

**JOURNAL**  
**OF THE**  
**HOUSE OF DELEGATES**  
**EIGHTY-THIRD**  
**LEGISLATURE**  
**OF**  
**WEST VIRGINIA**



**VOLUME I**  
**REGULAR SESSION, 2018**

WEST VIRGINIA HOUSE OF DELEGATES  
**HONORABLE TIM ARMSTEAD**  
SPEAKER OF THE HOUSE

\*\*\*\*\*

COMPILED AND PUBLISHED  
UNDER THE DIRECTION  
OF

**STEPHEN J. HARRISON**  
CLERK OF THE HOUSE



**CLERK'S OFFICE LEGISLATIVE GROUP**

Bo Hoover  
Assistant Clerk/Parliamentarian

Robert Altmann                      Lynn Lewis  
Anne Landgrebe                      Lori Skull

\*\*\*\*\*

# TABLE OF CONTENTS

## VOLUME I

Members and officers of the House of Delegates .....	V
Members and officers of the Senate.....	IX
Standing committees of the House.....	XI
Standing committees of the Senate .....	XVII
Schedule showing legislative and calendar days.....	XXI
Journal of proceedings	
(Regular Session, 2018) Vol. I .....	1
(Regular Session, 2018) <i>See</i> Vol. II .....	1229
(Regular Session, 2018) <i>See</i> Vol. III .....	2213
(First Extraordinary Session, 2018) <i>See</i> Vol. III .....	2987
Index .....	3029
(This index is arranged as follows: Delegates, etc., House Bills, House Concurrent Resolutions, House Joint Resolutions, House Resolutions, Senate Bills, Senate Concurrent Resolutions and Senate Joint Resolutions.)	
Topical Index .....	3221
(This is an index by subject to all House Bills introduced for the Regular Session.)	
Disposition of bills enacted.....	3283
Appendix.....	3293



# MEMBERS OF THE HOUSE

## REGULAR SESSION, 2018

### OFFICERS

*Speaker:* Tim Armstead - Elkview

*Clerk:* Stephen J. Harrison - Cross Lanes

*Sergeant-at-Arms:* Marshall Clay<sup>1</sup> - Fayetteville

*Doorkeeper:* Frank Larese - Belle

Name	District	City	Occupation	Term
<sup>2</sup> Adkins, Chanda (R)	31st	Beckley	Pharmacist	Appt. 2/12/2018, 83rd
Ambler, George (R)	42nd	Ronceverte	Businessman/Educator/Farmer	81st - 83rd
Anderson, Bill (R)	8th	Williamstown	Educator	71st - 83rd
Armstead, Tim (R)	40th	Elkview	Attorney	Appt. 9/5/1998, 73rd; 74th - 83rd
Atkinson III, Martin "Rick" (R)	11th	Reedy	Director of Sales	82nd - 83rd
Barrett, Jason (D)	61st	Martinsburg	Restaurant owner	81st; 83rd
Bates, Mick (D)	30th	Beckley	Physical Therapist/Small Business Owner	82nd - 83rd
Blair, Saira (R)	59th	Martinsburg	Student	82nd - 83rd
Boggs, Brent (D)	34th	Gassaway	Railroad Engineer	73rd - 83rd
Brewer, Scott (D)	13th	New Haven	Union Carpenter	83rd
Butler, Jim (R)	14th	Henderson	Excavating Contractor	81st - 83rd
Byrd, Andrew (D)	35th	South Charleston	Attorney/Small Business Owner	82nd - 83rd
Campbell, Jeff (D)	42nd	Lewisburg	Teacher/Broadcaster	Appt. 10/30/2017, 83rd
Canestraro, Joe (D)	4th	Benwood	Lawyer	83rd
Capito, Moore (R)	35th	Charleston	Attorney	83rd
Caputo, Mike (D)	50th	Rivesville	UMWA, District 31 Vice President	73rd - 83rd
Cooper, Roy (R)	28th	Wayside	Retired U. S. Navy	81st - 83rd
Cowles, Daryl (R)	58th	Berkeley Springs	Businessman	78th - 83rd
Criss, Vernon (R)	10th	Parkersburg	Executive	69th; 83rd
Dean, Mark (R)	21st	Verner	Principal	83rd
Deem, Frank (R)	10th	Vienna	Businessman, Oil and Gas Producer	52nd - 56th (House); 57th - 62nd (Senate); 64th - 65th (Senate); 69th (House); 72nd - 79th (Senate); 82nd - 83rd (House)
Diserio, Phillip W. (D)	2nd	Follansbee	Retired Electrician	81st; 83rd
Eldridge, Jeff (D)	22nd	Alum Creek	Self-Employed	77th - 79th; 81st - 83rd
Ellington, Joe (R)	27th	Princeton	Physician	80th - 83rd
Espinosa, Paul (R)	66th	Charles Town	General Manager, Telecommunications	81st - 83rd
Evans, Allen V. (R)	54th	Petersburg	Businessman/Farmer	70th - 84th
Evans, Ed (D)	26th	Welch	Retired Science Teacher	83rd
Fast, Tom (R)	32nd	Fayetteville	Attorney	82nd - 83rd
Ferro, Michael T. (D)	4th	McMechen	Retired Educator/Coach	79th - 83rd
Fleischauer, Barbara Evans (D)	51st	Morgantown	Attorney/Small Business Owner	72nd - 76th; 78th - 83rd
Fluharty, Shawn (D)	3rd	Wheeling	Attorney	82nd - 83rd
Folk, Michael (R)	63rd	Martinsburg	Airline Pilot/Farmer	81st - 83rd
Foster, Geoff (R)	15th	Winfield	Construction Supply	82nd - 83rd
Frich, Cindy (R)	51st	Morgantown	Sales/Volunteer Home Care	76th - 77th; 81st - 83rd
Gearheart, Marty (R)	27th	Bluefield	Businessman	80th - 83rd
Graves, Dianna (R)	38th	Cross Lanes	Auditor	Appt. 9/19/2017, 83rd
Hamilton, Bill (R)	45th	Buckhannon	Independent Insurance Agency Owner	76th - 83rd
Hamrick, Danny (R)	48th	Lost Creek	Consulting, Media Production	81st - 83rd
Hanshaw, Roger (R)	33rd	Wallback	Attorney	82nd - 83rd
Harshbarger, Jason (R)	7th	Pullman	Natural Gas Storage Project Management	83rd
Hartman, William G. (D)	43rd	Elkins	Retired Independent Insurance Agent	76th - 83rd
Hicks, Kenneth P. (D)	19th	Kenova	Attorney	82nd - 83rd
Higginbotham, Joshua (R)	13th	Poca	Author	83rd
Hill, Jordan C. (R)	41st	Summersville	Human Resources	82nd - 83rd
Hollen, Ray (R)	9th	Elizabeth	Retired USCG, Retired WV State Police	83rd
Hornbuckle, Sean (D)	16th	Huntington	Financial Services Broker	82nd - 83rd

## MEMBERS OF THE HOUSE OF DELEGATES - Continued

Householder, Eric L. (R).....	64th.....	Martinsburg.....	Small Business Owner.....	80th - 83rd
Howell, Gary G. (R).....	56th.....	Keyser.....	Small Business Owner.....	80th - 83rd
Iaquinta II, Richard J. (D).....	48th.....	Clarksburg.....	Teacher/Coach.....	76th - 81st; 83rd
Isner, Phil (D).....	43rd.....	Elkins.....	Attorney.....	83rd
Jennings, D. "Buck" Rolland (R)....	53rd.....	Thornton.....	Self-Employed.....	Appt. 10/10/2017, 83rd
Kelly, John R. (R).....	10th.....	Parkersburg.....	Retired, Chemical Industry.....	82nd - 83rd
Kessinger, Kayla (R).....	32nd.....	Mount Hope.....	Director of Human Resources.....	82nd - 83rd
Lane, Charlotte R. (R).....	35th.....	Charleston.....	Lawyer.....	64th; 67th; 70th; 73rd
Longstreth, Linda (D).....	50th.....	Fairmont.....	Administrator/Educator.....	77th - 83rd
Love, Shirley (D).....	32nd.....	Oak Hill.....	Retired.....	Appt. 8/8/1994, 71st (Senate); 72nd - 78th (Senate); 83rd (House)
Lovejoy, Chad (D).....	17th.....	Huntington.....	Attorney.....	83rd
Lynch, Dana (D).....	44th.....	Webster Springs.....	Retired.....	81st - 83rd
Marcum, Justin (D).....	20th.....	Williamson.....	Attorney.....	Appt. 1/21/2012, 80th; 81st - 83rd
Martin, Patrick S. (R).....	46th.....	Weston.....	Business Owner.....	83rd
Maynard, Zack (R).....	22nd.....	Harts.....	Self-Employed.....	83rd
McGeehan, Pat (R).....	1st.....	Chester.....	Business Sales/Author.....	79th; 82nd - 83rd
Miley, Timothy (D).....	48th.....	Bridgeport.....	Attorney.....	77th - 83rd
Miller, Carol (R).....	16th.....	Huntington.....	Small Business Owner/Buffalo Farmer.....	78th - 83rd
Miller, Rodney (D).....	23rd.....	Madison.....	Retired Sheriff/Executive Director Sheriff's Assn.....	83rd
Moore, Riley (R).....	67th.....	Halltown.....	.....	83rd
Moye, Rick (D).....	29th.....	Crab Orchard.....	Businessman/School Bus Operator.....	78th - 83rd
Nelson, Eric Jr. (R).....	35th.....	Charleston.....	Businessman.....	80th - 83rd
Overington, John (R).....	62nd.....	Martinsburg.....	Public Relations/Former Educator.....	67th - 83rd
<sup>3</sup> Pack, Jeffrey (R).....	28th.....	Cool Ridge.....	Pest Control Technician.....	Appt. 1/10/2018, 83rd
Paynter, Tony (R).....	25th.....	Hanover.....	Truck Driver.....	83rd
Pethtel, Dave (D).....	5th.....	Hundred.....	Educator.....	69th - 71st; 74th - 83rd
Phillips, Rupert Jr. (R).....	24th.....	Lorado.....	Sales Manager.....	80th - 83rd
Pushkin, Mike (D).....	37th.....	Charleston.....	Taxi Driver/Musician.....	82nd - 83rd
Pyles, Rodney A. (D).....	51st.....	Morgantown.....	Retired.....	83rd
Queen, Ben (R).....	48th.....	Bridgeport.....	Media Entrepreneur/Photography.....	83rd
Robinson, Andrew (D).....	36th.....	Charleston.....	Real Estate Appraiser/Broker.....	83rd
Rodighiero, Ralph (D).....	24th.....	Logan.....	UPS Driver.....	78th - 80th; 82nd - 83rd
Rohrbach, Matthew (R).....	17th.....	Huntington.....	Physician.....	82nd - 83rd
Romine, Chuck (R).....	16th.....	Huntington.....	Retired Insurance Agent.....	59th - 61st; 74th; 83rd
Romine, William R. (R).....	6th.....	West Union.....	Retired School Administrator.....	75th - 83rd
Rowan, Ruth (R).....	57th.....	Points.....	Retired Educator.....	77th - 83rd
Rowe, Larry L. (D).....	36th.....	Charleston.....	Attorney.....	73rd - 74th (House) 75th - 76th (Senate) 82nd - 83rd (House)
Shott, John (R).....	27th.....	Bluefield.....	Attorney.....	79th (Resigned and Appt. to Senate 5/19/2010); 81st - 83rd (House)
Sobonya, Kelli (R).....	18th.....	Barboursville.....	Realtor.....	76th - 83rd
Sponaugle, Isaac (D).....	55th.....	Franklin.....	Attorney.....	81st - 83rd
Statler, Joe (R).....	51st.....	Core.....	Retired.....	82nd - 83rd
Storch, Eriikka (R).....	3rd.....	Wheeling.....	Financial Officer.....	80th - 83rd
Summers, Amy (R).....	49th.....	Flemington.....	Registered Nurse.....	82nd - 83rd
Sypolt, Terri Funk (R).....	52nd.....	Kingwood.....	Assessor.....	83rd
Thompson, Robert (D).....	19th.....	Wayne.....	Teacher.....	83rd
Upton, Jill (R).....	65th.....	Charles Town.....	Former Retail Manager.....	82nd - 83rd
Wagner, Danny (R).....	47th.....	Philippi.....	Retired Educator/ Coach.....	82nd - 83rd
<sup>4</sup> Walters, Ron (R).....	39th.....	Charleston.....	Insurance Executive/President.....	71st - 73rd; 75th - 83rd
Ward, Guy (R).....	50th.....	White Hall.....	Fairmont Community Development Partnership.....	83rd
Westfall, Steve (R).....	12th.....	Ripley.....	Insurance Agents.....	81st - 83rd
White, Brad (R).....	36th.....	Charleston.....	Insurance Agent/Owner.....	82nd - 83rd
Williams, John (D).....	51st.....	Morgantown.....	Insurance Sales.....	83rd
Wilson, S Marshall (R).....	60th.....	Gerrardstown.....	Author/Army Officer.....	83rd
Zatezalo, Mark (R).....	1st.....	Weirton.....	Hydrogeologist.....	82nd - 83rd

# MEMBERS OF THE HOUSE OF DELEGATES - Continued

---

<sup>1</sup> Sergeant-at-Arms Marshall Clay resigned April 1, 2018, and Anne Lieberman was elected on May 21, 2018.

<sup>2</sup> Appointed February 12, 2018, to fill the unexpired term of Karen "Lynne" Arvon, who was appointed to the Senate January 23, 2018.

<sup>3</sup> Appointed January 10, 2018, to fill the unexpired term of John O'Neal, who resigned December 22, 2017.

<sup>4</sup> Ron Walters resigned March 9, 2018.

## ROSTER ADDENDUM

(Other Delegates who served during part of period covered by this publication)

Arvon, Karen "Lynne" (R) .....	31st .....	Beckley .....	Medical Sales/Social Services .....	81st - 83rd, resigned January 23, 2018 due to appointment to the Senate. Served in the House during the 2nd and 3rd Extraordinary Sessions of 2017 and the beginning of the 2018 Regular Session.
Malcolm, Sharon Lewis (R) .....	39th .....	Charleston .....	Retired State Employee .....	83rd, appointed March 23, 2018 to fill vacancy of Ron Walters and served in the House during the 1st Extraordinary Session, 2018.





# MEMBERS OF THE SENATE

## REGULAR SESSION, 2018

### OFFICERS

*President:* Mitch Carmichael – Ripley

*Clerk:* Lee Cassis<sup>1</sup> – Charleston

*Sergeant-at-Arms:* Andrew Palmer – Charleston

*Doorkeeper:* Jeffrey Branham – Cross Lanes

Name	District	City	Occupation	Legislative Service
<sup>2</sup> Arvon, Karen “Lynne” (R)	9th	Beckley	Medical Sales/Social Services	81st – 83rd (House); Appt. to Senate 1/23, 2018
Azinger, Mike (R)	3rd	Vienna	Manager, Contractor Group	82nd (House); 83rd
Baldwin, Jr, Stephen (D)	10th	Ronceverte	Minister	83rd (House); Appt. to Senate 10/16/2017, 83rd
Beach, Bob (D)	13th	Morgantown		Appt. 5/1998, 73rd; 75th – 79th (House); 80th – 83rd
Blair, Craig (R)	15th	Martinsburg	Businessman	76th – 79th (House); 79th – 83rd
Boley, Donna (R)	3rd	St. Marys	Retired	Appt. 5/14/1985 67th; 68th – 83rd
Boso, Greg (R)	11th	Summersville	Civil Engineer	82nd – 83rd
Carmichael, Mitch (R)	4th	Ripley	Director of Commercial Sales	75th – 80th (House); 81st – 83rd
Clements, Charles H. (R)	2nd	New Martinsville		77th (House); Appt. 1/2017, 83rd
Cline, Sue (R)	9th	Brenton	Real Estate Agent	Appt. 1/2016, 82nd; 83rd
Drennan, Mark A. (R)	4th	Hurricane	Exec. Director of WV Behavioral Providers Association	Appt. 9/5/2017, 83rd
Facemire, Doug (D)	12th	Sutton	Owner, Grocery Chain	79th – 83rd
Ferns, Ryan (R)	1st	Wheeling	Physical Therapist	80th – 81st (House); 83rd
Gaunch, Ed (R)	8th	Charleston	Retired/Former President/ Insurance	82nd – 83rd
Jeffries, Glenn (D)	8th	Red House	Businessman	83rd
Karnes, Robert (R)	11th	Tallmansville	Information and Technology Field Services	82nd – 83rd
Mann, Kenny (R)	10th	Ballard	Funeral Director	83rd
Maroney, Mike (R)	2nd	Glen Dale	Physician	83rd
Maynard, Mark (R)	6th	Genoa	Automobile Dealer	82nd – 83rd
Ojeda, Richard II (D)	7th	Holden	Retired US Army/JROTC Instructor	83rd
Palumbo, Corey (D)	17th	Charleston	Attorney	76th – 78th (House); 79th – 83rd
Plymale, Robert (D)	5th	Huntington	Businessman	71st – 83rd
Prezioso, Roman (D)	13th	Fairmont	Administrator	69th – 73rd (House); 73rd – 83rd
Romano, Mike (D)	12th	Clarksburg	Attorney/CPA	82nd – 83rd
Rucker, Patricia (R)	16th	Harpers Ferry	Home Schooling Mother	83rd
Smith, Randy (R)	14th	Davis	Coal Miner	81st – 82nd (House); 83rd
Stollings, Ron (D)	7th	Madison	Physician	78th – 83rd
Swope, Chandler (R)	6th	Bluefield	Retired	83rd
Sypolt, Dave (R)	14th	Kingwood	Professional Land Surveyor	78th – 83rd
Takubo, Tom (R)	17th	South Charleston	Physician	82nd – 83rd
Trump, Charles (R)	15th	Berkeley Springs	Lawyer	71st – 78th (House); 82nd – 83rd
Unger, John II (D)	16th	Martinsburg	Businessman/Economic Development	74th – 83rd
Weld, Ryan (R)	1st	Wellsburg	Physical Therapist	82nd – 83rd
Woelfel, Mike (D)	5th	Huntington	Lawyer	82nd – 83rd

<sup>1</sup>Appointed January 6, 2018, to fill the vacancy created by the resignation of the Honorable Clark Barnes, who resigned January 5, 2017, and elected on January 8, 2018, as the 22<sup>nd</sup> Clerk of the Senate.

<sup>2</sup>Appointed January 23, 2018, to fill the vacancy created by the resignation of Jeff Mullens, who resigned on January 12, 2018.

# MEMBERS OF THE SENATE - Continued

## ROSTER ADDENDUM

(Other Senators who served during part of period covered by this publication)

---

---

Mullens, Jeff (R)..... 9th..... Shady Springs ..... Insurance ..... 83<sup>rd</sup>, resigned January 12, 2018.  
Served in the 2<sup>nd</sup> and 3<sup>rd</sup> Extraordinary  
Sessions, 2017 and the beginning of  
the 2018 Regular Session.

HOUSE OF DELEGATES COMMITTEES

**COMMITTEES OF THE HOUSE OF DELEGATES**  
**Regular Session, 2018**

---

**STANDING**

---

**AGRICULTURE AND NATURAL RESOURCES**

A. Evans (*Chair, Agriculture*), Hamilton (*Chair, Natural Resources*), R. Romine (*Vice Chair, Agriculture*), Ambler (*Vice Chair, Natural Resources*), Sponaugle (*Minority Chair, Agriculture*), Rodighiero (*Minority Chair, Natural Resources*), Thompson (*Minority Vice Chair, Agriculture*), Hicks (*Minority Vice Chair, Natural Resources*), Anderson, Atkinson, Cooper, Folk, Hanshaw, Harshbarger, C. Miller, Moore, Overington, Statler, Summers, Wagner, Brewer, Campbell, Eldridge, Love and Lynch.

**BANKING AND INSURANCE**

Frich (*Chair, Banking*), Westfall (*Chair, Insurance*), White (*Vice Chair, Insurance*), Upson (*Vice Chair, Banking*), Marcum (*Minority Chair, Banking*), Hartman (*Minority Chair, Insurance*), Lovejoy (*Minority Vice Chair, Banking*), Robinson (*Minority Vice Chair, Insurance*), Adkins, Capito, Criss, Deem, A. Evans, Householder, Martin, McGeehan, Nelson, C. Romine, Shott, Walters, Bates, Iaquina, Isner, Rowe and Sponaugle.

