r) When an agency, board or commission is transferred under a bureau or agency other than a department headed by a secretary pursuant to this section, that transfer is solely for purposes of administrative support and liaison with the Office of the Governor, a department secretary or a bureau. Nothing in this section extends the powers of department secretaries under §5F-2-2 of this code to any person other than a department secretary and nothing limits or abridges the statutory powers and duties of statutory commissioners or officers pursuant to this code."

Delegate Sponaugle moved to amend the bill on page four, section three, lines twenty-six and twenty-seven, by striking out the words "and/or the Attorney General".

On pages seven and eight, section eight, lines ten through twenty-four, following the period on line ten, by striking out the remainder of subsection (b) and subsections (c), (d) and (e), and re-lettering the subsequent subsections accordingly.

On page eight, section eight, line thirty-four, by striking out the words "or the Attorney General"

And,

On page thirteen, section three, line four, by striking out the words "the Attorney General and".

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

The yeas and nays having been ordered, they were taken (**Roll No. 222**), and there were—yeas 44, nays 54, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Cooper, Cowles, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, McGeehan, Miley, R. Miller, Moyer, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Wagner, Ward, White, Williams and Wilson.

Absent and Not Voting: Deem and Kessinger.

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

There being no further amendments, the bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 4016, Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency; 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. 4154, Establishing the 2018 Regulatory Reform Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Howell and Hanshaw, the bill was amended on page three, section four, after line ten, by inserting a new subsection, designated subsection (c), to read as follows:

“(c) The Development Office may not impose any costs on the applicant filing the request for a certificate of critical economic concern.”

And re-lettering the remaining subsections.

And,

On page four, section five, after line six, by inserting a new subsection, designated subsection (d), to read as follows:

“(d) The state agency may not charge the applicant any fees related to the application for a project in which the applicant files a certificate of economic concern with the state agency with the completed permit application.”

And,

On page five, by striking out section eight in its entirety and inserting a new section eight, to read as follows:

“§5B-8-8. Permit complaints.

(a) The West Virginia Development Office shall establish a telephone hotline which permit applicants may utilize to contact the Office when a state agency has not timely acted upon a permit application. The Development Office shall contact the relevant state agency within one business day of receiving the call and forward the complaint. The relevant state agency shall contact the applicant within two business days after receiving notice from the Development Office and notify the Development Office that it has contacted the applicant.

(b) The Development Office shall annually report to the Governor and Joint Committee on Government and Finance a summary of calls, broken down by agency or subdivision.

(c) The Development Office shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* to effectuate the provisions of this section.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4158, Relating to municipal home rule; on second, was reported by the Clerk.

Delegate Cowles asked and obtained unanimous consent that the bill be placed at the foot of bills on second reading.

Com. Sub. for H. B. 4166, Establishing a special revenue fund to be known as the “Capital Improvements Fund — Department of Agriculture Facilities”; 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. 4187, Business Liability Protection Act; on second reading, coming up in regular order, was read a second time.

Delegates Shott and Byrd moved to amend the bill on page four, section fourteen, after line eighty-one, by inserting a new paragraph, designated paragraph five, to read as follows:

“(5) The prohibitions of subsection (d) of this section do not apply to property owned or leased by a chemical manufacturer or oil and gas refiner on which the primary business conducted is the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials, and which property:

(i) Contains the physical plant;

(ii) Is not open to the public;

(iii) Is secured by a fence or other barrier;

(iv) Access is restricted through the use of a gate, security station or other means which is constantly monitored by security personnel; and

(v) Where the employer provides alternative parking reasonably close to the primary parking area at no additional cost to those employees who transport or store firearms in their locked vehicles.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 223**), and there were—yeas 22, nays 76, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Ambler, Anderson, Atkinson, Byrd, Capito, Cooper, Criss, Ellington, Fleischauer, Hollen, Hornbuckle, Jennings, Kelly, Lane, Longstreth, Nelson, Pushkin, Pyles, Shott, Statler, Wagner and Westfall.

Absent and Not Voting: Deem and Kessinger.

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

Delegate Pushkin moved to amend the bill on page three, section fourteen, line forty-seven, after the word “superintendent”, by striking out the period and inserting in lieu thereof a colon and the following proviso: “*Provided further, That no spiritual assembly, church or religious organization as provided in section §48-2-401 of the code is required to allow employees or others to have firearms in any parking area of a spiritual assembly, church or religious organization when possession of those firearms does not conform to the spiritual assembly, church or religious organizations sincerely held religious beliefs.*”

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

The yeas and nays having been ordered, they were taken (**Roll No. 224**), and there were—yeas 14, nays 84, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Bates, Byrd, Fast, Fleischauer, Fluharty, Hornbuckle, Lane, Longstreth, Pushkin, Pyles, Rowe, Shott, Sypolt and Williams.