**EDUCATION**

Espinosa (*Chair*), Statler (*Vice Chair*), Moye (*Minority Chair*), Hornbuckle (*Minority Vice Chair*), Atkinson, Blair, Cooper, Dean, Folk, Higginbotham, Kelly, Rohrbach, R. Romine, Rowan, Upson, Wagner, Westfall, Wilson, Campbell, E. Evans, Hicks, Pyles, Rodighiero, Rowe and Thompson.

## HOUSE OF DELEGATES COMMITTEES

### ENERGY

Anderson (*Chair*), Kelly (*Vice Chair, Oil and Gas*), Zatezalo (*Vice Chair, Coal*), Pethtel (*Minority Chair*), Eldridge (*Minority Vice Chair*), Hamilton, Harshbarger, Higginbotham, Kessinger, Martin, Maynard, Paynter, Phillips, R. Romine, Statler, Storch, Sypolt, Upson, Ward, Boggs, Caputo, Hicks, Lynch, Marcum and Miley.

### ENROLLED BILLS (JOINT)

Hanshaw (*Chair*), Westfall (*Vice Chair*), Lane, Marcum and Pushkin.

### FINANCE

Nelson (*Chair*), Householder (*Vice Chair*), Boggs (*Minority Chair*), Bates (*Minority Vice Chair*), Ambler, Anderson, Butler, Cowles, Ellington, Espinosa, A. Evans, Frich, Gearheart, Hamilton, C. Miller, Storch, Walters, Westfall, Barrett, Hartman, Longstreth, Moye, Pethtel, Rowe and Sponaugle.

### FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES

Statler (*Chair*), Maynard (*Vice Chair*), R. Miller (*Minority Chair*), Lovejoy (*Minority Vice Chair*), Cooper, Deem, Jennings, Sypolt, Ward, Love and Sponaugle.

### GOVERNMENT ORGANIZATION

Howell (*Chair*), Hamrick (*Vice Chair*), Ferro (*Minority Chair*), Diserio (*Minority Vice Chair*), Adkins, Criss, Graves, Hill, Jennings, Martin, Maynard, McGeehan, Pack, Paynter, C. Romine, Sypolt, Ward, Brewer, Caputo, Eldridge, Iaquinta, Lynch, Marcum, Pyles and Williams.

## HOUSE OF DELEGATES COMMITTEES

### HEALTH AND HUMAN RESOURCES

Ellington (*Chair*), Summers (*Vice Chair*), Longstreth (*Minority Chair*), Pushkin (*Minority Vice Chair*), Atkinson, Butler, Cooper, Criss, Dean, Frich, Hill, Hollen, Householder, Queen, Rohrbach, Rowan, Sobonya, White, Bates, Campbell, Fleischauer, Iaquinta, Love, Robinson and Rodighiero.

### INDUSTRY AND LABOR

Fast (*Chair*), Foster (*Vice Chair*), Brewer (*Minority Chair*), Isner (*Minority Vice Chair*), Blair, Cowles, Dean, Ellington, Harshbarger, Hill, Householder, Jennings, Overington, Shott, Sobonya, Statler, Ward, White, Caputo, Diserio, Ferro, Fluharty, Hicks, R. Miller and Pushkin.

### INTERSTATE COOPERATION

Storch (*Chair*), Hamrick (*Vice Chair*), Ellington, Higginbotham, R. Romine, Barrett and Ferro.

### JUDICIARY

Shott (*Chair*), Hanshaw (*Vice Chair*), Fleischauer (*Minority Chair*), Fluharty (*Minority Vice Chair*), Capito, Deem, Fast, Foster, Harshbarger, Hollen, Kessinger, Lane, Moore, Overington, Queen, Sobonya, Summers, Zatezalo, Byrd, Canestraro, Isner, Lovejoy, R. Miller, Pushkin and Robinson.

### PENSIONS AND RETIREMENT

Hamilton (*Vice Chair*), Anderson, Hollen, Storch, Walters, E. Evans and Pethtel.

### POLITICAL SUBDIVISIONS

Storch (*Chair*), Blair (*Vice Chair*), R. Miller (*Minority Chair*), Williams (*Minority Vice Chair*), Anderson, Cowles, Folk, Foster, Gearheart, Graves, Hamrick, Hanshaw, Householder, Jennings, Lane,

## HOUSE OF DELEGATES COMMITTEES

Rohrbach, Summers, Barrett, Byrd, Canestraro, Longstreth, Moye, Pyles, Robinson and Rowe.

### **PREVENTION AND TREATMENT OF SUBSTANCE ABUSE**

Ellington (*Chair*), Kessinger (*Vice Chair*), Frich, Hollen Sobonya, Storch, Upson, Bates, Boggs, Campbell and Hornbuckle.

### **ROADS AND TRANSPORTATION**

Gearheart (*Chair*), Capito (*Vice Chair*), Caputo (*Minority Chair*), E. Evans (*Minority Vice Chair*), Ambler, Butler, Criss, Dean, Espinosa, Fast, Hamrick, Howell, Lane, Maynard, Paynter, Phillips, Rohrbach, Statler, Wagner, Boggs, Canestraro, Diserio, Hartman, Moye and Williams.

### **RULE MAKING REVIEW (JOINT)**

Sobonya (*Cochair*), Frich (*Vice Cochair*), Hanshaw, Fleischauer and Rowe.

### **RULES**

Armstead (*Chair*), Anderson, Cowles, Ellington, Espinosa, Foster, Hanshaw, Howell, C. Miller, Nelson, Overington, Shott, Sobonya, Boggs, Caputo, Ferro, Fleischauer, Miley, Moye and Pethtel.

### **SENIOR CITIZEN ISSUES**

Rowan (*Chair*), Rohrbach (*Vice Chair*), Lynch (*Minority Chair*), Pyles (*Minority Vice Chair*), A. Evans, Graves, Kelly, Martin, Maynard, Paynter, Queen, C. Romine, R. Romine, Sypolt, Walters, White, Zatezalo, Boggs, Eldridge, Ferro, Fleischauer, Love, Lovejoy, Moye and Pethtel.

HOUSE OF DELEGATES COMMITTEES

**SMALL BUSINESS ENTREPRENEURSHIP AND  
ECONOMIC DEVELOPMENT**

Hill (*Chair*), Atkinson (*Vice Chair*), Rowe (*Minority Chair*), Barrett (*Minority Vice Chair*), Blair, Espinosa, Higginbotham, Kelly, Kessinger, Martin, C. Miller, Moore, Pack, Phillips, Queen, Storch, Ward, Westfall, Zatezalo, Bates, Byrd, Marcum, Miley, Sponaugle and Thompson.

**VETERANS' AFFAIRS AND HOMELAND SECURITY**

Butler (*Chair, Homeland Security*), Cooper (*Chair, Veterans' Affairs*), McGeehan (*Vice Chair, Homeland Security*), Wagner (*Vice Chair, Veterans' Affairs*), Byrd (*Minority Chair, Homeland Security*), Iaquinta (*Minority Chair, Veterans' Affairs*), Baldwin (*Minority Vice Chair, Homeland Security*), Canestraro (*Minority Vice Chair, Veterans' Affairs*), Higginbotham, Hollen, Howell, Kelly, Kessinger, Pack, Paynter, Rowan, Sypolt, Upson, Campbell, Ferro, Fleischauer, Jennings, Longstreth, Lynch and Pushkin.





SENATE COMMITTEES

**COMMITTEES OF THE SENATE**  
**Regular Session, 2018**

---

**STANDING**

---

**AGRICULTURE AND RURAL DEVELOPMENT**

Sypolt (*Chair*), Rucker (*Vice Chair*), Clements, Cline, Mann, Maynard, Smith, Baldwin, Beach, Ojeda and Woelfel.

**BANKING AND INSURANCE**

Azinger (*Chair*), Clements (*Vice Chair*), Drennan, Mann, Maroney, Swope, Sypolt, Weld, Facemire, Palumbo, Prezioso, Romano and Woelfel.

**CONFIRMATIONS**

Boley (*Chair*), Ferns (*Vice Chair*), Azinger, Blair, Boso, Gaunch, Palumbo, Plymale and Prezioso.

**ECONOMIC DEVELOPMENT**

Maroney (*Chair*), Maynard (*Vice Chair*), Arvon, Cline, Drennan, Mann, Smith, Swope, Takubo, Baldwin, Jeffries, Romano, Stollings and Woelfel.

**EDUCATION**

Mann (*Chair*), Karnes (*Vice Chair*), Azinger, Boley, Cline, Drennan, Rucker, Swope, Trump, Beach, Plymale, Romano, Stollings and Unger.

**ENERGY, INDUSTRY AND MINING**

Smith (*Chair*), Sypolt (*Vice Chair*), Blair, Boley, Cline, Drennan, Ferns, Mann, Swope, Facemire, Jeffries, Ojeda and Woelfel.

## SENATE COMMITTEES

### ENROLLED BILLS (JOINT)

Maynard (*Chair*), Azinger, Gaunch, Palumbo and Prezioso.

### FINANCE

Blair (*Chair*), Boso (*Vice Chair*), Arvon, Boley, Drennan, Ferns, Gaunch, Mann, Maroney, Sypolt, Takubo, Facemire, Palumbo, Plymale, Prezioso, Stollings and Unger.

### GOVERNMENT ORGANIZATION

Gaunch (*Chair*), Maynard (*Vice Chair*), Boso, Clements, Maroney, Smith, Sypolt, Takubo, Weld, Baldwin, Facemire, Jeffries, Palumbo and Woelfel.

### HEALTH AND HUMAN RESOURCES

Takubo (*Chair*), Maroney (*Vice Chair*), Arvon, Azinger, Clements, Karnes, Rucker, Weld, Palumbo, Plymale, Prezioso, Stollings and Unger.

### INTERSTATE COOPERATION

Cline (*Chair*), Azinger (*Vice Chair*), Maroney, Maynard, Sypolt, Palumbo and Unger.

### JUDICIARY

Trump (*Chair*), Weld (*Vice Chair*), Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Baldwin, Beach, Jeffries, Ojeda, Romano and Woelfel.

### MILITARY

Weld (*Chair*), Boley (*Vice Chair*), Azinger, Clements, Cline, Sypolt, Facemire, Ojeda and Palumbo.

## SENATE COMMITTEES

### NATURAL RESOURCES

Maynard (*Chair*), Mann (*Vice Chair*), Cline, Karnes, Mann, Rucker, Smith, Sypolt, Takubo, Beach, Facemire, Prezioso, Stollings and Woelfel.

### PENSIONS

Karnes (*Chair*), Gaunch (*Vice Chair*), Arvon, Maroney, Weld, Plymale and Romano.

### RULE-MAKING REVIEW (JOINT)

Maynard (*Cochair*), Weld (*Vice Cochair*), Karnes, Sypolt, Jeffries, Miller and Carmichael (*ex officio*).

### RULES

Carmichael (*Chair*), Blair, Boley, Ferns, Gaunch, Sypolt, Trump, Palumbo, Plymale, Prezioso and Stollings.

### TAX REFORM

Karnes (*Chair*), Blair (*Vice Chair*), Boso, Ferns, Gaunch, Jeffries and Plymale.

### TRANSPORTATION AND INFRASTRUCTURE

Boso (*Chair*), Swope (*Vice Chair*), Gaunch, Maroney, Maynard, Rucker, Beach, Jeffries and Plymale.

### WORKFORCE

Swope (*Chair*), Weld (*Vice Chair*), Arvon, Boso, Karnes, Rucker, Smith, Beach, Jeffries, Ojeda and Stollings.



**SCHEDULE SHOWING LEGISLATIVE DAYS  
AND CALENDAR DAYS  
AND PAGES OF JOURNAL COVERING SAME**

**REGULAR SESSION, 2018**

1 <sup>st</sup> Day .....	Wednesday .....	January 10.....	1
2 <sup>nd</sup> Day.....	Thursday .....	January 11.....	39
3 <sup>rd</sup> Day .....	Friday.....	January 12.....	47
6 <sup>th</sup> Day .....	Monday .....	January 15.....	67
7 <sup>th</sup> Day .....	Tuesday.....	January 16.....	97
8 <sup>th</sup> Day .....	Wednesday.....	January 17.....	129
9 <sup>th</sup> Day .....	Thursday .....	January 18.....	143
10 <sup>th</sup> Day .....	Friday .....	January 19.....	161
13 <sup>th</sup> Day .....	Monday .....	January 22.....	189
14 <sup>th</sup> Day .....	Tuesday.....	January 23.....	213
15 <sup>th</sup> Day .....	Wednesday.....	January 24.....	239
16 <sup>th</sup> Day .....	Thursday .....	January 25.....	263
17 <sup>th</sup> Day .....	Friday.....	January 26.....	285
20 <sup>th</sup> Day .....	Monday .....	January 29.....	315
21 <sup>st</sup> Day .....	Tuesday.....	January 30.....	331
22 <sup>nd</sup> Day.....	Wednesday.....	January 31.....	349
23 <sup>rd</sup> Day .....	Thursday .....	February 1.....	375
24 <sup>th</sup> Day .....	Friday.....	February 2.....	401
27 <sup>th</sup> Day .....	Monday .....	February 5.....	423
28 <sup>th</sup> Day .....	Tuesday.....	February 6.....	457
29 <sup>th</sup> Day .....	Wednesday.....	February 7.....	557
30 <sup>th</sup> Day .....	Thursday .....	February 8.....	593
31 <sup>st</sup> Day .....	Friday.....	February 9.....	617
34 <sup>th</sup> Day .....	Monday .....	February 12.....	645
35 <sup>th</sup> Day .....	Tuesday.....	February 13.....	727
36 <sup>th</sup> Day .....	Wednesday.....	February 14.....	781
37 <sup>th</sup> Day .....	Thursday .....	February 15.....	805
38 <sup>th</sup> Day .....	Friday.....	February 16.....	841
41 <sup>st</sup> Day .....	Monday .....	February 19.....	881
42 <sup>nd</sup> Day.....	Tuesday.....	February 20.....	901
43 <sup>rd</sup> Day .....	Wednesday.....	February 21.....	969
44 <sup>th</sup> Day .....	Thursday .....	February 22.....	1009
45 <sup>th</sup> Day .....	Friday.....	February 23.....	1037
48 <sup>th</sup> Day .....	Monday .....	February 26 .....	1067
49 <sup>th</sup> Day .....	Tuesday.....	February 27.....	1109
50 <sup>th</sup> Day .....	Wednesday.....	February 28.....	1159

51 <sup>st</sup> Day .....	Thursday .....	March 1.....	1229
52 <sup>nd</sup> Day.....	Friday.....	March 2.....	1297
53 <sup>rd</sup> Day .....	Saturday .....	March 3.....	1353
55 <sup>th</sup> Day .....	Monday .....	March 5.....	1407
56 <sup>th</sup> Day .....	Tuesday.....	March 6.....	1509
57 <sup>th</sup> Day .....	Wednesday.....	March 7.....	1637
58 <sup>th</sup> Day .....	Thursday .....	March 8.....	1767
59 <sup>th</sup> Day .....	Friday.....	March 9.....	2213
60 <sup>th</sup> Day .....	Saturday .....	March 10.....	2545

**FIRST EXTRAORDINARY SESSION**

1 <sup>st</sup> Day .....	Sunday .....	May 20.....	2987
2 <sup>nd</sup> Day.....	Monday .....	May 21.....	3001



West Virginia Legislature  
Journal  
of the  
House of Delegates

Eighty-Third Legislature  
Second Regular Session

---

---

Charleston, Wednesday, January 10, 2018

---

---

This being the day fixed by Section 18, Article VI of the Constitution of the State of West Virginia for the annual assembly of the Legislature, the Members of the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston, at 12:00 noon and were called to order for the Second Regular Session of the Eighty-Third Legislature by the Speaker, the Honorable Tim Armstead.

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

The following communication was laid before the House of Delegates and was read by the Clerk:

December 22, 2017

Mr. Speaker Tim Armstead, Mr. Clerk Steve Harrison,

Please accept this email as my resignation from the WV House of Delegates, District 28, effective midnight Dec. 22, 2017.

If there are any questions please contact me immediately by cell at 304. \_\_\_\_\_.\_\_\_\_\_.

Thanks, and Merry Christmas!

John D. O'Neal IV  
Assistant Majority Leader

The communication was received and filed with the Clerk.

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 1**), and 96 Delegates having answered to their names, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Arvon, Marcum and Walters.

Delegates Arvon, Marcum and Walters were present for part of the session.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled for the Second Regular Session of the 83<sup>rd</sup> Legislature, as provided by Section 18, Article VI of the Constitution of the State, with a quorum present, and was ready to proceed to the business of the session.

Whereupon,



The Speaker appointed as members of such committee the following:

Delegates Foster, Hollen and Pethtel.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to join with a similar committee of the Senate to inform His Excellency, the Governor, that the Legislature had assembled in Regular Session as provided by Section 18, Article VI of the Constitution of the State, with a quorum of each house present, was ready to enter into the business of the session and to convey to him that it would be pleased to receive any communication he may desire to present.

Whereupon,

The Speaker appointed as members of such committee the following:

Delegates Jennings, Sobonya and Campbell.

### **Resolutions Introduced**

At the request of Delegate Cowles, and by unanimous consent, the following House Joint Resolutions from the First Regular Session of the 83<sup>rd</sup> Legislature were reintroduced and referred to the various standing committees pursuant to House Rule 92a:

House Joint Resolutions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 21, 24 and 25.

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by the Clerk as follows:

**H. C. R. 1** - "Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor."

WHEREAS, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

*Resolved by the Legislature of West Virginia:*

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 o'clock postmeridian this day; and, be it

*Further Resolved*, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Whereupon,

In accordance with the provisions of the resolution, the Speaker appointed as members of the committee to wait upon His Excellency, the Governor, the following:

Delegates R. Romine, Wagner and Lynch.

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

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by the Clerk as follows:

**H. R. 1** – “Authorizing the appointment of employees for this, the Second Regular Session of the Eighty-third Legislature, 2018.”

*Resolved by the House of Delegates:*

That the Speaker of the House of Delegates be, and he is hereby, authorized to appoint employees to perform technical, clerical, stenographic, custodial and other services for this session

of the Legislature to receive the per diems and salaries as herein provided, as follows:

(1) For per diem employees, the following rates:

Fourteen Legislative Assistants at \$65.00 - \$105.00

Four Committee Clerks at \$75.00 - \$140.00

Four Committee Assistant Clerks at \$65.00 - \$120.00

Three Messengers at \$65.00 - \$110.00

Eight Attorneys at \$200.00 - \$380.00

One Doorkeeper at \$155.00

Six Assistant Doorkeepers at \$85.00

One Sergeant-at-Arms at \$155.00

One Assistant Sergeants-at-Arms at \$85.00

One Head Page at \$100.00

One Assistant Page at \$80.00

Three Maintenance Assistants at \$65.00

Two Clerk Assistants at \$150.00 - \$155.00

One Office Assistant to the Clerk's Office at \$95.00

One Administrative Assistant to the Clerk's Office at \$158.00

One Policy Analyst to the Majority Office at \$100.00

One Policy Analyst to the Committee on Education at \$231.00

(2) For salaried full-time employees, the following employees at the following rates, in addition to and exclusive of any experience increment or pay in lieu of an experience increment as may be payable under Section 2, Article 5, Chapter 5 of the Code of West Virginia of 1931, as amended:

One Chief Clerk at eighty-nine thousand dollars and four cents per year;

One Assistant Clerk/Parliamentarian at sixty thousand dollars per year;

One Bill Status Clerk at forty thousand seven hundred and eighteen dollars and sixty-four cents per year;

One Journal Clerk at forty thousand and eleven dollars and ninety-six cents per year;

One Documents Clerk at thirty-seven thousand three hundred and forty-one dollars per year;

One Administrative Assistant to the Clerk's Office at forty-three thousand and four dollars and four cents per year;

Two Fiscal Officers at thirty-nine thousand dollars per year;

One Purchasing Agent at forty-one thousand seven hundred and forty-one dollars and four cents per year;

One Mail Clerk at thirty thousand eight hundred and thirty dollars and four cents per year;

One Communications Director to the House at sixty-three thousand five hundred dollars per year;

One Deputy Chief of Staff at fifty-five thousand dollars per year;

One Policy Analyst to the Majority Whip Office at forty thousand dollars and eight cents per year;

One Counsel/Chief of Staff to the Speaker at one hundred and fourteen thousand nine hundred and ninety-nine dollars and ninety-six cents per year;

One Assistant to the Speaker at eighty thousand dollars and four cents per year;

One Director of Supplies at forty-two thousand five hundred dollars and four cents per year;

One Maintenance Staff at thirty-six thousand nine hundred and thirteen dollars and eighty cents per year;

One Maintenance Staff at twenty-five thousand one hundred and eight dollars and forty-four cents per year;

One Maintenance Staff at twenty-four thousand and thirty-five dollars and four cents per year;

One Counsel to the Committee on the Judiciary at eighty-seven thousand five hundred dollars and four cents per year;

One Counsel to the Committee on the Judiciary at eighty-five thousand dollars per year;

One Counsel to the Committee on the Judiciary at seventy-five thousand dollars per year;

One Legislative Analyst to the Committee on the Judiciary at forty-eight thousand two hundred and eighty-two dollars per year;

One Administrative Assistant to the Committee on the Judiciary at thirty-five thousand dollars per year;

One Chief Counsel to the Committee on Education at eighty-one thousand dollars per year;

One Legislative Assistant to the Committee on Education at forty-one thousand six hundred and sixty-three dollars and forty cents per year;

One Chief Counsel to the Committee on Finance at one hundred and two thousand and nine hundred dollars per year;

One Policy Analyst to the Committee on Finance at seventy-five thousand two hundred and forty dollars per year;

Two Budget Analysts to the Committee on Finance at forty-six thousand dollars per year;

One Committee Clerk to the Committee on Finance at fifty thousand four hundred and seventy-five dollars and seventy-two cents per year;

One Chief Counsel to the Committee on Government Organization at seventy-six thousand dollars per year;

One Administrative Assistant to the Committee on Government Organization at thirty-six thousand four hundred and ninety-six dollars and eight cents per year;

One Legislative Analyst to the Committee on Government Organization at forty-one thousand and eight hundred dollars and eight cents per year;

One Chief Counsel to the Committee on Health and Human Resources at eighty-one thousand dollars per year;

One Legislative Analyst to the Committee on Health and Human Resources at forty-four thousand four hundred and eighty dollars and twenty-eight cents per year;

One Administrative Assistant to the Committee on Health and Human Resources at thirty-seven thousand and one hundred dollars and four cents per year;

One Analyst to the Minor Committees at thirty-nine thousand dollars per year;

One Chief Counsel to the Energy Committee at seventy-six thousand dollars per year;

One Clerk to the Energy Committee at thirty-nine thousand four hundred and twenty dollars and seventy-two cents per year;

One Policy Analyst to the Minority Leader at forty-six thousand and twelve dollars and eight cents per year;

One Office Manager to the Minority Office at thirty-eight thousand dollars and four cents per year;

The Speaker is authorized to appoint or assign additional or present employees and to determine the rate of compensation therefor as he may deem necessary to expedite the work of the House of Delegates; and, be it

*Further Resolved*, That, in accordance with Chapter 4, Article 2A of the code, the Clerk of the House is hereby authorized to draw his requisitions upon the Auditor for travel expenses and compensation of members of the House of Delegates; and, be it

*Further Resolved*, That all appointments made under authority of the foregoing provisions of this resolution shall be certified to the Auditor and Treasurer by the Clerk of the House, and the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor in favor of the persons so appointed and the Auditor shall honor and pay such requisitions when presented and charge same to the “per diem of officers and employees” fund or “contingent” fund of the House of Delegates. The Clerk shall draw his requisitions in favor of employees for consecutive days or months from the date of their employment at the per diem or salary herein set out until such time as their services shall cease. The Speaker may remove any employee and appoint another in his or her place, and he shall require each of said employees to perform such duties as shall be assigned him or her, and he is hereby given authority to dispense with the services of any employee or employees for any such time or number of days as their services shall not be needed during the session, and they shall not be paid for such time, nor shall other persons be appointed into their places for any such time as they may be suspended when not needed; and, be it

*Further Resolved*, That the Speaker is hereby authorized to assign employees to such positions and duties as he may deem proper to secure the most efficient and expeditious work during the Session of the Legislature; and, be it

*Further Resolved*, That no person appointed under authority of this resolution and receiving pay hereunder shall concurrently receive compensation from any other department or agency of state government and no person who availed himself or herself of early

retirement under the provisions of Senate Bill 10, First Extraordinary Session, 1988, may be appointed under the provisions of this resolution. Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties, as may be deemed proper to serve the most efficient and expeditious work; and, be it

*Further Resolved*, That following the session, the Speaker, with approval of the Committee on Rules, is authorized until superceded by subsequent House Resolution, to remove or appoint any employee of the House, and establish such duties and compensation as is deemed appropriate for each employee; and, be it

*Further Resolved*, That any and all provisions of House Rule 9 in conflict with this resolution are hereby suspended.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by the Clerk as follows:

**H. R. 2** – “Authorizing the Clerk to have printed and to distribute the Acts of the Legislature and Journals of the House of Delegates.”

*Resolved by the House of Delegates:*

That under authority of section thirteen, article one, chapter four of the Code of West Virginia, the Clerk of the House of Delegates is hereby authorized to have printed not to exceed 150 copies of the Acts of the 2018 regular session of the Legislature, bound in buckram, and to include therein the Acts of any extraordinary session which may not have been printed.

The Clerk of the House of Delegates is also authorized to publish not to exceed 150 copies of the Journal of the House of



Delegates for the second regular session of the 83<sup>rd</sup> Legislature and to include therein the unpublished Journals of any extraordinary sessions. In addition, there shall be printed twelve official copies of any Journal published, properly bound and designated. A copy of the Journal and a copy of said Acts shall be furnished to each member of the Legislature, upon request of each such member. The Clerk shall retain sufficient copies of the buckram bound Acts to supply legislative offices and the remaining copies shall be retained by the Clerk, for sale by his department.

The Clerk of the House shall provide copies of said Acts for distribution as provided by section six, article eight, chapter fifty-one of the code insofar as such distribution is practicable.

Copies of the Acts of the Legislature or Journals of the House of Delegates may be provided in electronic format if requested or if demand exceeds the number of available printed volumes.

For the work required in indexing, printing and distributing said Acts and in the publication of said Journal of the House of Delegates and for completing other work of the session, the Speaker is hereby authorized to appoint such persons as he may deem necessary to perform technical, clerical, stenographic, custodial and other services required by the House of Delegates.

The Speaker shall certify a list of persons entitled to compensation under authority of this resolution to the Clerk of the House of Delegates, and the Clerk shall draw his requisition in favor of such persons at per diems or at monthly salaries, which shall be paid from the Per Diem of Officers and Employees Fund or the Contingent Fund of the House of Delegates.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by the Clerk as follows:

**H. R. 3** - “Relating to the Standing Committees of the House and creating a new Standing Committee on Fire Departments and Emergency Medical Services and setting forth its duties, jurisdiction and membership.”

*Resolved by the House of Delegates:*

That House Rules 76, 77 and 78 be amended to read as follows:

## **RULE 76**

### **“Standing Committees**

At the commencement of each Legislature, the Speaker shall appoint the standing committees established by this rule. The Speaker shall refer bills introduced, resolutions offered, and messages, petitions, memorials and other matters presented to such committee as he shall deem appropriate to consider and report thereon.

Standing committees are hereby created as follows:

1. Committee on Agriculture and Natural Resources
2. Committee on Banking and Insurance
3. Committee on Education
4. Committee on Energy
5. Committee on Finance
6. Committee on Fire Departments and Emergency Medical Services
- ~~6.~~ 7. Committee on Government Organization
- ~~7.~~ 8. Committee on Health and Human Resources
- ~~8.~~ 9. Committee on Industry and Labor
- ~~9.~~ 10. Committee on Interstate Cooperation

- ~~10.~~ 11. Committee on the Judiciary
- ~~11.~~ 12. Committee on Pensions and Retirement
- ~~12.~~ 13. Committee on Political Subdivisions
- ~~13.~~ 14. Committee on Prevention and Treatment of Substance Abuse
- ~~14.~~ 15. Committee on Roads and Transportation
- ~~15.~~ 16. Committee on Rules
- ~~16.~~ 17. Committee on Senior Citizen Issues
- ~~17.~~ 18. Committee on Small Business, Entrepreneurship and Economic Development
- ~~18.~~ 19. Committee on Veterans' Affairs and Homeland Security"

#### **RULE 77:**

##### **“Jurisdiction of Committees**

In general and without limitation, standing committees shall have functions and jurisdiction of subjects and other matters as follows:

1. *Committee on Agriculture and Natural Resources:* (a) Agriculture generally, including agricultural production and marketing, animal industry and animal health, adulteration of seeds, commercial feeding stuffs and commercial fertilizer, processed foods, insect pests and pesticides, soil conservation, milk and milk products, meats and meat products, agricultural extension service, entomology and plant quarantine, poultry and poultry products, and human nutrition and home economics; (b) natural resources in general, including game and fish, forest and wildlife areas, parks and recreation, water resources and reclamation.

2. *Committee on Banking and Insurance:* (a) Banks and banking, and financial institutions generally; (b) control and

regulation of all types of insurance, including organization, qualification and licensing of insurers; and (c) securities and exchanges.

3. *Committee on Education*: (a) Education generally; (b) boards of education, and administration and control of schools; (c) textbooks and school curricula; (d) vocational education and rehabilitation; (e) qualifications, employment and tenure of teachers; (f) libraries; and (g) public schools and institutions of higher education.

4. *Committee on Energy*: (a) Mining and extraction of coal and other fossil fuels; (b) extraction and distribution of natural gas; (c) energy production employment, safety, local land use and community impacts; and (d) alternative energy development and efficiency measures.

5. *Committee on Finance*: (a) Tax and revenue measures increasing or decreasing the revenue or fiscal liability of the State; (b) collection of taxes and other revenue; (c) annual Budget Bills and supplementary appropriation bills; (d) proposals reducing public expenditures; (e) proposals relating to the principal and interest of the public debt; and (f) claims against the State.

6. *Committee on Fire Departments and Emergency Medical Services*: (a) Fire departments; (b) emergency medical technicians; and (c) other emergency responders.

~~6.~~ 7. *Committee on Government Organization*: (a) Legislation and proposals dealing with the Executive Department of state government with respect to creation, duties and functions; consolidation and abolition; and transfer, imposition and elimination of functions and duties of departments, commissions, boards, offices and agencies; and (b) measures relating to the Legislative Department, other than apportionment of representation and redistricting for the election of members of the two houses.

~~7.~~ 8. *Committee on Health and Human Resources*: (a) Public health and public welfare generally; (b) mental health; (c) public

and private hospitals and similar institutions; (d) prevention and control of communicable and infectious diseases; (e) pure food and drugs; (f) poison and narcotics; (g) correctional and penal institutions; and (h) public assistance and relief.

~~8.~~ 9. *Committee on Industry and Labor*: (a) Employment and establishment of industry; (b) labor standards; (c) labor statistics; (d) mediation and arbitration of labor disputes; (e) wages and hours of labor; (f) child labor; (g) safety and welfare of employees; (h) industry and labor generally; and (i) infrastructure.

~~9.~~ 10. *Committee on Interstate Cooperation*: Constitute the House members of the West Virginia Commission on Interstate Cooperation as provided by Article 1B, Chapter 29 of the Code.

~~10.~~ 11. *Committee on the Judiciary*: (a) Judicial proceedings, civil and criminal generally; (b) state and local courts and their officers; (c) crimes and their punishment; (d) corporations; (e) collection and enforcement of property taxes; (f) forfeited, delinquent, waste and unappropriated lands; (g) real property and estates therein; (h) domestic relations and family law; (i) revision and codification of the statutes of the State; (j) election laws; (k) proposals to amend the Constitution of the United States or the Constitution of the State; (l) legislation relating to constitutional conventions; and (m) other matters of a nature not deemed properly referable to any other standing committee.

~~11.~~ 12. *Committee on Pensions and Retirement*: (a) Continuing study and investigation of retirement benefit plans of the State and political subdivisions thereof; (b) making recommendations with particular attention to financing of the various pension funds and financing of accrued liabilities; (c) considering all aspects of pension planning and operation; and (d) analyzing each item of proposed pension and retirement legislation with particular reference as to cost, actuarial soundness and adherence to sound pension policy.

~~12.~~ 13. *Committee on Political Subdivisions*: (a) Counties, districts and municipalities generally; (b) division of the State into senatorial districts and apportionment of delegate representation in

the House; and (c) division of the State into districts for the election of representatives to Congress.

~~13.~~ 14. *Committee on Prevention and Treatment of Substance Abuse*: Issues relating to and regarding the prevention and treatment of substance abuse.

~~14.~~ 15. *Committee on Roads and Transportation*: (a) Highways, public roads, railways, canals and waterways, aeronautics, aircraft and airways; (b) motor vehicle administration and registration; (c) licensing of motor vehicle operators and chauffeurs; (d) traffic regulation and laws of the road; and (e) regulation of motor carriers of passengers and property for hire.

~~15.~~ 16. *Committee on Rules*: (a) Rules, joint rules, order of business and parliamentary rules in general; (b) recesses and final adjournments of the House and the Legislature; (c) payment of money out of the contingent or other fund of the House or creating a charge upon the same; (d) employees of and services to the House, and purchase of furniture, supplies and office equipment; (e) election and qualification of members of the House and state officers, privileges of members and officers of the House, and witnesses attending the House or any committee thereof; (f) punishment of members of the House for disorderly conduct; and punishment of any person not a member for contempt, disrespectful behavior in the presence of the House, obstructing its proceedings, and for any assault, threat or abuse of a member of the House; (g) House printing; (h) House Library, statuary and pictures, acceptance or purchase of works of art for the Capitol, purchase of books and manuscripts for the House, erection of monuments to the memory of individuals (i) sale of food and administration and assignment of office space in the House wing of the Capitol; and (j) Resolutions referred to the Committee on Rules pursuant to Rule 110.

~~16.~~ 17. *Committee on Senior Citizen Issues*: Proposal, revision and recodification of statutory provisions relating to all senior citizen issues.

~~17.~~ 18. *Committee on Small Business, Entrepreneurship and Economic Development:* (a) Small business; (b) entrepreneurship; (c) e-commerce; (d) e-government; (e) economic development; (f) job creation; and (g) commerce generally.

~~18.~~ 19. *Committee on Veterans' Affairs and Homeland Security:* (a) Veterans' measures; (b) education of veterans; (c) cemeteries of the State in which veterans of any war or conflict are or may be buried; (d) measures generally affecting the health and welfare of veterans; (e) measures relating to detection, protection against, response to, and recovery from, terrorist attacks, internal or external; and (f) military affairs."

## **RULE 78:**

### **“Composition of Committees**

The Committee on Rules shall consist of not less than fifteen nor more than twenty-five members, which number shall include the Speaker, Majority Leader and Minority Leader; the Committee on Interstate Cooperation of seven members; the Committee on Fire Departments and Emergency Medical Services of eleven members and all other standing committees shall consist of not less than fifteen nor more than twenty-five members, except that the number of members of the Committee on Pensions and Retirement shall be appointed in accordance with Joint Rule 29 or in such number as may be determined by the Speaker.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

## **Motions**

Delegate Wilson moved that the Chair be vacated.

On motion of Delegate Cowles, the motion to vacate the Chair was tabled.

At the request of Delegate Cowles, and by unanimous consent, the applicable provisions of House Rule 136, relating to privileges of the floor, were suspended for the Joint Assembly, and approved

activities during the Session to permit invited guests the privileges of the floor.

### **Bills Introduced**

At the request of Delegate Cowles, and by unanimous consent, the following House Bills from the First Regular Session of the 83<sup>rd</sup> Legislature were reintroduced and referred to the various standing committees pursuant to House Rule 92a:

House Bills 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2033, 2034, 2039, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2053, 2055, 2056, 2057, 2058, 2059, 2061, 2063, 2064, 2065, 2066, 2067, 2068, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2080, 2082, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2093, 2094, 2095, 2096, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2108, 2110, 2111, 2112, 2114, 2115, 2117, 2121, 2122, 2123, 2124, 2125, 2127, 2128, 2129, 2130, 2131, 2132, 2135, 2137, 2138, 2139, 2140, 2141, 2142, 2144, 2145, 2146, 2148, 2149, 2150, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2181, 2182, 2184, 2185, 2187, 2189, 2191, 2192, 2193, 2194, 2197, 2198, 2201, 2202, 2204, 2205, 2206, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2302, 2304, 2305, 2306, 2309, 2310, 2311, 2314, 2316, 2317, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2330, 2331, 2332, 2334, 2335, 2336, 2339, 2340, 2350, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2361, 2362, 2363, 2365, 2368, 2370, 2371, 2372, 2374, 2375, 2377, 2378, 2379, 2383, 2385, 2386, 2390, 2391, 2395, 2396, 2399, 2400, 2403, 2406, 2407, 2408, 2410, 2411, 2413, 2414, 2416, 2417, 2418, 2423, 2425, 2429, 2432, 2433, 2434, 2435, 2436, 2441, 2443, 2462, 2463, 2464, 2477, 2480, 2481, 2483, 2488, 2489, 2493, 2498, 2508, 2510, 2511, 2512, 2514, 2515, 2517, 2521, 2523, 2524, 2528, 2531, 2534, 2537, 2539, 2543, 2546, 2547, 2553, 2554, 2556, 2557, 2563, 2566, 2567, 2568, 2571, 2572, 2575, 2580, 2581, 2583, 2591, 2592, 2593, 2597, 2599, 2600, 2604, 2607, 2608, 2611, 2612, 2613, 2614, 2615, 2616, 2623, 2625, 2626, 2627,



2632, 2633, 2635, 2638, 2641, 2647, 2648, 2649, 2654, 2655, 2659, 2661, 2662, 2665, 2666, 2670, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2703, 2708, 2710, 2712, 2713, 2714, 2715, 2716, 2723, 2727, 2742, 2743, 2745, 2751, 2754, 2755, 2756, 2757, 2761, 2768, 2769, 2772, 2777, 2778, 2780, 2786, 2787, 2790, 2795, 2799, 2802, 2808, 2809, 2810, 2812, 2817, 2818, 2821, 2822, 2823, 2824, 2825, 2826, 2829, 2831, 2836, 2837, 2838, 2841, 2842, 2843, 2845, 2847, 2848, 2849, 2853, 2855, 2858, 2861, 2862, 2863, 2865, 2866, 2867, 2868, 2869, 2871, 2872, 2873, 2874, 2884, 2885, 2887, 2888, 2889, 2890, 2891, 2892, 2894, 2895, 2896, 2901, 2902, 2903, 2907, 2909, 2914, 2915, 2916, 2918, 2921, 2922, 2923, 2924, 2926, 2927, 2929, 2931, 2932, 2936, 2938, 2940, 2942, 2943, 2944, 2945, 2946, 2947, 2951, 2952, 2955, 2956, 2957, 2958, 2964, 2965, 2968, 2969, 2971, 2974, 2975, 2976, 2977, 2981, 2982, 2983, 2985, 2988, 2990, 2991, 2992, 2993, 2995, 2997, 2999, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3019, 3020, 3021, 3023, 3024, 3025, 3026, 3027, 3031, 3033, 3034, 3035, 3036, 3039, 3040, 3041, 3042, 3045, 3051, 3052, 3054, 3056, 3061, 3065, 3067, 3072, 3074, 3075, 3081, 3082, 3083, 3084, 3086, 3087, 3089, 3095, 3097, 3099, 3101, 3104 and 3105.

At 12:27 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 6:50 p.m.

\* \* \* \* \*

### **Evening Session**

\* \* \* \* \*

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

### **Messages from the Executive**

The following communication was laid before the House of Delegates and was read by the Clerk:

Jim Justice  
Governor of West Virginia

January 10, 2018

The Honorable Mac Warner  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Jeffrey M. Pack, Post Office Box 964, Cool Ridge, Raleigh County, West Virginia 25825, as a Delegate representing the Twenty-Eighth District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable John O'Neal.

Sincerely,

Jim Justice,  
*Governor.*

The Clerk announced that Delegate Pack had taken the oath of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia on January 10, 2018.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates, as follows:

**H. C. R. 1**, Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

## JOINT ASSEMBLY

The Sergeant-at-Arms then announced members of the Board of Public Works, who were escorted to the places reserved for them.