Absent and Not Voting: Deem and Kessinger.

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

Delegate Pushkin moved to amend the bill on page three, section fourteen, line fifty-seven, after the word “invitee”, by striking out the comma and the word “either”.

On page three, section fourteen, lines fifty-eight and fifty-nine, by striking out subparagraph (A) in its entirety.

And,

On page three, section fourteen, line sixty, by striking out “(B) By” and inserting in lieu thereof the word “by”.

And re-lettering the remaining subparagraphs accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 225**), and there were—yeas 5, nays 93, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Fleischauer, Lane, Pushkin, Pyles and Rowe.

Absent and Not Voting: Deem and Kessinger.

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

On motion of Delegate Hanshaw, the bill was amended on page three, section fourteen, line thirty-eight, by striking out “§61-7-6(a)(3) through §61-7-6(a)(7)” and inserting in lieu thereof “§61-7-6(a)(5) through §61-7-6(a)(7) and §61-7-6(a)(9) through §61-7-6(a)(10)”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4218, Relating to medical professional liability; 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. 4238, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan; on second reading, coming up in regular order, was read a second time.

Delegate Hamrick moved to amend the bill on page two, section three, line twenty-eight, after the word “compensation”, by striking out the period and inserting in lieu thereof a colon and the following proviso: “*Provided, however,* That any joint written agreement affecting a regional airport shall require the approval of the regional airport’s governing body to be effective.”

Delegate Barrett requested to be excused from voting on the amendment to Com. Sub. for H. B. 4238 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Member from voting on questions regarding the bill.

The amendment was subsequently adopted.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4309, Restricting the sale and trade of dextromethorphan; 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. 4394, Relating to forest fires; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hanshaw, the bill was amended on page three, section five-a, line two, by striking out the word “or” and inserting in lieu thereof a comma.

And,

On page three, section five-a, line three, after the word “Resources” by inserting a comma and the words “or the United States Forest Service”.

The bill was then ordered to engrossment and third reading.

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

H. B. 4486, Relating to persons required to obtain a license to engage in the business of currency exchange; 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. 4509, Relating to the establishment of substance abuse treatment facilities; 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. 4623, Relating to obtaining substance abuse treatment services; on second reading, coming up in regular order, was read a second time.

Delegates Pushkin, Longstreth and Fleischauer moved to amend the bill on page one, section four, lines eleven and twelve, by striking out subsection (d) in its entirety.

And,

On page two, by striking out section eleven in its entirety.

The question before the House being the adoption of the amendment, the same was put and did not prevail.

Delegates Pushkin and Fleischauer moved to amend the bill on page three, section three, line fourteen, by striking out the words "may be fined no more than \$500 and".

The question before the House being the adoption of the amendment, the same was put and did not prevail.

On motion of Delegates Fleischauer, Longstreth and Pushkin the bill was amended on page one, section five, after line six, by inserting a new subsection, designated subsection (c), to read as follows:

"(c) Drug screenings accompanied by a brief intervention and referral and treatments administered pursuant to this section may be provided in a primary care setting including maternity care provider offices and any primary care private medical practice. Counseling for persons testing positive may be provided by a licensed certified masters level provider in any primary care setting, including maternity care provider offices and any private medical practice. The services provided pursuant to this subsection shall be included as a covered benefit under the Bureau of Medical Services. Any negative sanctions contained in this article shall not apply to persons complying with the provisions of this section and section four of this article."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4158, Relating to municipal home rule; on second reading, having been postponed in earlier proceedings, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, the bill was postponed one day.

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. 2008, Relating to the Dealer Recovery Program,

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

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

Com. Sub. for H. B. 4217, Permitting an attending physician to obtain a patient's autopsy report,

Com. Sub. for H. B. 4336, Updating the schedule of controlled substances,

Com. Sub. for H. B. 4345, Relating to limitations on permits for growers, processors and dispensaries of medical cannabis,

Com. Sub. for H. B. 4357, West Virginia Small Wireless Facilities Deployment Act,

Com. Sub. for H. B. 4392, Relating to Medicaid subrogation liens of the Department of Health and Human Resources,

Com. Sub. for H. B. 4447, Providing for a uniform and efficient system of broadband conduit installation,

Com. Sub. for H. B. 4455, Relating to the animal abuse,

Com. Sub. for H. B. 4490, Relating to oil and gas permits not to be on flat well royalty leases,

Com. Sub. for H. B. 4524, Establishing guidelines for the substitution of certain biological pharmaceuticals,