The Sergeant-at-Arms next announced Chief Justice Loughry and Justices of the Supreme Court, who entered the Hall of the House of Delegates and took the seats reserved for them.

The Sergeant-at-Arms announced the Honorable Evan Jenkins, the Congressman from the Third Congressional District, who took the seat reserved for him.

The Sergeant-at-Arms announced the Honorable Mitch Carmichael, President, and the members of the Senate.

The President and members of the Senate then entered the Hall of the House of Delegates and the members were seated in the places reserved for them.

The Speaker invited the President to a seat to his right.

The Speaker then recognized the Sergeant-at-Arms, who announced the special committee to wait upon His Excellency, the Governor, and escort him into the Chamber.

Delegate R. Romine, from such committee, announced that, pursuant to the invitation of the Legislature, His Excellency, the Governor, was present for the purpose of addressing the Joint Assembly.

The Committee then escorted His Excellency, the Governor, to the well of the House. (The Members rising)

The Speaker presented the Honorable Jim Justice, who addressed the Joint Assembly as follows:

### **Address by the Governor**

GOVERNOR: Okay now, it's time to sit down. Let me ask one question before we really get into the nitty gritty. Last year

when I came in and spoke, it was 700 degrees. How can it be 65 degrees or whatever outside right now and 85 in my office and whatever it is in here? But let's just hope this: That this is the hottest it gets in here for the next 60 days. (Applause)

Well, first of all — Okay. First of all, let me thank our Speaker, Tim Armstead, for having us here. Thank our President, Mitch Carmichael. Thank you, Delegates and our Senators, and thank the great people of this unbelievable state.

You know, today is a special day. A special day that somewhere — somewhere my tackle box and axe is still kind of right with us. We didn't need to leave it in a bag but the only reason I bring it is just this — I said before it wouldn't leave my vehicle and it doesn't — because we don't need to quit until every single person is not standing on the side of the bridge saying, "Mister, you don't have any idea how bad I'm hurting."

West Virginians were really hurting, and today, you're going to have a hard time to keep me from smiling, and smiling an awful lot. You know — Butch, that's good.

Well, first of all, I'll just show you my tackle box and my axe. And it's with me all the time. And it does good stuff for me.

Now, let me tell you this, about smiling. The reason you won't be able to not get me to smile today is a lotta, lotta, lotta good news about our state. No question. But in addition to that, on December 7<sup>th</sup>, late in the evening, our daughter, Cathy and I's daughter, Jill, and her beautiful husband, Adam — Jill gave birth to a pretty good-sized little boy, nine pounds, five ounces — (Applause) and Jill's got it kind of halfway figured out...she's got...she's here with us tonight and Adam is watching the baby. So, Adam, we thank you in every way.

And Justice Charles Long with a head full of hair that's dark-colored. And we're already working on his left hand that he'll be able to dribble with his left hand. You know, he's with us now, our first grandchild. And we are so excited. So happy. So blessed.

Now, let me tell you this. I thought a lot about what's happened in the last 12 months. And to be perfectly honest, you or other people that are listening to me, you can't fathom what the level of the miracle has been. Now, you can't fathom how

dire it was. And you can't imagine how promising it looks. I'll get into all of that but I oftentimes said to myself: Well, you know, how can it be? You know, I feel like I came up with some pretty decent ideas. Big ideas. It's kind of what I do. But at the same time — I truly mean this — I'm not capable of the ideas that I presented to you. I truly, truly give credit to the good Lord every single day for any and all.

Now, if you'll just think. Forever we've struggled a little bit. And as a matter of fact, we've struggled maybe a lot. At times we were always in a contest with Mississippi, who was going to be last and who was going to be in 49<sup>th</sup> place.

Well, something has happened. Something that I feel is just this. Again, I feel this because I think I'm here for a reason and you are, too.

Now, if you'll just think. We had great players. We've always had great players. You're great players. All those that are listening to me are great players. We've had all kinds of opportunities and the most beautiful, unbelievable state there could possibly be.

The only thing that I was able to bring you is I was your coach. I was a coach that maybe, maybe got the players running in the same direction. Maybe got the passion going the right way. Did it for the right reason. Didn't do it to please a party or didn't do it to gain status or something for myself. Did it because I love you. I really, truly do. I didn't do it because you were union or nonunion, or rich or poor, or black or white. I didn't do it because you were Dems or Republicans. I did it because you are West Virginians. And I think with all of my soul, if I was able to give you anything, it was just that. The ability to maybe be your coach. To maybe be what a governor is really supposed to be. A governor is supposed to be just that but, so often, we drift, and we drift into a lot of different things that maybe motivate us in wrong ways.

Now, before we go any further, I've got to show you this. And this will bring back some memories — if I can get it out of here. Now, you can clap if you'd like.

Now, at the same time I've got four of these that we're delivering. And we're delivering to our Speaker, and our President, and Tim Miley, and Roman Prezioso.

Now, they're a little bit different. If you'll open them up — and I got one for myself because I didn't think they'd give me one. It's got a big giant Hershey Kiss. It's got a wonderful WVU or West Virginia type boutonniere, and it's got an eight-track tape that says "Happy Days." (Applause)

Can I give you this? Now, only briefly do I want to belabor the past with you and I don't know which is which, but — Butch, unveil the one and I'm going to stay back here and I'm going to scoot myself a little bit closer here.

Okay. Let me tell you. When I got here, this is what we were facing. Like it or not like it, when I got here, it was in the middle of the '16 — '17 year — or really, I guess, the '17 — yeah, the '16 — '17 year. We were supposed to have a balanced budget but it looked like we were going to come up, because severance and everything kept running away from us, it looked like things could even be more dire and we could very well have a \$200 million hole in the bucket. The next year, my first full year, 497 million in the hole. And the years there after that going all the way up to 722 million.

Now, I said a minute ago, you know, just imagine the miracle that has happened. The miracle that's happened is not sitting here. The miracle that happened is you. The miracle that happened is the people at home. The miracle that has happened to each and every one of us is just this: It was really unfair to think that what I wanted to do was just come in and say, "Oh, we got a hole in the bucket. Let's just raise taxes." That's the last thing on earth I wanted to do but I didn't know what to do. I didn't know where to turn.

You see, we all know, we'd already drained Rainy Day. We had. Our bonds were being derated. We didn't know where to go. We had to have a bridge. Didn't we? We had to have a bridge. We had one guy in this room, and he's the big guy talking to you, that believed with all of his heart that if we could pass our Roads Bond, the severance tax would truly continue to grow. If we made modifications to education, that we would actually get a response from the outside world. It's happened. It's happening like you can't imagine. Absolutely in just a very, very short period I'll be able to show you something that concludes just how amazing this trip has been.

Now, let me ask you this: Can we stop where we're at? Well, of course not. Can we get — can we get in our own way and have who knows what happen? Absolutely we can but you know what? And I'll do this — I'll do this for Craig Blair but — and Mike Hall, wherever Mike...is over there.

But last year, I said: If Frankenstein caught you, you deserve to die because Frankenstein walked like this, did he not? Now, I would say just this, when we passed our Road Bond Referendum, when we made our changes in education, and when our severance really started to take off, and when companies on the outside world just started to see how truly great we really are, it started to happen. Dr. Frankenstein stood when he built the monster and he took the paddles and hit it. And then he took the pulse. And he could hear a pulse. And he said: "It is alive."

But, we're alive. And we're moving now. And we're moving like you can't imagine.

Now, where do we go? What's the next thing we do? Well, the first thing we got to do is just this. We have to stop — we have to stop this terrible drug epidemic. We have to. If we don't it will cannibalize us.

You know, just recently we had to dispatch the National Guard to Huntington to try to stop the terrible shootings that were going on in Huntington. You know, we have to build treatment facilities. And we have to have additional social workers or we have to do additional law enforcement. Do we not? Of course we do.

But now just think — and think with me. There's still something we're missing. There's still something out there we're missing. And so the other day I told our people, I said, I want you to do this. I want you to find the smartest people in the land that can find and tell us what we're missing here. And lo and behold, in rolls a doc from WVU. Now today, just as we talk, WVU with the Rockefeller Neuroscience Institute, words that are almost too complicated for me to even speak, what they're doing there is they're bringing docs in from all over the world that are going to do the most landmark stuff that you can possibly imagine. One of these doctors brought to me a vial about this big. It probably had 30 chips in it. They were the size of a third of a size of maybe a grain of rice. He said it may very

well be that they can cure the opioid addiction. They can take away the craving with one of those chips that will last for a year.

It is unbelievable what's happening right there in our state, at our home university. And so please, please, understand that I'm going to support them in every way that I possibly can in this strife to try to combat this terrible drug epidemic. They're all in.

Now, I could tell you that — and this will be a quickie. This is called the Comprehensive Annual Financial Report. Every year for the last three years we've been late getting it done. And by late getting it done, what had happened to us, was we were put on a five-year probation by the federal government, and it's punitive to our higher eds. It hurt us.

Well, I can proudly say: Today it's done. It's done.  
(Applause)

Now, I'd like to recognize some really, really important people. My family is over here on the right-hand side. My dear wife — and I can't see her, but she looks pretty tonight. And Cathy is really special in many, many ways. You know, just a couple days ago I was on the way home, and she called me. And we have an underwater treadmill. And it's a pool type room. She called me to tell me, she said, "Jim, where are you?"

And I said, "I'm in Dawson and I'm about 25 minutes away."

She said, "Jim, the dogs have locked me in the pool room."

So there is nobody more loving and no more caring but there are events that happen at our house from time to time.

There right beside Cathy is our beautiful daughter, Jill, that just gave birth to our grandson. And right behind — beside Jill is Catherine and Jay. Jay is our son and Catherine is his beautiful wife. And she some way, somehow, puts up with him and I'm very proud that she pulls that off.

Now, somewhere in the gallery here we have an incredibly special person in our Teacher of the Year, Katlin Thorsell? Is that the correct pronunciation?



Where is Katlin? Please. (Applause) See, Katlin, they clapped a lot more for you than they did me.

Somewhere, Dr. Clay Marsh is here with WVU. So if Clay Marsh would stand, we've got to give him a big round of applause. (Applause) Great job.

Dr. Gee and Dr. Gilbert are somewhere, if they haven't fallen down the steps or something here. (Applause)

Now, I don't know how flattering it is to say you're a university president and you keep falling down. I mean, you know, that's – but I'd like you to give a great big round of applause for our chief of staff and all of our secretaries here, because they've done incredible, incredible jobs.

If y'all would please stand. (Applause)

Now, if we could jump over to one of my pet peeves, and that's education. I think it truly needs to be the centerpiece of everything we do. I've thought that all along. I think we need to pay our teachers more. I've said that in the past. (Applause)

Somehow we're blessed beyond belief with the State Board of Education that is truly, truly doing an amazing job so please give them a round of applause. If y'all would stand wherever you are. (Applause)

Two Cathy's, my wife Cathy and Kathy D'Antoni, are doing an incredible job with communities and schools to be able to help kids to maybe be able to get to their end goals.

Now, today — today — and I just found out two things educationally just a few minutes ago. Today, I think our state board unanimously passed – and I called — 2510, which basically allows counties flexibility in regard to things like band and show choir and drama, and things that in this state so many kids wanted to participate. They wanted to participate and you know how it was when you grew up, and the bands were gigantic, and kids had an incredible time and an incredible learning experience there.

We can't all be LeBron James. They had a great, great experience there. And some way they just passed, they said unanimously, 2510 to grant a district's further flexibility to maybe give those districts an opportunity to promote bands,

promote show choirs, to promote drama, promote the arts. It's good stuff. (Applause)

In addition to that, at 5:15 today, believe it or not, but the Secretary of Education, Betsy DeVos, called me to tell me that our plan, West Virginia's plan for every student — it's called West Virginia's Every Student Succeeds Plan, was passed today. (Applause)

Now, let me say this about education. I've said it 'til I'm blue-green. Not everybody is cut out for the traditional pathway of a four-year degree and we know that, don't we? But you know what we don't know is just this because I'm in the schools a lot, and I see it. If you're a student that likes to, you know — that wants to go into the trades and have an incredible job, and you're a student that loves the electricity or whatever it may be, in all honesty, a lot of times when you walk the halls people may — other kids, may look down on you a little bit.

It's not fair. It's not right. Some way we have got to let those kids know that we got to have them. We got to build this workforce like we can't imagine. I want us to develop a way to where kids in high school and the trades can get an associate degree while they're in high school. (Applause)

I also want us to add, if it's possible, a 13<sup>th</sup> year where they can get additional accreditation or additional certifications. I know our President, Mitch Carmichael, is rock solid behind this, and I am too. I want somehow, some way, for us to be able to make our community and technical colleges free. (Applause)

Thomas Burton is not with us tonight. He's an Oak Hill native and I guess moved away and moved back. He's a retired vet. He says the reason he moved back is because you exempted his pay. You exempted his pay. You gave him the right to come home. And today, you know what he's doing? Our ex-governor, Earl Ray Tomlin, had a project that he was immensely proud of at Hobet. And Hobet really was not going very far. It surely wasn't going as fast as what we would have all liked it to go. But between the likes of General Hoyer and the likes of Thomas Burton, today Hobet is on the move. Hobet is really going to become something fabulous.

Absolutely, right now, we are moving towards doing training there that will save lives beyond belief and bring

business and opportunity to this state that could be enormous. Plus, the fact that we're not going away from the development aspects of it. And today we're going to be able to save \$70 million. (Applause)

I can tell you Earl Ray's dream will become a reality. And that will be great.

Now, there is another gentleman with us here tonight, Byrd White and Byrd, wherever you are, stand up, please. Byrd has agreed within the confines of our great secretary, brother Dave, in our tax department, Byrd has agreed to just this. One thing that we worry about all the time and was said to me over and over along the trail: Will the contractors pay their taxes? Will you collect their taxes? Absolutely. We need to make positive of that. So, Byrd is going to head up an enforcement division that is going to target and go right after just that. No one has ever liked Byrd. He is perfect for this job. (Applause)

Now, we celebrate our coal miners going back to work, don't we? (Applause) I love it. (Applause)

Now, you know, what we need to do? We need not to be satisfied with the numbers that we have back today. We need to be sure that those people are some way looked after from a safety standpoint the very best they possibly can — or can be but in addition to that, we have got to get more of our coal miners to work. It is an absolute unbelievable thing to travel down through the coalfields and see communities coming back to life. To see the line at Dairy Queen, you know, being longer. Seeing people walk around on used car lots. They are coming back to life. But we got to have more. We got to have more and then more on top of that.

It's nice to think about what our gas companies and their contributions are doing to the State of West Virginia. It's unbelievable. It's unbelievable. And we thank them in every way. In this session here, we could very well have the opportunity to address co-tenancy or maybe even joint development. (Applause)

Now, I would ask just this, that as we're able to give back or try to help, our gas companies need to come to the forefront, too and our landowners and our mineral owners. They all need to be protected. There's a way. There's a way to always do all of this if we'll just get together and work it all out. Just to say:

That won't pass, if we put two things together. Well, who would have thunk? Who would have thunk we would have been here tonight when you saw this right here last year? But we're here.

Now, just think of this just a second. I don't very often get to name something. You guys are famous for naming something like CL9623BC. And I don't have a clue what that ever means. But I'm going to call something JCTAW. And it's going to stand for Just Cut Taxes and Win. (Applause)

But what I want to start with is the elimination of the tax on manufacturing machinery and equipment and manufacturing inventory. (Applause)

If y'all don't quit this clapping, we're going to be here all blooming night. No, I appreciate you. I really do.

One thing we've got to ensure is that education and our counties and our cities won't get hurt. We can do that. We can absolutely do that with this.

Let me address a couple other things real quickly. Our state parks are in ill repair. We found enough money to be able to do significant repairs to our state parks which will bring people here.

The work that's going on in tourism and commerce is phenomenal. Phenomenal.

Think about this just for a second. Agriculturally we all know that agriculture could be a sleeping giant in West Virginia and I know a lot about agriculture, guys and girls. A lot. An awful lot. And I can tell you it's for real that we could have chicken houses or hog confinement buildings on mountaintop removal sites. We could have vegetable or horticultural specialty crops grown and within a rock's throw of the marketplace.

All of those things are for real possible because you know why? We have pristine water. We have manure disposal. We have absolutely a disease-free atmosphere disease-free. We have relatively constant and not terrible temperatures – except last week. And maybe even right now. You know. But there's real possibilities there.

We've got to put somebody on it, and I am going to put West Virginia State, Marshall University and West Virginia University working this and bringing us real ideas as to what we can do. I'll be able to tell them very quickly, there is no way on this planet that that will work or I'll be able to tell them, yes, that's the real deal.

Now, we can't possibly not talk about China. You talk about an 800-pound gorilla in the room — not me — but China is a possibility beyond all of our possible dreams. It could really happen. And the reason it could probably happen is two things. And these are trump cards that we have and they're true trump cards. President Trump genuinely wants the trade imbalance with China to change. And President Trump has put his first step... foot forward to say a big part of that change is going to happen in West Virginia.

And I'll promise you, President Trump and I are friends. And President Trump doesn't want me calling him, saying, "Donald, why isn't it happening?" You know.

Now, do I believe that there's going to be \$83 billion come rolling into West Virginia? It could very well happen but I can't comprehend \$83 billion. And I've traded in a great big arena. But imagine, Proctor & Gamble is 500 million. If one billion comes, it's two Proctor & Gamble plants. Imagine the magnitude of what we're talking about here. It's unbelievable.

And the Petra Chemical business, and the natural gas hub. It is unbelievable. And we're on something. And we're working it. And you should be very proud of our commerce people, our relationship with President Trump on this issue, and all the goodness that everybody has put in the licks and trying to do. So please give them a round of applause, because it is a big thing. (Applause)

I proudly say we're going — we have enough money to be able to have a state police cadet class. The first time in probably four years. (Applause)

And I — just as I glanced this way, I just — I thought, well, how — what a dumb bunny am I? We've got all of our Justices here.

And we've got Evans Jenkins, Congressman Jenkins sitting right here. And some way, somehow, I just passed right by you.

And the great John Perdue, who really brought me the idea in regard to being able to create and be able to get kids an associate degree in high school in the trades. So please give them a great round of applause. (Applause)

Our education department is and DHHR are working tirelessly on an issue that just — it's just not comprehensible again for me child sexual abuse. Imagine this every 18-year-old in West Virginia, one in ten of them, one in ten of them before they reach the age of 18 suffers some level of child sexual abuse. It's got to stop. It has to stop. And we're on it. And some way, somehow, we're going to stop it.

Now, I've got to talk to you just a second about tourism and commerce. I put in the budget — I put in my numbers, rather, a giant number for tourism — \$20 million. And you may think, well, can we not do something else with \$20 million more than just put it into tourism? And I would say to you it's super penny-wise and pound-fool if you think that's the thing not to do.

The reason it's the thing not to do is just this. For every dollar that flows into tourism, it is unbelievable the multiplier effect that comes right back to us. We have got to market ourselves. At some point in time you've got to get tired of waking up and watching the tv, and watching the tv say "Come to New York" or "Come to Michigan". It's driving me crazy. Some way, somehow, we've got to let the world know just how good we really are.

The world is awakening right now. There is real opportunity. Commerce needs money to be able to bring people to us. It's the way the game works. We can do it today. We have a tremendous commerce secretary. We have Chelsea Ruby, who is doing an unbelievable job in tourism.

There is so many areas of diversification that our highways, and on and on, will bring us. We've got to get behind this with everything we have. Now, let me say this. Right in my neck of the woods, 27 years — 27 years we've been planning and trying to get the Coalfields Expressway and the King Coal Highway moving. This spring this spring you'll see pavement going

down. We're going to build the daggum roads. It's going to happen. (Applause)

Now, let me get to a little bit of cherry on the top. Today we know there's enough money in the budget today — Imagine what I'm saying to you. Can you imagine it? I mean, we didn't have enough money to hardly go feed the dogs good. But we now have enough money to give every single person in state government a raise. And I'm really, really proud that we're going to be able to do that.

We're going to be able to give our teachers a raise. We're going to give a one percent raise across the board to everyone. This year and next year. And I'm budgeting in an additional one, one and one on the teachers for the following three years and bring them an entire five. We can do it. It's there right this minute and it can be done.

Now, if some way, somehow — My little girls' basketball team is somewhere, and they said they're going to come here. So wherever they are, they need to get here and get here now — oh, here we go. (Team enters Chamber) (Applause)

Y'all just stand right here around me. Some of y'all — all of y'all just stand right there, okay?

Now, real quickly. This is Abby, and AJ, Haley, and Tucker, and Autumn, and Taylor, and Gabby, and Morgan, and Lauren, and Kendra, and Nye, and Lucia, and Kate and Emma, and Lexie and Alaisia. (Applause)

Let me tell ya — y'all please sit. Please sit.

You stand.

You know, in basketball, when the season begins you're allowed to have two scrimmages.

Our first scrimmage we had 40 turnovers and we lost by a gazillion points. And then we went to work — because they're really young. A lot of times — we only have one senior in this group, and a lot of times there's two freshman and three sophomores on the floor at the same time.

Since that time, they've not lost a game. Just the other day — (Applause) — just the other day the AP poll came out and they're ranked second in the state. (Applause)

Now, let me tell you this. Haley, who was Second Team All-state last year — stand right here in the front, Haley — She had something wrong with her leg the other day. And Gabby — Gabby, who is our enforcer here — Haley said, "What is this, Coach?" And I said, "Oh, I know what that is Haley. That's resistant pathway ringworm. And it won't hurt you but it eventually goes up your leg and goes through your face, and it will go away. And the only way you can get rid of it is you can tie knots around the places in your leg and it will go away."

And so I turned and winked at Gabby. The next thing I saw was Haley sitting in the floor with her sweatsuit on, tying her legs up. All the girls walked over and said, "What are you doing?"

And then Haley said something a little smart aleck to Gabby, and Gabby said, "Well, at least I wasn't crazy enough to tie myself up."

But Haley and this group believe — and I told you before — you needed a coach. And you needed to believe in me.

And I really would close by just saying this. I know how talented you are as the players. And I mean it when I tell you that I love you with all my soul. You are an incredible force to deal with. At least give me the opportunity to be your coach. And believe. Now, I want to end by doing this. I want y'all to go flip over that board right there.

Now, get out of the way where everybody can see.

A year ago this is where we stood. Today that's where we are. It is unbelievable, the six-year plan that you are able to see today that has all black numbers. And today — today — my request from you as our people, and you as our legislators, my request for a tax increase would be zero. Zero. (Applause, Members rising in ovation)

I'll end by just saying that I can't thank you enough, especially our people. As we traveled the land, and we passed the road bond referendum that some may have thought wasn't going to pass, we passed it at 54 out of 55 counties. And some



way the good people of Ritchie County — I need to go up and talk to them. But we passed it by 73 percent of the vote. Amazing, amazing accomplishment by you — not just me, by you.

Now, I can't thank our people enough, and you enough, for believing. And believing in me. I coach. I coach for the players. You're the players. I don't coach for myself. The people of West Virginia are the players. I coach for them. And I coach for our school, and our school is our state. That's what I do. That's what I've done forever.

Now, I would end by just saying this. You honor me all the time by calling me Governor but it would be fine with me if you often decided to call me Coach.

I thank you. I ask our team — that our team does one other thing. I tell them all the time, every time we break it down, we break it down: "Best on three, one, two, three: Best." Because I want them to believe they're the best.

I want West Virginians to believe you're the best. I don't want us to know our place and know our place should be 50<sup>th</sup>. I want us to know we're the best.

So I'm going to ask them, if they would, to break it down for us. Break it down as you always do it. As you do it the way you do it every day.

"Best on three: One, two, three — Best!" (Applause)

If you can hold it just one second. Just one second.

That's the way we do it all the time. But now, listen closely to how they're going to do it for us tonight.

Do it one more time:

"West Virginia on three: One, two, three — Best!"

Now we can clap. (Applause)

May God bless all of you. May God bless this great state. We're on our way!

Let's go get it done. Thank you. (Applause)

\* \* \* \* \*

At the conclusion of the address, His Excellency, the Governor, accompanied by the committee of escort, retired from the Hall of the House of Delegates.

The Sergeant-at-Arms escorted the invited guests from the Chamber.

The members of the Senate retired to their Chamber, and the Speaker declared the Joint Assembly dissolved.

The Speaker then called the House of Delegates to order and laid the following communication from His Excellency, the Governor before the House:

State of West Virginia  
OFFICE OF THE GOVERNOR  
Charleston, WV 25305

January 10, 2018

**Executive Message No. 1**

**2018 Regular Session**

The Honorable Tim Armstead, Speaker  
West Virginia House of Delegates  
Charleston, West Virginia 25305

Dear Mr. Speaker:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2018.

Sincerely,

Jim Justice,  
*Governor.*

Upon motion of Delegate Cowles, and by unanimous consent, the House returned to the Eighth Order of Business for the purpose of introducing a bill.

### **Bills Introduced**

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

**H. B. 4019** - “A Bill making appropriations of public money out of the Treasury in accordance with Section 51, Article VI of the Constitution.”

Accompanying the Budget Bill was a document showing estimates of revenue, expenditures, etc., as required by Section 51, Article VI of the Constitution which was also referred to the Committee on Finance.

### **Miscellaneous Business**

Delegate Miley filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. B. 2863.

At 8:06 p.m., on motion of Delegate Cowles, the House of Delegates adjourned until 11:00 a.m., Thursday, January 11, 2018.



---

Thursday, January 11, 2018

**SECOND DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 10, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Resolutions Introduced**

Delegate Atkinson offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 2** – “Requesting the Division of Highways name bridge number 44-119-20.84 (44A116), locally known as Whiting Electric Arch, carrying U. S. Route 119 over the right fork of Spring Creek in Roane County, the ‘U. S. Marine Corps PFC James Ralph Heeter Memorial Bridge’.”

Whereas, James Ralph Heeter was born June 4, 1949, to Emeline and William L. Heeter; and

Whereas, He attended Spencer High School; and

Whereas, He entered the Marines in February of 1968; and

Whereas, He served as a rifleman with company D, First Battalion, Third Marines, Third Marine Division in connection with operations against the enemy in the Republic of Vietnam; and

Whereas, After boot camp he came home for the last time in June 1968, and in July was sent to Vietnam, and three weeks later

on August 18, 1968, while he was serving as point element for the company, the company came under heavy fire. Disregarding his own safety, he ignored the heavy volume of fire and advanced to the side of a wounded Marine. He quickly administered first aid and, although seriously wounded he remained by the side of his injured comrade providing vital medical treatment. PFC Heeter was mortally wounded. By his courage, bold initiative, and selfless devotion to duty, PFC Heeter inspired all who observed him and he upheld the highest tradition of the Marine Corps and of the U. S. Naval Service. He gallantly gave his life in the service of his country; and

Whereas, The President of the U. S. presented the Silver Star Medal to PFC James Ralph Heeter, posthumously; and

Whereas, It is fitting that an enduring memorial be established to commemorate his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is requested to name bridge number 44-119-20.84 (44A116), locally known as Whiting Electric Arch, carrying U. S. Route 119 over the right fork of Spring Creek in Roane County, the “U. S. Marine Corps PFC James Ralph Heeter Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Marine Corps PFC James Ralph Heeter Memorial Bridge”; and, be it

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

On motion for leave, Joint Resolutions were introduced, read by their titles and severally referred as follows:

**By Delegate Folk:**

**H. J. R. 101** – “Proposing an amendment to the Constitution of the State of West Virginia amending section one, article V

thereof; and amending section fifty-one, article VI thereof, all relating to the authority of the Legislature with regard to the state budget; giving the Legislature the sole authority to determine what funds are necessary for the efficient and effective operation of the legislative, executive and judicial departments; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

**And,**

**By Delegate Deem:**

**H. J. R. 102** – “Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section one-d, relating to exempting personal property held in a business inventory, and business equipment from taxation; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

**Petitions**

Delegate A. Evans presented a petition signed by twenty-nine constituents requesting a public waterline along CR. 3/1 and 5/1 in Grant County; which was referred to the Committee on Finance.

Delegate Howell presented a petition signed by citizens of Mineral County requesting the Department of Highways construct a turning lane at the intersection of West Virginia Route 28 and Scenic Lane; which was referred to the Committee on Roads and Transportation.

**Bills Introduced**

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

**By Delegate Hanshaw:**

**H. B. 4020** - “A Bill to amend and reenact §7-4-4 and §7-4-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-7-2 of said code; to amend and reenact §7-10-2 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §15-2-15 of said code; to amend and reenact §15-2C-1 of said code; to

amend and reenact §15-9-3 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §16-2F-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-9A-3 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §16-47-5 of said code; to amend and reenact §17C-5-6a and §18-5-15c of said code; to amend and reenact §18-8-6a of said code; to amend and reenact §18A-5-1d of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §29-21-16 of said code; to amend and reenact §31-20-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-205 and §48-9-301a of said code; to amend and reenact §48-22-301 of said code; to amend and reenact §48-26-701 and §48-26-1002 of said code; to amend and reenact §48-27-403 of said code; to amend and reenact §49-1-201 of said code; to amend and reenact §51-2A-2 of said code; to amend and reenact §51-7-8 of said code; to amend and reenact §61-2-14h of said code; to amend and reenact §61-5-12b of said code; to amend and reenact §61-6-25 of said code; to amend and reenact §61-7-8 of said code; to amend and reenact §61-8-12 of said code; to amend and reenact §61-8B-11a of said code; to amend and reenact §61-8C-3b of said code; to amend and reenact §61-8D-9 of said code; to amend and reenact §61-11-23 of said code; to amend and reenact §61-12-10 of said code; and to amend and reenact and §62-6B-5, all relating to making technical corrections in the code when referencing chapter 49 of this code; and defining a term”; to the Committee on the Judiciary.

**By Delegates Householder, Summers, Butler and Dean:**

**H. B. 4021** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-53-1, §16-53-2, §16-53-3, §16-53-4, §16-53-5, and §16-53-6, all relating to creating a process which permits a person to search for highest value health care; designating article as ‘Right to Shop’; providing definitions; establishing a Comparable Health Care Service Incentive Program, beginning January 1, 2019; requiring insurance carriers to develop health care transparency tools; patient freedom and choice to seek health care insurance; requiring price transparency; and requiring the Public Employees Insurance Agency to conduct an analysis of the cost effectiveness of



implementing an incentive-based program for current enrollees and retirees”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Hamrick, Butler, Barrett, Dean, Fast, Hollen, Lovejoy and Queen:**

**H. B. 4022** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9p, relating to providing an exemption from the consumer sales and service tax and use tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of aircraft operated under a fractional ownership program; defining terms; and specifying a method for claiming exemption”; to the Committee on Roads and Transportation then Finance.

**By Delegates Summers, Ellington, Householder, Rohrbach, Hollen, Dean and Butler:**

**H. B. 4023** - “A Bill to amend and reenact §30-7C-3 and §30-7C-9 of the Code of West Virginia, 1931, as amended, all relating to the regulation of dialysis technicians”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Summers, Ellington, Householder, Sobonya, Atkinson, Dean, Hollen and Butler:**

**H. B. 4024** - “A Bill to repeal §9-5-18 of the Code of West Virginia, 1931; and to amend and reenact §9-5-9 of said code, all relating generally to direct cremation or direct burial expenses for indigent persons; decreasing the amount the Department of Health and Human Resources may pay for cremation or burial from \$1,250 to \$1,000; making certain relatives of the indigent person liable for direct cremation or direct burial expenses; authorizing the Department of Health and Human Resources to recover direct cremation or direct burial expenses from relatives liable for those costs; requiring affidavits be signed and filed making direct cremation the preferred method and providing an exception; defining terms; and establishing a criminal penalty”; to the Committee on the Judiciary then Finance.

**By Delegates Ellington, Summers, Householder, Rohrbach, Hollen, Sobonya, Atkinson, Butler and Dean:**

**H. B. 4025** - “A Bill to amend and reenact §30-5-11 of the Code of West Virginia, 1931, as amended, relating to permitting reciprocity for licensure as a pharmacy technician”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Ellington, Summers, Householder, Rohrbach, Sobonya, Atkinson, Hollen, Butler and Dean:**

**H. B. 4026** - “A Bill to amend and reenact §30-5-29 of the Code of West Virginia, 1931, as amended, relating to exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act”; to the Committee on Health and Human Resources.

**By Delegates Ellington, Summers, Householder, Rohrbach, Hollen and Dean:**

**H. B. 4027** - “A Bill to amend and reenact §30-3-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3-16, all relating to creating an education permit for allopathic physician resident”; to the Committee on Education then Health and Human Resources.

**By Delegate Hanshaw:**

**H. B. 4028** - “A Bill to amend and reenact § 62-15-6a of the Code of West Virginia, 1931, relating to allowing funding allotted for treatment supervision of drug offenders to be applied to participants in the Adult Drug Court Program; and sets forth additional duties for the Administrative Office of the Supreme Court of Appeals”; to the Committee on the Judiciary then Finance.

**By Delegate Summers:**

**H. B. 4029** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, increasing pay for social workers”; to the Committee on Health and Human Resources then Finance.

**By Delegate Summers:**

**H. B. 4030** - “A Bill to amend and reenact §17-2A-14 of the Code of West Virginia, 1931, as amended, relating to disposition

of certain surplus equipment and materials, requiring recycling of metal if cost effective”; to the Committee on Roads and Transportation then Finance.

**By Delegates Howell, Zatezalo, Kelly, Sypolt, Hicks, Ward and Atkinson:**

**H. B. 4031** - “A Bill to amend and reenact §17A-3-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Division of Motor Vehicles to make available an electronic proof of motor vehicle registration that can be carried on a wireless communication device”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate Folk:**

**H. B. 4032** - “A Bill to amend and reenact §4-2A-2 of the Code of West Virginia, 1931, as amended, relating to withholding pay of a legislator who misses an entire floor session; exception”; to the Committee on the Judiciary then Finance.

### **Miscellaneous Business**

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

Delegate Hamilton filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. B. 2212.

At 11:29 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 12, 2018.



---

Friday, January 12, 2018

**THIRD DAY**

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

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

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

The Clerk proceeded to read the Journal of Thursday, January 11, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2205**, Exempting heating oil for residential use from the Motor Fuel Excise Tax,

And,

**H. B. 2379**, Providing a special method for valuation of certain wireless technology property for property taxes,

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 (H. B. 2205 and H. B. 2379) were each referred to the Committee on Finance.

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. 2869**, Providing for paid leave for certain state officers and employees during a declared state of emergency,

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

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2698**, Providing certain notice to civil service exempt employees dismissed from employment due to change in administration,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2698) 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:

**H. B. 2841**, Requiring board members to have attended a board meeting in order to be compensated for the meeting,

**H. B. 3013**, Requiring an inspection or inspections of any building prior to purchase or major renovation by the state,

And,

**H. B. 3104**, Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund,

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 (H. B. 2841, H. B. 3013 and H. B. 3104) were each referred to the Committee on Finance.

### **Resolutions Introduced**

Delegates Westfall and Ambler offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 3** – “Requesting the Division of Highways to name bridge number 18-33-1.25, EB-WB (18A190, 18A191) locally known as Ravenswood Connector EB-WB, carrying U. S. Rt. 33 over Sandy Creek in Jackson County, the ‘U. S. Army CPL David Michael Hopkins and U. S. Army Cpl Romey Earl Hughart, Jr. Memorial Bridge’.”

Whereas, David Michael Hopkins, a native of Ravenswood, West Virginia, born August 31, 1950, served as an infantryman in the United States Army, reaching the rank of corporal; and

Whereas, Cpl. David Michael Hopkins was a member of E Company, 1<sup>st</sup> Battalion, 501<sup>st</sup> ABN Division, and

Whereas, Cpl. David Michael Hopkins began a tour of duty in South Vietnam June 26, 1970; and

Whereas, Cpl. David Michael Hopkins died September 28, 1970, at the age of 20, while missing in Thua Thien Province in South Vietnam; and

Whereas, Cpl. David Michael Hopkins is named on the wall of the Vietnam War Memorial at Panel W7 Line 98; and

Whereas, Romey Earl Hughart, Jr., a native of Ravenswood, West Virginia, born December 14, 1944, served as a military

policeman in the United States Army, reaching the rank of corporal; and

Whereas, Cpl. Romey Earl Hughart, Jr. was a member of C Company, 716<sup>th</sup> MP Battalion, 89<sup>th</sup> MP Group, 18<sup>th</sup> MP BDE; and

Whereas, Cpl. Romey Earl Hughart, Jr. began a tour of duty in South Vietnam March 12, 1966; and

Whereas, Cpl. Romey Earl Hughart, Jr. died in combat August 11, 1966, at the age of 21, in South Vietnam; and

Whereas, Cpl. Romey Earl Hughart, Jr. is named on the wall of the Vietnam War Memorial at Panel 9E Line 127; and

Whereas, Cpl. David Michael Hopkins and Cpl. Romey Earl Hughart, Jr. died in service to their country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 18-33-1.25, EB-WB (18A190, 18A191) locally known as Ravenswood Connector EB-WB, carrying U. S. Rt. 33 over Sandy Creek in Jackson County, the “U. S. Army CPL David Michael Hopkins and U. S. Army CPL Romey Earl Hughart, Jr. Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “U. S. Army CPL David Michael Hopkins and U. S. Army CPL Romey Earl Hughart, Jr. Memorial Bridge”; and, be it

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

Delegates Ambler, Cooper, Wagner, Westfall, Maynard and Howell offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 4** - “Requesting the Division of Highways to name bridge number 13-92-0.01 (13A173), locally known as Wades



Creek Bridge, carrying WV 92 over Wades Creek in Greenbrier County, the ‘U. S. Army SPC4 Gary Wayne Morgan Memorial Bridge’.”

Whereas, Gary Wayne Morgan was born November 28, 1947, at Alvon, Greenbrier County, West Virginia, son of Bernard and Della Waid Morgan of Manor Park, White Sulphur Springs, West Virginia; and

Whereas, Gary Wayne Morgan had two brothers, Dennis Lane and Larry Dwain Morgan; and

Whereas, Gary Wayne Morgan graduated from White Sulphur Springs High School in 1966 and worked at Hercules Company in Covington, Virginia; and

Whereas, Gary Wayne Morgan entered the U.S. Army August 9, 1967, trained at Fort Gordon, Georgia and completed nine weeks of jungle training at Fort Polk, Louisiana; and

Whereas, SPC4 Gary Wayne Morgan served in the 9<sup>th</sup> Infantry Division during his Vietnam service; and

Whereas, SPC4 Gary Wayne Morgan was killed in action August 30, 1968, at Camp Dong Tam in Go Cong Province, South Vietnam, during ground operations against a hostile force. His remains were returned to the United States and buried at Greenbrier Memorial Gardens; and

Whereas, Following SPC4 Gary Wayne Morgan’s death, officials of the U. S. Army presented to his parents their son’s Purple Heart Medal, Bronze Star Medal, Good Conduct Medal, National Defense Medal, Vietnamese Service Medal, Vietnamese Commendation Ribbon, Combat Infantry Badge and weapons qualification badges. SPC4 Morgan qualified as expert in recoilless rifle, sharpshooter in rifle, and marksman in automatic rifle and pistol; and

Whereas, It is appropriate that a memorial be dedicated to this soldier who gave his life for his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-92-0.01 (13A173), locally known as Wades Creek Bridge, carrying WV 92 over Wades Creek in Greenbrier County, the “U. S. Army SPC4 Gary Wayne Morgan Memorial Bridge”, and, be it

*Further resolved,* That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “U. S. Army SPC4 Gary Wayne Morgan Memorial Bridge”; and, be it

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

Delegates Ambler, Cooper, Wagner, Westfall, Maynard and Howell offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 5** – “Requesting the Division of Highways name bridge number 13-92-9.25 (13A177), locally known as Whites Draft Bridge, carrying WV 92 over Whites Draft in Greenbrier County, the ‘U. S. Army PFC Jessie Franklin Crow Memorial Bridge’.”