H. B. 4529, Relating to oath by municipal official certifying list of delinquent business and occupation taxes,

Com. Sub. for H. B. 4558, Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office,

Com. Sub. for H. B. 4563, Relating to the severance tax on oil and gas produced from low producing wells,

Com. Sub. for H. B. 4571, Relating to the final day of filing announcements of candidates for a political office,

Com. Sub. for H. B. 4603, Providing immunity from civil liability to facilities and employees providing crisis stabilization,

H. B. 4626, Relating to West Virginia innovative mine safety technology tax credit act,

H. B. 4627, Relating to providing a limitation on the eminent domain authority of a municipal park board,

And,

H. B. 4628, Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019.

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. 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,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (H. B. 2114) was taken up for immediate consideration, read a first time and ordered to second reading.

Leaves of Absence

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

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegate Iaquina regarding the death of Coach Wayne Jamison in the Appendix to the Journal.

At 1:58 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 27, 2018.

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

SPECIAL CALENDAR

Tuesday, February 27, 2018

49th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2982 - Relating to allowing draw games 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 (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4016 - Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4154 - Establishing the 2018 Regulatory Reform Act (SHOTT) (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. 4238 - Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan (HOWELL) (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)

Com. Sub. for H. B. 4623 - Relating to obtaining substance abuse treatment services (ELLINGTON) (REGULAR)

SECOND READING

Com. Sub. for H. B. 2008 - Relating to the Dealer Recovery Program (NELSON) (REGULAR)

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 (SHOTT) (REGULAR)

Com. Sub. for H. B. 4036 - Increasing the maximum salaries of family case coordinators and secretary-clerks (SHOTT) (REGULAR)

H. B. 4153 - Imposing a health care related provider tax on certain health care organizations (NELSON) (REGULAR)

Com. Sub. for H. B. 4158 - Relating to municipal home rule (HOWELL) (REGULAR)

Com. Sub. for H. B. 4217 - Permitting an attending physician to obtain a patient's autopsy report (SHOTT) (REGULAR)

Com. Sub. for H. B. 4235 - Permitting full-time nonresident students attending an in-state college or university to purchase lifetime resident hunting, trapping, and fishing licenses (NELSON) (REGULAR)

Com. Sub. for H. B. 4336 - Updating the schedule of controlled substances (SHOTT) (REGULAR)

Com. Sub. for H. B. 4338 - Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety (NELSON) (JULY 1, 2018)

Com. Sub. for H. B. 4345 - Relating to limitations on permits for growers, processors and dispensaries of medical cannabis (SHOTT) (REGULAR)

Com. Sub. for H. B. 4357 - West Virginia Small Wireless Facilities Deployment Act (NELSON) (REGULAR)

- Com. Sub. for H. B. 4392 - Relating to Medicaid subrogation liens of the Department of Health and Human Resources (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4431 - Establishing the Mountaineer Trail Network Recreation Authority (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4447 - Providing for a uniform and efficient system of broadband conduit installation (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4455 - Relating to animal abuse (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4490 - Relating to oil and gas permits not to be on flat well royalty leases (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4524 - Establishing guidelines for the substitution of certain biological pharmaceuticals (SHOTT) (REGULAR)
- H. B. 4529 - Relating to oath by municipal official certifying list of delinquent business and occupation taxes (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4558 - Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office (NELSON) (REGULAR)
- Com. Sub. for H. B. 4563 - Relating to the severance tax on oil and gas produced from low producing wells (NELSON) (REGULAR)
- Com. Sub. for H. B. 4571 - Relating to the final day of filing announcements of candidates for a political office (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4603 - Providing immunity from civil liability to facilities and employees providing crisis stabilization (SHOTT) (REGULAR)
- H. B. 4626 - Relating to West Virginia innovative mine safety technology tax credit act (NELSON) (REGULAR)
- H. B. 4627 - Relating to providing a limitation on the eminent domain authority of a municipal park board (SHOTT) (REGULAR)
- H. B. 4628 - Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019 (NELSON) (REGULAR)
- H. B. 4629 - Relating to broadband enhancement and expansion policies generally (SHOTT) (REGULAR)

HOUSE CALENDAR

Tuesday, February 27, 2018

49th 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. 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. 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) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)

Com. Sub. for H. B. 4494 - Authorizing certain motor vehicle manufacturers to operate as new car dealers (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, FEBRUARY 27, 2018

**AGRICULTURE & NATURAL RESOURCES
8:30 A.M. – ROOM 215E**

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

**COMMITTEE ON ENERGY
2:00 P.M. – ROOM 418M**

**PENSIONS & RETIREMENT
4:00 P.M. – ROOM 460M**

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