Whereas, PFC Crow was born on February 14, 1948, in Alvon, West Virginia to Trilbie and Clyde Crow; and

Whereas, PFC Crow joined the United States Army with an in service date of April 20, 1968, and served as a Light Weapons Infantryman in 1<sup>st</sup> Calvary Division, D Company, 7<sup>th</sup> Cavalry Regiment, 5<sup>th</sup> Battalion; and

Whereas, PFC Crow died in action in Vietnam on May 19, 1968; and

Whereas, It is fitting and proper that PFC Crow who gave the ultimate sacrifice for his state and country to have this bridge named after him; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to erect signs at both entrances to bridge number 13-92-9.25 (13A177), locally known as Whites Draft Bridge, carrying WV 92 over Whites Draft in Greenbrier County, the “U. S. Army PFC Jessie Franklin Crow Memorial Bridge”; and, be it

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

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

**By Delegates Espinosa, Sobonya, Hill, Rowan, Frich, Cowles, Kessinger, Jennings, Hamilton, Butler and Mr. Speaker (Mr. Armstead):**

**H. J. R. 103** – “Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article twelve thereof, relating to education; providing for rule oversight; providing for the election of members of the State Board of Education, beginning with the general election in 2021; shortening the term of State Board of Education members; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Education then the Judiciary.

### **Petitions**

Delegates Thompson, Lovejoy, Marcum and Hicks presented a petition signed by citizens of Wayne County requesting the Legislature fully fund and protect Cabwaylingo State Forest; which was referred to the Committee on Finance.

### **Bills Introduced**

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

**By Delegates Fast, Higginbotham, Foster, McGeehan, Kessinger, Westfall, Martin, Ambler, Butler, Queen and Sypolt:**

**H. B. 4001** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, §9-8-12, §9-8-13, and §9-8-14, all relating to eligibility and fraud requirements for public assistance; defining terms; requiring the Department of Health and Human Resources to implement work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP); requiring discontinuance of a federal waiver; setting forth what meets work requirements; setting out exceptions to work requirements; providing for a good cause exception; allowing for a federal waiver; providing for rule-making for suspension of benefits for noncompliance; providing for an asset test for SNAP benefits; requiring accessing information of various federal, state and miscellaneous sources; prohibiting payment of SNAP benefits in specified instances; requiring cooperation with the Bureau for Child Support Enforcement; requiring a design or establishment of a computerized income, asset and identity verification system for Temporary Assistance for Needy Families (TANF); allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state and miscellaneous sources for TANF; requiring identity authentication as a condition to receive public assistance; setting forth notice requirements and right to a hearing; requiring referrals for fraud, misrepresentation and inadequate documentation; requiring a report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; and providing for rulemaking”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Overington, Cowles, Moore, Hill, C. Romine, Deem, Walters, Hamilton, Jennings, Mr. Speaker (Mr. Armstead) and Maynard:**

**H. B. 4002** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2c,

relating to the decennial redistricting of the House of Delegates and setting forth certain findings and providing that following the reapportionment and redistricting of the Legislature following the United States Census in 2020, all delegates shall be elected from one hundred single districts”; to the Committee on the Judiciary.

**By Delegates Hollen, C. Romine, Moore, Rohrbach, Summers, Phillips, Hamilton, Storch, Sobonya, Sypolt and Capito:**

**H. B. 4003** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, and §16-54-9; to amend and reenact §30-3-14 of said code; to amend and reenact §30-3A-1, §30-3A-2, §30-3A-3, and §30-3A-4 of said code; to amend and reenact §30-4-19 of said code; to amend and reenact §30-5-6 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-8-18 of said code to amend and reenact §30-14-12a of said code; to amend and reenact §30-36-2 of said code; to amend and reenact §60A-2-204, §60A-2-206, and §60A-2-210 of said code; and to amend and reenact §60A-9-4, §60A-9-5, and §60A-9-5a of said code, all relating to reducing the use of certain prescription drugs; limiting the amount of opioid prescription, requiring certain health care procedures be followed by health care practitioners relating to prescriptions for opioids; requiring reports to licensing boards regarding abnormal prescribing practices; relating to requiring the Board of Pharmacy to report quarterly to various licensing boards; permitting the investigation and discipline for abnormal prescribing and dispensing of prescription drugs, updating the schedule of controlled substances; allowing licensing boards who regulate prescribers to investigate abnormal prescribing and dispensing of prescription drugs based upon information”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Shott, C. Miller, Hanshaw, Lane, Zatezalo, Ellington, Sobonya, Deem, Capito, C. Romine and Mr. Speaker (Mr. Armstead):**

**H. B. 4005** - “A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter

of right in the West Virginia Supreme Court of Appeals; and providing that all appeals shall be afforded a full and meaningful review, an opportunity to be heard, and a written decision on the merits”; to the Committee on the Judiciary.

**By Delegates R. Romine, Blair, Espinosa, Higginbotham, Cowles, Criss, Ellington, Hamrick, Westfall, Atkinson and Statler:**

**H. B. 4006** - “A Bill to repeal §10-5-2a of the Code of West Virginia, 1931, as amended; to repeal §18-2I-3 of said code; to repeal §18A-3-2d of said code; to repeal §18A-3A-1, §18A-3A-2, §18A-3A-2b, §18A-3A-3 and §18A-3A-5 of said code; to repeal §18B-11-4 and §18B-11-6 of said code; to amend and reenact §4-13-2 of said code; to amend and reenact §5-26A-3 of said code; to amend and reenact §5B-2C-6 of said code; to amend and reenact §5F-1-2 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §18-2I-1, §18-2I-2 and §18-2I-4 of said code; to amend and reenact §18-10A-1, §18-10A-2, §18-10A-3, §18-10A-6a and §18-10A-12 of said code; to amend and reenact §18-10K-2, §18-10K-5 and §18-10K-6 of said code; to amend and reenact §18-30-4 of said code; to amend and reenact §18A-2-9 and §18A-2-12 of said code; to amend and reenact §18A-3-1, §18A-3-1d, §18A-3-2c and §18A-3-8 of said code; to amend and reenact §18A-3C-1, §18A-3C-2 and §18A-3C-3 of said code; to amend and reenact §18B-1B-2 of said code; to amend and reenact §18B-3D-2 of said code; to amend and reenact §18B-5-2a of said code; to amend and reenact §18B-16-5 and §18B-16-8 of said code; to amend and reenact §18B-18B-1 of said code; and to amend and reenact §29-24-3 and §29-24-5 of said code, all relating to revising the processes through which professional development is delivered for those who provide public education in this state, including improvement of the focus on school-level continuous improvement processes led by the principal, generally; eliminating administrative offices, duplicative programs and obsolete provisions; repealing provisions related to creation and duties of distance learning coordinating council; repealing provisions related to annual state board professional development master plan; repealing provisions related to beginning principal internships; repealing provisions related to center for

professional development and principals academy curriculum; repealing provisions related to center for development professional development project; repealing provisions related to principals academy establishment, mission, required attendance and employment of coordinator; repealing provisions related to pilot program of delivering educational services via distance learning; repealing provisions related to creation of depositories for assistive devices and services at two colleges or universities; repealing provisions creating the National Institute For Teaching Excellence and its governing board; modifying membership of Sesquicentennial of the American Civil War Commission; modifying membership of Commission for National and Community Service; removing Department of Education and the Arts as option to provide technical support to the Academy of Science and Technology in preparation of annual report; eliminating Department of Education and the Arts as executive department headed by secretary; transferring Division of Culture and History and Division of Rehabilitation Services to Department of Commerce; making the Educational Broadcasting Authority and Library Commission each an independent agency within executive branch; eliminating salary of Secretary of Education and the Arts; modifying the scope and goals of the system for coordination and delivery of professional development to be instituted by State Board of Education; modifying legislative findings with respect to professional development; eliminating requirement for State Board of Education master plan for professional development; requiring State Board of Education rule to include process for aggregating school and system strategic plan information to assist design and delivery of professional development; replacing references to the secretary and the Department of Education and the Arts in rehabilitation and vocational services related statutes; modifying membership of Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board; transferring fund administration to Department of Commerce; modifying membership of College Prepaid Tuition and Savings Program Board; including instructional leadership among the responsibilities of principals and requiring course work in instructional leadership and related topics as prerequisite for administrative certification; moving from a precertification requirement to a pre-employment requirement

that principals, assistant principals and administrators complete education and training in evaluation skills; deleting provisions proscribing limitations on certain rights and privileges of principals and assistant principals as teachers; removing requirements for interaction between State Board Of Education and Center for Professional Development regarding performance evaluations; removing proscription of issuance or renewal of certain administrative certificate; removing requirement for State Board Of Education consultation with Secretary of Education and Arts and Chancellor for Higher Education prior to exercise of authority over education; adding within standards for education of professional educators requirement providing for the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United States of America; authorizing State Board of Education cooperation with regional education service agencies for selected phases of preparation programs and expenditure of funds; removing requirement for State Board of Education to consult with Secretary of Education and the Arts and the Chancellor of Higher Education; removing provisions related to required training and professional development of principals through principals academy; adding instructional leadership and management techniques to required minimum standards for rule governing training of principals; removing language relating to waivers, ineligibility, progress tracking and expenses relating to training of principals; requiring county professional staff development councils to base proposals for staff development on analysis of individual and collective need indicated in school's strategic plans; incorporating principals development in the provisions for a comprehensive system to improve teaching and learning; making legislative finding that professional development resources must be focused rather than increased; removing obsolete provisions related to phased implementation of provisions for professional personnel evaluations; eliminating requirement for five percent of evaluations to be based on state summative assessment and increasing percent based on evidence of student learning by five percent; incorporating principals into the comprehensive system of support for improved professional performance; requiring deficiencies identified through personnel evaluations to be



incorporated in strategic plans for continuous improvement; removing language requiring posting and other provisions relating to employment; restricting certain appropriations for certain activities; modifying membership of Higher Education Policy Commission; modifying membership of Workforce Development Initiative Program Advisory Committee; modifying process for approval of transfers of amounts between items of appropriation or special accounts of institutions of higher education; updating agency references and removing Secretary of Education and the Arts with respect to rural health initiative; modifying membership of Science and Research Council; transferring certain references and responsibilities to Technology-Related Assistance Revolving Loan Fund For Individuals With Disabilities Board to Secretary of Commerce; directing the adoption and promulgation of rules and guidelines; and making consequential changes incident to the elimination of agencies or programs or the modification of duties, responsibilities and functions”; to the Committee on Education then Finance.

**By Delegates Ellington, Moore, Jennings, Butler, C. Miller, Martin, Overington, Fast, Espinosa, Householder and Statler:**

**H. B. 4007** - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the Secondary School Activities Commission and participation by home schooled students in extracurricular activities”; to the Committee on Education.

**By Delegates Capito, Upson, Blair, Cowles, White, Espinosa, Ward, Foster, Summers, Statler and Harshbarger:**

**H. B. 4008** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8 and §18-31-9, all relating to enacting an Educational Savings Account Program; providing a short title and definitions; providing basic elements of an educational savings account; application requirements; responsibilities of the Treasurer; establishing a Parent Review Committee; providing eligibility requirements for

and rights of education service providers; including responsibilities of resident school districts; and addressing legal proceedings”; to the Committee on Education then Finance.

**By Delegates Rohrbach, Anderson, Cowles, Phillips, Kelly, Jennings, Atkinson, Harshbarger, Ellington, Lane and Maynard:**

**H. B. 4009** - “A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund of the state, and exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; prohibiting agreements to settlement or agreement terms that are contrary to the depositing of funds in the State Treasury; requiring quarterly transfer of funds from the Consumer Protection Recovery Fund into the General Revenue Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring quarterly reporting by the Attorney General as to the disposition of matters; and repealing provisions governing the disposition of certain fees of the Attorney General taxed as costs in legal proceedings”; to the Committee on the Judiciary then Finance.

**By Delegates Jennings, Arvon, Ward, A. Evans, Hollen, Fast, Ambler, Martin, Paynter, Rowan and Graves:**

**H. B. 4010** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-2-406, relating to providing that a religious representative or spiritual assembly, church or religious organization is not required to solemnize a marriage and a spiritual assembly, church or religious organization is not required to allow any building or property of the organization to be used to host a marriage ceremony if the

marriage does not conform to the religious representative or spiritual assembly, church or religious organization's sincerely held religious beliefs, to provide that a religious representative or spiritual assembly, church or religious organization is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to any religious representative or spiritual assembly, church or religious organization for such a denial"; to the Committee on the Judiciary.

**By Delegates Hamrick, Phillips, Storch, Walters, Capito, Harshbarger, Kessinger, Householder, Criss, Paynter and Foster:**

**H. B. 4011** - "A Bill to amend and reenact §29A-3-3 of the Code of West Virginia, 1931, relating to requiring agencies, when submitting a new rule or changes to an existing rule, to also identify two existing rules that could be repealed"; to the Committee on Government Organization.

**By Delegates Hanshaw, C. Miller, Overington, Graves, Westfall, Anderson, Frich, Cooper, Atkinson, R. Romine and Hollen:**

**H. B. 4013** - "A Bill to repeal §56-1-1a of the Code of West Virginia, 1931, as amended; and to amend and reenact §56-1-1 of said code, all relating to venue in West Virginia state courts as it applies to nonresidents of the state and providing that a nonresident generally may not bring an action in the state unless all or a substantial part of the acts or omissions giving rise to the claim asserted occurred in this state"; to the Committee on the Judiciary.

**By Delegates Hanshaw, Ambler, Kessinger, Mr. Speaker (Mr. Armstead), Lynch and Pethtel:**

**H. B. 4033** - "A Bill to amend and reenact §15-5-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Homeland Security and Emergency Management to contract with or employ individuals for the purpose of emergency response and recovery and providing requirements for such contracts or employment"; to the Committee on Government Organization then the Judiciary.

**By Delegates Hanshaw, Ambler, Kessinger, Mr. Speaker (Mr. Armstead), Lynch and Pethtel:**

**H. B. 4034** - “A Bill to amend and reenact §5A-3-3a of the Code of West Virginia, 1931, as amended, relating to exempting the renewal of certain contracts entered into during a declared state of emergency from purchasing requirements”; to the Committee on Government Organization then the Judiciary.

**By Delegates Summers, Ellington, Householder, Rohrbach, Byrd, Capito, Hollen, Dean and Butler:**

**H. B. 4035** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6 and §16-54-7, all relating to palliative care”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Cowles:**

**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”; to the Committee on the Judiciary then Finance.

**By Delegates Sponaugle, Miley, Caputo, Boggs, Lovejoy, Fluharty, Barrett, Iaquina, Robinson, Fleischauer and Pushkin:**

**H. B. 4037** - “A Bill to amend and reenact §18C-7-1 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §18C-8-1, §18C-8-2, §18C-8-3, §18C-8-4, §18C-8-5 and §18C-8-6, all relating to expiring the PROMISE Scholarship Program; establishing the Promise for All Scholarship Program; providing legislative findings and purpose of the new program; defining terms; providing eligibility, conditions and limitations for participating in the program; directing the Higher Education Policy Commission administer the program; providing commission directives and authority to administer; providing for loss of scholarship if certain conditions are not fulfilled; placing limitations and conditions on scholarship awards; providing for legislative and emergency rules; establishing a new fund to hold and invest scholarship moneys; and

providing for funding of program”; to the Committee on Education then Finance.

**By Delegates Howell, Ward, Arvon, Walters, Sypolt, Criss, Atkinson, Harshbarger, Martin, Dean and Maynard:**

**H. B. 4038** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-1-12, relating to requiring training conducted on behalf of a state agency to be provided in state-owned facilities; providing exception; and requiring rulemaking by the Secretary of the Department of Administration”; to the Committee on Government Organization then Finance.

**By Delegates Howell, Hamrick, Ward, Storch, Maynard, Martin, Atkinson, Dean, Harshbarger, Criss and Arvon:**

**H. B. 4039** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1-9, relating to exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired; and requiring rulemaking”; to the Committee on Government Organization then Finance.

**By Delegates Howell, Ward, Storch, Maynard, Criss, Martin, Atkinson, Dean, Harshbarger, Arvon and Walters:**

**H. B. 4040** - “A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to those public service districts whose sewage billings are based on water usage by a consumer to exclude from that sewage billing any amount that is the result of a water line break; and granting rule-making authority”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Howell, Hamrick, Ward, Maynard, Dean, Martin, Harshbarger, Criss, Arvon, Walters and Sypolt:**

**H. B. 4041** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-5A-1, relating to creating the Taxation With Representation Act whereby nonresidents of a municipality who work in that municipality and who pay user fees pursuant to a municipal ordinance may vote in municipal elections”; to the Committee on the Judiciary.

**By Delegates Westfall, Atkinson and Wagner:**

**H. B. 4042** - “A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to redefining school zone to facilitate placement of school zone signs”; to the Committee on Education then the Judiciary.

**By Delegate Walters:**

**H. B. 4043** - “A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, relating to requiring national accreditation of local health departments”; to the Committee on Political Subdivisions then Health and Human Resources.

**By Delegates Summers, Hollen, Kessinger, Sobonya, C. Miller, Canestraro, R. Miller and Lovejoy:**

**H. B. 4044** - “A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-20-33 of said code, all relating to increasing pay to facilitate hiring and retention of employees by the Division of Corrections and by the Regional Jail Authority and Correctional Facility Authority; providing \$3,000 across the board increases for each employee pay scale”; to the Committee on the Judiciary then Finance.

**By Delegate Boggs:**

**H. B. 4045** - “A Bill to amend and reenact §46A-6F-501 of the Code of West Virginia, 1931, as amended, relating to creating a prohibition circumvent caller identification technology that allows a consumer to identify from what phone number, location or organization the call has originated from, or to otherwise misrepresent the origin and nature of the solicitation”; to the Committee on the Judiciary.

**By Delegates Frich, Sobonya, Hollen, Foster and Overington:**

**H. B. 4046** - “A Bill to amend and reenact §9-3-6 of the Code of West Virginia, 1931, as amended, relating to drug screening of applicants for cash assistance; expanding means of drug testing to include blood, urine and saliva”; to the Committee on the Judiciary.

**Miscellaneous Business**

Delegate Upson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3095.

Delegate Cooper filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2123.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4028.

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

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

At 11:32 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 15, 2018.





---

Monday, January 15, 2018

**SIXTH 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, January 12, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4024**, Relating generally to direct cremation or direct burial expenses for indigent persons,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4024) was referred to the Committee on Finance.

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. 4005**, Clarifying that appeals to the Supreme Court are a matter of right,

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

**Messages from the Executive  
and other Communications**

The following letter from the Legislative Rule-Making Review Committee was read by the Clerk:

West Virginia Legislature  
Legislative Rule-Making Review Committee  
State Capitol  
Charleston, West Virginia 25305

December 19, 2017

The Honorable Clark Barnes  
Clerk, West Virginia Senate  
State Capitol  
Charleston, WV 25305

The Honorable Steve Harrison  
Clerk, West Virginia House of Delegates  
State Capitol  
Charleston, WV 25305

Gentlemen:

In accordance with the provisions of W.Va. Code, §29A-3-12, we have attached copies of the proposed legislative rules which have been submitted to and acted upon by the Legislative Rule-Making Review Committee, pursuant to the provisions of W.Va. Code, §29A-3-11, and which have not previously been submitted to the Legislature for study.

Also, attached is a report listing the proposed legislative rules considered by the Committee, and setting forth the recommendations of the Committee with respect to the proposed legislative rules. This letter also serves as a statement that a separate bill authorizing the promulgation of each proposed

legislative rule has been drafted by the staff of the Legislative Rule-Making Review Committee.

In accordance with W.Va. Code, §29A-3-11, the draft bills are available for any member to introduce to the Legislature. The undersigned, as Co-Chairs of the Legislative Rule-Making Review Committee, are requesting that Senator Maynard's name be placed on the draft bills as the sponsor in the Senate, and Delegate Sobonya and Delegate Frich's, names be placed on the draft bills as the sponsors in the House of Delegates.

Thank you for your cooperation.

Sincerely,

Mark Maynard,  
*Senate.*

Kelli Sobonya,  
*House of Delegates.*

Report of the Legislative Rule-Making Review Committee

West Virginia Legislature  
Legislative Rule-Making Review Committee  
State Capitol  
Charleston, West Virginia 25305

December 19, 2017

West Virginia Legislature  
State Capitol  
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairpersons of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the Committee, authorizing each of the proposed legislative rules below as submitted, as modified, as modified and amended, or as amended have been drafted by staff

of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

**The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:**

Administration, Department of  
Parking, 148 CSR 6 [H. B. 4086]

DEP - Air Quality Board  
Standards of Performance for New Stationary Sources, 45  
CSR 16 [H. B. 4074]

DEP - Air Quality Board  
Control of Air Pollution from Municipal Solid Waste  
Landfills, 45 CSR 23 [H. B. 4089]

DEP - Air Quality Board  
Control of Air Pollution from Hazardous Waste Treatment,  
Storage and Disposal Facilities, 45 CSR 25 [H. B. 4090]

DEP - Air Quality Board  
Emission Standards for Hazardous Air Pollutants, 45 CSR  
34 [H. B. 4091]

DEP – Air Quality Board  
Ambient Air Quality Standards, 45 CSR 8 [H. B. 4092]

DEP – Secretary’s Office  
Voluntary Remediation and Redevelopment Rule, 60 CSR  
3 [H. B. 4094]

DEP – Water and Waste Management, Division of  
Hazardous Waste Management System, 33 CSR 20 [H. B.  
4093]

Health and Human Resources, Department of  
West Virginia Clearance for Access: Registry and  
Employment Screening, 69 CSR 10 [H. B. 4125]

Health and Human Resources, Department of  
Family Child Care Home Registration Requirements, 78  
CSR 19 [H. B. 4122]

Health and Human Resources, Department of  
Out-of-School-Time Child Care Center Licensing  
Requirements, 78 CSR 21 [H. B. 4133]

Hearing Aid Dealers, Board of  
Rules Governing the West Virginia Board of Hearing Aid  
Dealers, 8 CSR 1 [H. B. 4071]

Labor, Division of  
Zipline and Canopy Tour Responsibility Act, 42 CSR 10  
[H. B. 4119]

Labor, Division of  
Bedding and Upholstered Furniture, 42 CSR 12 [H. B. 4118]

Labor, Division of  
Amusement Rides and Amusement Attractions Safety Act,  
42 CSR 17 [H. B. 4117]

Labor, Division of  
Employer Wage Bonds, 42 CSR 33 [H. B. 4115]

Labor, Division of  
Registration of Service Persons and Service Agencies, 42  
CSR 35 [H. B. 4114]

Medicine, Board of  
Continuing Education for Physicians and Podiatric  
Physician, 11 CSR 6 [H. B. 4070]

Miners' Health, Safety and Training, Office of  
Rules for Operating Diesel Equipment in Underground  
Mines in West Virginia, 56 CSR 23 [H. B. 4106]

Natural Resources, Division of  
Rules Controlling the Public Land Corporations Sale,  
Lease, Exchange or Transfer of Land or Minerals, 58 CSR  
2 [H. B. 4108]

- Natural Resources, Division of  
General Hunting, 58 CSR 49 [H. B. 4109]
- Natural Resources, Division of  
Special Migratory Game Bird Hunting, 58 CSR 56 [H. B. 4110]
- Natural Resources, Division of  
Miscellaneous Permits and Licenses, 58 CSR 64 [H. B. 4111]
- Optometry, Board of  
Rules of the West Virginia Board of Optometry, 14 CSR 1 [H. B. 4050]
- Pharmacy, Board of  
Licensure and Practice of Pharmacy, 15 CSR 1 [H. B. 4067]
- Psychologists, Board of  
Code of Conduct, 17 CSR 6 [H. B. 4047]
- Real Estate Appraiser Licensing and Certification Board  
Requirements for Licensure and Certification, 190 CSR 2 [H. B. 4060]
- Real Estate Commission  
Schedule of Fees, 174 CSR 2 [H. B. 4058]
- Secretary of State  
Vote by Mail Pilot Project Phase 2: Voting by Mail, 153 CSR 39 [H. B. 4054]
- Tax Department, West Virginia State  
Payment of Taxes by Electronic Funds Transfer, 110 CSR 10F [H. B. 4103]
- Tax Department, West Virginia State  
Property Transfer Tax, 110 CSR 22 [H. B. 4104]

**The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-**

**3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:**

Accountancy, Board of

Board Rules and Rules of Professional Conduct, 1  
CSR 1 [H. B. 4073]

Administration, Department of

State Owned Vehicles, 148 CSR 3 [H. B. 4087]

Agriculture, Department of

Animal Disease Control, 61 CSR 1 [H. B. 4083]

Agriculture, Department of

Auctioneers, 61 CSR 11B [H. B. 4082]

Agriculture, Department of

Noxious Weeds, 61 CSR 14A [H. B. 4081]

Agriculture, Department of

Inspection of Meat and Poultry, 61 CSR 16 [H. B. 4080]

Agriculture, Department of

West Virginia Apiary Law, 61 CSR 2 [H. B. 4079]

Agriculture, Department of

Inspection of Nontraditional, Domesticated Animals, 61  
CSR 23D [H. B. 4078]

Agriculture, Department of

Schedule of Charges for Inspection Services: Fruit, 61 CSR  
8B [H. B. 4077]

Athletic Commission, State

Administrative Rules of the West Virginia State Athletic  
Commission, 177 CSR 1 [H. B. 4076]

Athletic Commission, State

Regulation of Mixed Martial Arts, 177 CSR 2 [H. B. 4075]

- DEP – Air Quality Board  
Control of Air Pollution from Combustion of Solid Waste,  
45 CSR 18 [H. B. 4088]
- DEP – Mining and Reclamation  
West Virginia Surface Mining Reclamation Rule, 38 CSR  
2 [H. B. 4085]
- DEP – Water and Waste Management, Division of  
Underground Storage Tanks, 33 CSR 30 [H. B. 4084]
- Dietitians, Board of  
Licensure and Renewal Requirements, 31 CSR 1 [H. B. 4072]
- Fire Commission, State  
Electrician Licensing Rules, 87 CSR 2 [H. B. 4098]
- Fire Commission, State  
Hazardous Substance Emergency Response Training  
Programs, 87 CSR 3 [H. B. 4097]
- Governors Committee on Crime, Delinquency and Correction  
Law Enforcement Training and Certification Standards,  
149 CSR 2 [H. B. 4096]
- Governors Committee on Crime, Delinquency and Correction  
Protocol for Law Enforcement Response to Domestic  
Violence, 149 CSR 3 [H. B. 4095]
- Health and Human Resources, Department of  
Hospital Licensure, 64 CSR 12 [H. B. 4129]
- Health and Human Resources, Department of  
Food Establishments, 64 CSR 17 [H. B. 4128]
- Health and Human Resources, Department of  
Public Water Systems, 64 CSR 3 [H. B. 4127]
- Health and Human Resources, Department of  
Emergency Medical Services, 64 CSR 48 [H. B. 4126]



Health and Human Resources, Department of  
Development of Methodologies to Examine Needs for  
Substance Use Disorder Treatment Facilities within the  
State, 69 CSR 13 [H. B. 4132]

Health and Human Resources, Department of  
Collection and Exchange of Data Related to Overdoses, 69  
CSR 14 [H. B. 4131]

Health and Human Resources, Department of  
Child Care Centers Licensing, 78 CSR 1 [H. B. 4124]

Health and Human Resources, Department of  
Family Child Care Facility Licensing Requirements, 78  
CSR 18 [H. B. 4123]

Health and Human Resources, Department of  
Child Placing Agencies Licensure, 78 CSR 2 [H. B. 4121]

Health and Human Resources, Department of  
Informal and Relative Family Child Care Home  
Registration Requirements, 78 CSR 20 [H. B. 4120]

Health and Human Resources, Department of  
Pilot Program for Drug Screening of Applicants for Cash  
Assistance, 78 CSR 26 [H. B. 4134]

Health Care Authority  
Financial Disclosure Rule, 65 CSR 13 [H. B. 4130]

Highways, Division of  
Disposal, Lease and Management of Real Property and  
Appurtenant Structures and Relocation Assistance, 157  
CSR 2 [H. B. 4099]

Labor, Division of  
Registration of Weighing and Measuring Devices Used  
by Businesses in Commercial Transactions, 42 CSR 36  
[H. B. 4113]

Lottery,  
State Lottery Rules, 179 CSR 1 [H. B. 4100]

- Medicine, Board of  
Licensure, Disciplinary and Complaint Procedures,  
Continuing Education, Physician Assistants, 11 CSR 1B  
[H. B. 4069]
- Natural Resources, Division of  
Hunting, Fishing and Other Outfitters and Guides, 58 CSR  
11 [H. B. 4107]
- Osteopathic Medicine, Board of  
Osteopathic Physician Assistants, 24 CSR 2 [H. B. 4068]
- Pharmacy, Board of  
Pharmacist Recovery Networks, 15 CSR 10 [H. B. 4066]
- Pharmacy, Board of  
Immunizations Administered by Pharmacists and  
Pharmacy Interns, 15 CSR 12 [H. B. 4065]
- Pharmacy, Board of  
Centralized Prescription Processing, 15 CSR 14 [H. B. 4064]
- Pharmacy, Board of  
Uniform Controlled Substances Act, 15 CSR 2 [H. B. 4063]
- Pharmacy, Board of  
Registration of Pharmacy Technicians, 15 CSR 7 [H. B. 4062]
- Pharmacy, Board of  
Controlled Substances Monitoring Program, 15 CSR 8  
[H. B. 4061]
- Psychologists, Board of  
Fees, 17 CSR 1 [H. B. 4049]
- Psychologists, Board of  
Requirements for Licensure as a Psychologist and/or a  
School Psychologist, 17 CSR 3 [H. B. 4048]
- Real Estate Commission  
Licensing Real Estate Brokers, Associate Brokers and  
Salespersons and the Conduct of Brokerage Business, 174  
CSR 1 [H. B. 4059]

Secretary of State

Procedures for Canvassing Elections, 153 CSR 18 [H. B. 4056]

Secretary of State

Procedures for Handling Ballots and Counting Write-In Votes in Counties Using Optical Scan Ballots, 153 CSR 27 [H. B. 4055]

Tax Department, West Virginia State

Farm-To-Food Bank Tax Credit, 110 CSR 13DD [H. B. 4102]

Tax Department, West Virginia State

Municipal Sales and Service and Use Tax Administration, 110 CSR 28 [H. B. 4105]

Veterinary Medicine, Board of

Organization and Operation and Licensing of Veterinarians, 26 CSR 1 [H. B. 4053]

Veterinary Medicine, Board of

Certified Animal Euthanasia Technicians, 26 CSR 5 [H. B. 4052]

Veterinary Medicine, Board of

Schedule of Fees, 26 CSR 6 [H. B. 4051]

**The Committee submits the following legislative rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which was approved by the Committee with the modifications and with the recommendation that the rule be authorized for adoption by the agency with amendments:**

Natural Resource, Division of

Wildlife Disease Management, 58 CSR 69 [H. B. 4112]

Real Estate Commission

Requirements for Real Estate Courses, Course Providers and Instructors, 174 CSR 3 [H. B. 4057]

**The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for adoption by the agency with amendments:**

Labor, Division of

Elevator Safety Act, 42 CSR 21 [H. B. 4116]

Racing Commission

Thoroughbred Racing, 178 CSR 1 [H. B. 4101]

### **Bills Introduced**

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

**By Delegates Arvon, Kessinger, Martin, Rowan, Ward, Jennings, Fast, C. Romine, Hollen, Frich and Graves:**

**H. B. 4012** - “A Bill to amend and reenact §9-1-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of medical services, so as to exclude abortion”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4047** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to code of conduct”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4048** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to requirements for licensure as a psychologist and/or a school psychologist”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4049** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to fees”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4050** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to rules of the West Virginia Board of Optometry”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4051** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4052** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to certified animal euthanasia technicians”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4053** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4054** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to vote by mail pilot project phase 2: voting by mail”; to the Committee on the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4055** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to

procedures for handling ballots and counting write-in votes in counties using optical scan ballots”; to the Committee on the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4056** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to procedures for canvassing elections”; to the Committee on the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4057** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers and instructors”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4058** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to schedule of fees”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4059** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage business”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4060** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure

and certification”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4061** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring program”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4062** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4063** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to uniform controlled substances act”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4064** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4065** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists and pharmacy interns”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4066** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to pharmacist recovery networks”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4067** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4068** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4069** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4070** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4071** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule



relating to rules governing the West Virginia Board of Hearing Aid Dealers”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4072** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4073** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4074** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources”; to the Committee on Energy then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4075** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4076** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4077** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4078** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4079** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia apiary law”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4080** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 4081** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to noxious weeds”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4082** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4083** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4084** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground storage tanks”; to the Committee on Energy then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4085** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation”; to the Committee on Energy then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4086** - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to parking”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4087** - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4088** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste”; to the Committee on Energy then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4089** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4090** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities”; to the Committee on Energy then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4091** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants”; to the Committee on Energy then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4092** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards”; to the Committee on Energy then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4093** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4094** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4095** - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to protocol for law enforcement response to domestic violence”; to the Committee on the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4096** - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards”; to the Committee on the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4097** - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4098** - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to electrician licensing”; to the Committee on Government Organization then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4099** - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to disposal, lease and management of real property and appurtenant structures and relocation assistance”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4100** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules”; to the Committee on Finance then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4101** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing”; to the Committee on Finance then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4102** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to farm to food bank tax credit”; to the Committee on Finance then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4103** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer”; to the Committee on Finance then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4104** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to

property transfer tax”; to the Committee on Finance then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4105** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to municipal sales and service and use tax administration”; to the Committee on Finance then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4106** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners’ Health Safety and Training to promulgate a legislative rule relating to operating diesel equipment in underground mines in West Virginia”; to the Committee on Energy then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4107** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing and other outfitters and guides”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4108** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to controlling the public land corporation’s sale, lease, exchange or transfer of land or minerals”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4109** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to general hunting”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4110** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4111** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4112** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to wildlife disease management”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 4113** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4114** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4115** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to



employer wage bonds”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4116** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to elevator safety act”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4117** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to amusement rides and amusement attractions safety act”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4118** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to bedding and upholstered furniture”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4119** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to zipline and canopy tour responsibility act”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4120** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4121** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Department of Health and Human Resources to promulgate a legislative rule relating to child placing agencies licensure”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4122** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4123** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4124** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4125** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access: registry and employment screening”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4126** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a

legislative rule relating to emergency medical services”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4127** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4128** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4129** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4130** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosure”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4131** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4132** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4133** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sobonya and Frich:**

**H. B. 4134** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance”; to the Committee on the Judiciary.

**House Calendar****First Reading**

**H. B. 2869**, Providing for paid leave for certain state officers and employees during a declared state of emergency; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Miscellaneous Business**

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

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

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

Delegate Statler filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3095.

Delegate Foster filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4020.

Delegates Butler, Dean, Gearheart, McGeehan, Paynter, Pushkin and Sobonya filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. J. R. 101.

At 11:47 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 16, 2018.



---

Tuesday, January 16, 2018

## SEVENTH DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, January 15, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4020**, Making technical corrections in the code when referencing chapter 49,

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

**Com. Sub. for H. B. 4020** - “A Bill to amend and reenact §7-4-4 and §7-4-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-7-2 of said code; to amend and reenact §7-10-2 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §15-2-15 of said code; to amend and reenact §15-2C-1 of said code; to amend and reenact 15-9-3 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §16-2F-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-9A-3 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §16-47-5 of said code; to amend and reenact §17C-5-6a and §18-5-15c of said

code; to amend and reenact §18-8-6a of said code; to amend and reenact §18A-5-1d of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §29-21-16 of said code; to amend and reenact §31-20-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-205 and §48-9-301a of said code; to amend and reenact §48-22-301 of said code; to amend and reenact §48-26-701 and §48-26-1002 of said code; to amend and reenact §48-27-403 of said code; to amend and reenact §49-1-201 of said code; to amend and reenact §51-2A-2 of said code; to amend and reenact §51-7-8 of said code; to amend and reenact §61-2-14h of said code; to amend and reenact §61-5-12b of said code; to amend and reenact §61-6-25 of said code; to amend and reenact §61-7-8 of said code; to amend and reenact §61-8-12 of said code; to amend and reenact §61-8B-11a of said code; to amend and reenact §61-8C-3b of said code; to amend and reenact §61-8D-9 of said code; to amend and reenact §61-11-23 of said code; to amend and reenact §61-12-10 of said code; and to amend and reenact §62-6B-5, all relating to clarifying and making technical corrections in the code when referencing chapter 49 of this code due to 2015 revisions to chapter 49 of this code; and defining a term,”

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. 3095**, Allowing retired teachers to be employed by a higher education institution,

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

**Com. Sub. for H. B. 3095** - “A Bill to amend §18-7A-13a of the Code of West Virginia, 1931, as amended, relating to allowing retired teachers to be subsequently employed by the Higher Education Policy Commission or the council for community and



technical college education without any loss of retirement annuity or retirement benefits under certain circumstances,”

And,

**H. B. 2887**, Relating to retirement and separation incentives,

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

**Com. Sub. for H. B. 2887** - “A Bill to amend and reenact §18B-1-1d of the Code of West Virginia, 1931, as amended, relating to retirement and separation incentives; providing that higher education institutions may provide incentives for retirement in response to a decline in state revenues supporting said higher education institutions; providing that higher education institutions must present policies involving incentives for retirement to the Joint Committee on Pensions and Retirement and those policies must be approved before being implemented; allowing a lump sum payment to an employee to be excluded from calculation of employees average final salary; allowing for continuation of employee’s full salary for a predetermined time to be a reduced continuation salary; allowing an employee who is sixty-five or older, eligible for retirement and vested to retire without additional costs to the higher education institution; and requiring that the institution must enter into a memoranda of understanding with the Public Employees Insurance Agency and any affected retirement system and that memoranda of understanding must be approved by the Joint Committee on Pensions and Retirement prior to implementation of any incentive plan,”

With the recommendation that the committee substitutes each do pass, but that they first be referred to the Committee on Finance.

Pursuant to House Rule 80, the Speaker referred the bills (Com. Sub. for H. B. 3095 and Com. Sub. for H. B. 2887) to the Committee on Finance.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**H. B. 4031**, Requiring the Division of Motor Vehicles to make available an electronic proof of motor vehicle registration,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4031) was referred to the Committee on the Judiciary.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**H. B. 2831**, Relating to the reconstitution of the Driver's Licensing Advisory Board,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2831) was referred to the Committee on Government Organization.

### **Resolutions Introduced**

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

**H. C. R. 6** – “Requesting the Division of Highways to name a portion of Old Route 10, now called 3-Mile Curve, from the bridge to the railroad tracks in Logan, Logan County, the ‘U. S. Army Colonel Larkin Bilton Vance Memorial Highway’.”

Whereas, Larkin Bilton Vance was born in 1928 and was educated in a one room school room in Logan County until the 8th grade. He attended Man High School until 1943, and enlisted in the United States Navy in 1943, at age 15, after altering his birth certificate. He reported to the Great Lakes Training Center. After his training, he was assigned to a ship leaving for the Pacific and at the end of WWII, he held the position of head quartermaster on the ship stationed in Okinawa. He continued his military pursuits and served in the Korean War, Vietnam, and the Cuban and Belgian Congo Crises. He graduated from Army Officer Candidate School at Fort Benning, Georgia in 1952 and retired after 30 years of service as a Colonel in the U. S. Army. He then served with NATO for an additional 10 years. During this time, he had the opportunity to meet with many distinguished world leaders. He was inducted into the Hall of Fame at Fort Benning and awarded the Civilian Award, a coveted national award for outstanding citizenship; and

Whereas, Naming this road is an appropriate recognition of Colonel Larkin Bilton Vance's contributions to his country and to the state and community of his birth; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of Old Route 10, now called 3-Mile Curve, from the bridge to the railroad tracks in Logan, Logan County, the "U. S. Army Colonel Larkin Bilton Vance Memorial Highway"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the "U. S. Army Colonel Larkin Bilton Vance Memorial Highway"; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 7** – “Requesting the Division of Highways to name the bridge on Route 119/5, bridge number 23-119/5-4.05 (23A-259), locally known as Right Fork Pine Creek Box Beam, carrying CR 119/5 over Right Fork of Pine Creek in Logan County, the ‘Balentine Brothers Bridge’.”

Whereas, Paul H. Balentine was born on March 22, 1943, in Omar, Logan County, West Virginia; Phillip D. Balentine was born on January 19, 1945, in Omar, Logan County, West Virginia, the sons of Paul Balentine and Georgia Perry Balentine. They were educated in Logan County schools; and

Whereas, Paul H. Balentine served honorably in the United States Navy, ending his active service in 1965 while serving on the USS Wood CTY IST1178, while his brother, Phillip D. Balentine served honorably in the United States Marine Corps in Vietnam and ended his active service in 1968; and

Whereas, Naming that bridge on Route 119/5, bridge number 23-119/5-4.05 (23A-259), locally known as Right Fork Pine Creek Box Beam, in Logan County, the “Balentine Brothers Bridge” is an appropriate recognition of their contributions to their country, state, community and Logan County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge on Route 119/5, bridge number 23-119/5-4.05 (23A-259), locally known as Right Fork Pine Creek Box Beam, carrying CR 119/5 over Right Fork of Pine Creek in Logan County, the “Balentine Brothers Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Balentine Brothers Bridge”; and, be it

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

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

**H. C. R. 8** – “Requesting West Virginia’s congressional delegation to ask the United States Department of Energy and the United States Department of Commerce to make available funding for a feasibility study to analyze a coal-to-chemicals project for West Virginia and the Appalachian region.”

Whereas, West Virginia and the Appalachian region contain abundant coal resources; and

Whereas, Technologies and applications exist whereby these coal resources do not have to be burned as fossil fuels because there exist other purposes for using large amounts of coal; and

Whereas, The South African company “Sasol” has already been successfully manufacturing and exporting valuable chemicals for multiple decades, and Sasol’s proprietary technology can be applied to West Virginia and Appalachian coal reserves; and

Whereas, The minimum amount of coal needed to support a coal-to-chemicals facility and manufacturing complex is one billion tons; and

Whereas, Preliminary studies already executed indicate West Virginia and Appalachian coal is of a superior quality than the South African coal used by Sasol to make chemicals, and this process should thereby prove to be even more economical undertaken in the U. S. than in South Africa; and

Whereas, Dialogue with Sasol’s CEO and senior technology executives has already indicated their interest to participate in a robust and professional feasibility study involving input from Sasol and appropriate U. S. based consultants and experts; therefore, be it

*Resolved by the Legislature of West Virginia:*

That West Virginia's congressional delegation to ask the United States Department of Energy and the United States Department of Commerce to make available funding for a feasibility study to analyze a coal-to-chemicals project for West Virginia and the Appalachian region; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to each member of West Virginia's congressional delegation.

Delegates Atkinson, Harshbarger, Cooper and Queen offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 9** – “Requesting the Division of Highways to name bridge number 44-36-14.61 (44A079) locally known as the Looneyville Bridge, carrying WV Route 36 over Pocatalico River in Roane County, the ‘U. S. Air Force Major Neil L. Ferrell Memorial Bridge’.”

Whereas, United States Air Force Major Neil L. Ferrell was born on March 11, 1930, in Left Hand, the son of Harry W. Ferrell and Orva E. (Snodgrass) Ferrell; and

Whereas, Major Ferrell graduated from Spencer High School with the Class of 1946, and attended Potomac State Jr. College and West Virginia University; and

Whereas, Major Ferrell enlisted in the U. S. Air Force in 1951 (Korean War). He graduated from Aviation Cadet Program in 1953 as a 2nd Lieutenant and rated pilot. From 1953 to 1959 he was stationed in England and Germany. In 1959, he was selected as Combat Crew Commander in B-47 bombers in Strategic Air Command. He was stationed in Japan in 1965, advancing to Chief of Plans and Programs for the Headquarters, 39<sup>th</sup> Air Division; and

Whereas, In 1966, Major Ferrell volunteered for duty in Vietnam and organized the 5th Air Commando Squadron. In 1967, he was reassigned to Military Airlift Command as Aircraft Commander in C-141 “Starlifter”. In 1968, he returned to Vietnam as Forward Air Controller and was assigned to 4th Infantry

Division, Pleiku, as Air Liaison Officer to the 3<sup>rd</sup> Brigade. He returned to the United States in 1969 and was assigned back to Military Airlift Command at McChord Air Force Base in Washington until his retirement in 1971; and

Whereas, Major Ferrell was awarded many medals and ribbons, including The Silver Star, The Bronze Star and The Distinguished Flying Cross; and

Whereas, After his retirement, Major Ferrell worked for, and retired from, Pace Pipeline as a pilot, spending two years helping build roadways in Nigeria, again as a pilot. He also worked as a private pilot; and

Whereas, Major Ferrell was a well-respected member of the community. He was a member of Flat Fork Baptist Church. He served on and was active in many community and service organizations, some of which included the Roane County Solid Waste Authority; the local VFW post; the American Legion; the Board of Roane County Family Health Care and the Brushy Fork Institute; and

Whereas, Major Ferrell was instrumental in establishing the Clover Roane Volunteer Fire Department, with donating time in both forming the station and the physical construction of the building. He also served as a founding firefighter and member of the department. Major Ferrell was a gun enthusiast. He taught gun safety classes and concealed weapon permit classes for those in his community and never charged for this service. He was an asset to his community and someone people turned to for advice and answers to questions. He is greatly missed by all those who knew him; and

Whereas, Major Ferrell passed away at home on January 18, 2017. He is survived by his wife, Judy K. Ferrell; daughter, Sarah Ferrell Horwich and son-in-law, Mark E. Horwich of Spencer, and grandchildren, Pierce and Leven Horwich of Papillion, Nebraska; and

Whereas, Major Ferrell was laid to rest in the Ferrell Cemetery in Looneyville on January 21, 2017; and

Whereas, Naming the Looneyville Bridge in Roane County, the “U. S. Air Force Major Neil L. Ferrell Memorial Bridge” is an appropriate recognition of his distinguished service and contributions to his country, state, community and Roane County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 44-36-14.61 (44A079) locally known as the Looneyville Bridge, carrying WV Route 36 over Pocatalico River in Roane County, the “U. S. Air Force Major Neil L. Ferrell Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is requested to have made and be placed, signs identifying the bridge as the “U. S. Air Force Major Neil L. Ferrell Memorial Bridge”; and, be it

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

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

**H. C. R. 10** – “Requesting the Division of Highways to name bridge number 08-19-0.04 (08A052), locally known as Moore Fork Bridge, carrying County Route 19 over Big Otter Creek in Clay County, the ‘U. S. Army SGT Rodney David King Memorial Bridge’.”

Whereas, Rodney David King was born March 27, 1948, in Clay, West Virginia, the son of Henry King and Adeline Paxton King; and



Whereas, Rodney David King attended a one room school at Moore Fork, West Virginia, attended Ivydale Grade School, graduated from Clay County High School in 1966 and attended college for two years; and

Whereas, Rodney David King is survived by his children, David King of Nashville, Tennessee, Carley King of Portland, Oregon, and Ariel King of the Netherlands; and

Whereas, At his death, Rodney David King was survived by sisters, Charlotte Deer of Locust Grove, Virginia and Joyce Anderson of Duck, West Virginia, and a brother, Henry King of Rittman, Ohio; and

Whereas, Rodney King was preceded in death by his parents and by brothers, James Harris, Van Cordell, Sam Paxton and Clay Elmore King, and sisters, Mitchella Price, Vemetta King and Wavie King; and

Whereas, SGT King served two years in the U. S. Army and was a member of Company A, 1<sup>st</sup> Battalion, 501<sup>st</sup> Infantry, 101<sup>st</sup> Airborne Division. SGT King was engaged in combat in Vietnam and was awarded an Air Medal for meritorious service while participating in aerial flight in support of ground operations in Vietnam. He also was awarded the Bronze Star Medal, the Vietnam Service Medal with one Bronze Service Star, the Combat Infantryman Badge, a Meritorious Unit Commendation Medal, the Army Commendation Medal, the Republic of Vietnam Campaign Medal, an Army Rifle Sharpshooter Medal and National Defense Service Medal; and

Whereas, SGT Rodney David King died May 2, 2017; and

Whereas, It is appropriate to name this bridge to honor SGT King's service to his community and to his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 08-19-0.04 (08A052), locally known as Moore Fork

Bridge, carrying County Route 19 over Big Otter Creek in Clay County, the “U. S. Army SGT Rodney David King Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “U. S. Army SGT Rodney David King Memorial Bridge”; and, be it

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

Delegates Nelson, Pushkin, Graves, Rowe, Lane, Walters, Byrd, Mr. Speaker (Mr. Armstead), Capito and Robinson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 11** – “Requesting the Division of Highways to name bridge number 20-61-13.51 (20A817), locally known as New Chesapeake Bridge, carrying WV 61 over Fields Creek in Kanawha County, the ‘Charleston Police Department Captain Jerry D. Hill Memorial Bridge’.”

Whereas, Charleston Police Department Captain Jerry D. Hill was born on November 11, 1962, in Charleston; and

Whereas, Captain Hill graduated from East Bank Senior High School in May 1981, attended Concord College from August 1981 to June 1982, attended the United States Army Training Facility Fort Dix, New Jersey Basic Training & Advanced Individual Training from April to August 1983, and received a West Virginia State Police Academy Institute, West Virginia Certificate, Basic Police Training on July 21, 1986; and

Whereas, Captain Hill served as Specialist, E-3 in the United States Army Reserves, 261 Ordinance Co., Cross Lanes, from September 1983 to February 1989; and

Whereas, Captain Hill worked as Body Shop & Parts Room Clerk at Turnpike Ford Charleston from February 1985 to March 1986, where he assisted the painters and body men with the

ordering of all parts related to the repair of vehicles and ordered parts for technicians and customers; and

Whereas, In addition to serving as Captain of the Charleston Police Department from March 17, 1986, to May 3, 2013, Captain Hill served as Special Operations Bureau Chief (2010 to 2013); was the ranking Civil Service officer on the department; assisted in the development and implementation of policy and procedures for the department; maintained and updated the department's Policy and Procedure Manual; issued department ID's for all qualified retirees and maintained the qualification records as required by the Law Enforcement Officers Safety Act; supervised the Special Operations Bureau; served in the Community Services Division (Traffic Unit, Bicycle Unit, and Public Services Unit; served in the Warrants/Housing Division; served in the Support Services Division (Evidence Section, Inventory Control Section, and Fleet Management Section); and

Whereas, Captain Hill served as Chairman of the Conduct Review Board (appointed by the Chief of Police) where he scheduled and presided over all hearings for any officer that faced a recommended punitive action of termination, suspension or reduction in rank or pay, issued subpoenas and made determinations on granting continuances for either party, investigated any allegations of misconduct, as necessary to determine culpability, maintained all records, and prepared the Final Orders in all cases; and

Whereas, Captain Hill served as Traffic Division Commander from 2005 to 2010 where he supervised and administered the Traffic Division's Traffic Unit, Crash Investigation Unit (Fatality and Hit & Run Investigations), Motorcycle Unit and Metro Valley Highway Section. He was Deputy Traffic Commander where he directly supervised all units assigned to the Traffic Division, under the direction of the Traffic Commander; and

Whereas, Captain Hill served as Special Events Coordinator (1997 to 2005) and was responsible for: the security, safety planning and staffing of police personnel for all special events held in the City of Charleston; the Charleston Sternwheel Regatta (a 10-

day, multi-location, outdoor festival with an average daily attendance of 40,000); the Charleston Civic Center (concerts, events, etc.); and parades, Charleston Distance Run, bicycle races, 5K run and walks, etc.; and

Whereas, Captain Hill served as liaison to the Secret Service for all VIP and/or dignitary visits (President, Vice President, Presidential Candidates, etc.); was on the Sick Pool Committee (Senior Member) for 25 years, maintained records, clarified the rules and regulations for members, investigated claims of injury, and approved/denied requests for member benefits; and

Whereas, During his tenure at the WV D.A.R.E. Training Center, Captain Hill trained police officers from all over the country to teach the D.A.R.E. curriculum to 5<sup>th</sup> and 6<sup>th</sup> grade students, instructed the “Train the Trainers” updates for all WV D.A.R.E. Officers, published the “WV D.A.R.E. Training Center Newsletter”, instructed D.A.R.E. classes (1989-2003), and taught D.A.R.E. classes to 5<sup>th</sup> and 6<sup>th</sup> grade classes throughout the Kanawha County School system; and

Whereas, Captain Hill’s licenses and certifications included FBI Basic SWAT Training, Expert Pistol Qualification, Tactical First Aid/CPR and Emergency Driving certified; Certified Police Motorcycle Operator; Certified D.A.R.E. (Drug Abuse Resistance Education) Officer, D.A.R.E. Mentor and Train the Trainer; and

Whereas, Captain Hill’s honors and awards included Professional Esteem Award, February 8, 2013; Officer of the Year Nominee – 1999; Officer of the Year Nominee – 1998; Officer of the Year Nominee – 1997; Professional Service Award, May 1988 – Awarded for actions during a hostage situation; and

Whereas, Captain Hill’s professional associations included Fraternal Order of Police, Capital City Lodge #74, Charleston, West Virginia; Chelyan Lodge #158 – A.F. & A.M.; 32° Ancient and Accepted Scottish Rite, Valley of Charleston, Orient of West Virginia; and Ancient Arabic Order of the Nobles of the Mystic Shrine, Beni Kedem Temple; and

Whereas, Captain Hill served as the City of Charleston Director of Public Grounds, February 2016 to April 16, 2017; and

Whereas, Captain Hill was employed by the Arrow Security, Southeast, Belle, West Virginia Regional Director beginning March 31, 2015, where he was the Operations Director and Area Manager in managing daily operational activities, planning the use of human resources toward maximum productivity; supervising human resource activities, such as determining staffing requirements, interviewing, hiring and training new employees; improving the operational systems, processes and policies in support of the organization's mission, specifically, to support better management reporting, information flow and management, business process and organizational planning; and was responsible for all aspects of managing Arrow Security Southeast's security contract with Alpha Natural Resources, worth approximately \$5 million; and

Whereas, Captain Hill was employed by the Charleston Police Department, Charleston, West Virginia Inventory Management, Support Services Division from June 20, 2013 to April 2014 where he developed inventory management strategy with the aim of controlling costs within budgetary limits, generating savings, rationalizing inventory and maximizing available working capital, managed and controlled perpetual inventory stock counting/inventory accuracy checks, managed control measures to ensure mistakes, inaccuracies and discrepancies were highlighted, addressed and resolved; reorganized and computerized the inventory control system for the police department; and found new ways to streamline and make ordering supplies more cost efficient; and

Whereas, Captain Hill's community volunteer experiences included: Youth League Football Coach, 1982 to 1987 – (Chesapeake Vikings); Youth League Football Coach, 1996 to 2001 – (Marmet Mustangs & Campbells Creek Cougars); Little League Baseball Coach, 1996 to 2001 (Chesapeake Pirates); Bidy League Basketball Coach, 1998 to 2001 (Chesapeake Raiders); Special Olympics – Law Enforcement “Torch Run”, 1995 to 2010;

and Riverside High School, Project Graduation 2009, Treasurer;  
and

Whereas, Captain Hill passed away on April 24, 2017; and

Whereas, Naming that bridge carrying WV 61 over Fields Creek in Kanawha County the “Charleston Police Department Captain Jerry D. Hill Memorial Bridge” is an appropriate recognition of his selfless service to his community, state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-61-13.51 (20A817), locally known as New Chesapeake Bridge, carrying WV 61 over Fields Creek in Kanawha County, the “Charleston Police Department Captain Jerry D. Hill Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Charleston Police Department Captain Jerry D. Hill Memorial Bridge”; and, be it

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

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

**H. C. R. 12** – “Requesting that bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, be named the ‘John B. Short Memorial Bridge’.”

Whereas, John B. Short was born in 1923, the son of LeRoy and Linda Jackson Short of Davin, West Virginia. He died in 2008. He was a graduate of Man High School in 1942 and enlisted in the U. S. Army Air Corps in 1943, where he served until 1946. He went

to electrician school in Michigan and, upon his return, he married Ruby K. Nunley Short. They had seven children. John retired as Chief Electrician with Pittston Coal Company in 1986. He was an avid outdoorsman, hunter and fisherman; and

Whereas, It is fitting that an enduring memorial be established to commemorate this individual who meant so much to his family and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the “John B. Short Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “John B. Short Memorial Bridge”; and, be it

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

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

**H. C. R. 13** – “Requesting the Division of Highways to name that portion of West Virginia Route 10 between Man and Logan, the ‘U. S. Army SGM Bill E. Jeffrey Memorial Road’.”

Whereas, Sergeant Major Jeffrey was born in Logan County on May 5, 1941; and

Whereas, Sergeant Major Jeffrey was inducted into the United States Army on November 6, 1959, and retired on the effective date of August 31, 1988; and

Whereas, Sergeant Major Jeffrey entered the United States Army Special Operations Command as the G4 Chief of Logistics serving their mission around the world for thirteen years. He also served two tours of duty in Vietnam; and

Whereas, Sergeant Major Jeffrey was awarded the Legion of Merit with one bronze oak leaf cluster; Bronze Star Medal with letter “V” device; Meritorious Service Medal with one bronze oak leaf cluster; Army Commendation Medal with one bronze oak leaf cluster; Good Conduct Medal, 8th award; National Defense Service Medal; the Vietnam Service Medal; Army Service Ribbon; Overseas Service Ribbon with numeral four; Republic of Vietnam Campaign Ribbon with Device (1960); and Marksman Badge with Carbine Bar with Rifle Bar; and

Whereas, Sergeant Major Jeffrey had many outside interests and was a world-famous softball pitcher, coach and organizer. He had a sports stadium named after him in Amsterdam, Holland. The “Bill Jeffrey Softball Tournament” was held there during the 1980s. The United States Ambassador attended many of the games and congratulated Sergeant Major Jeffrey on the goodwill that the games brought to the United States; and

Whereas, After his retirement from the service, Sergeant Major Jeffrey was instrumental in his housing development, Carolina Lakes, that includes 1,650 homes and more than 33 miles of roads. He served in many positions on the Housing Development Board, including chairman. This is just one indication of his ability to work with people in a diplomatic manner; and

Whereas, The world is a better place because of Sergeant Major Bill E. Jeffrey; and

Whereas, Sergeant Major Jeffrey passed away on April 4, 2015, and was survived by his wife, Robin Jeffrey, and a multitude of family and friends who will never forget him; and

Whereas, It is fitting and proper that Sergeant Major Jeffrey have this road named after him in recognition and gratitude for his



service to his country and state and his many outstanding accomplishments; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name that portion of West Virginia Route 10 between Man and Logan, the “U. S. Army SGM Bill E. Jeffrey Memorial Road”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to erect signs at both ends of that portion of West Virginia Route 10 between Man and Logan, the “U. S. Army SGM Bill E. Jeffrey Memorial Road”; and, be it

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

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

**H. C. R. 14** – “Requesting the Division of Highways to name bridge number 20-64-53.02, (20A842), locally known as the I-64 Kanawha River Bridge/South Charleston-Dunbar Bridge, carrying Eastbound Interstate 64 over the Kanawha River in Kanawha County, West Virginia, the ‘Glenn Franklin Lough, P.E. Memorial Bridge’.”

Whereas, Glenn F. Lough was born June 20, 1970, in Lewis County, West Virginia, the son of Mr. Nelson Lough and Mrs. Joyce Money Penny Lough; and

Whereas, Glenn F. Lough graduated from Lewis County High School, from West Virginia Institute of Technology with a Bachelor of Science in Civil Engineering, and from Liberty University with a Master of Arts in Religion; and

Whereas, Glenn F. Lough was a veteran of the 1st Brigade of the 119<sup>th</sup> Engineering Battalion of the Army National Guard of Buckhannon; and

Whereas, Glenn F. Lough served as pastor for several churches in the Weston area, and as an Associate Pastor of Good Shepherd Baptist Church in Putnam County; and

Whereas, Glenn F. Lough served as a Highway Engineer for the West Virginia Division of Highways for 25 years, a career which began in District 7 in Weston, and transferred to the Planning Division in Charleston and finally as the Bridge Repair Engineer in the Engineering Division; and

Whereas, Glenn F. Lough worked at all times in a thorough and diligent manner, managing his time in a way which allowed him to design repairs for as many bridges as possible. He was a shining example of a public servant which we all should emulate, and he always put the best interest of the employees working in his unit above his own; and

Whereas, Glenn F. Lough saved the state and its citizen countless dollars with his innovative use of heat straightening on damaged bridges across the state. Mr. Lough's work with heat straightening allowed bridge beams that had been hit to be repaired rather than replaced, and kept those bridges functional and safe for the citizens of West Virginia; and

Whereas, Glenn F. Lough was always willing to serve other state agencies and engineered projects for the State Rail Authority, saving the state additional time and money; and

Whereas, Glenn F. Lough touched many lives everywhere he went in West Virginia and was always willing to lend a hand to anyone in need, and his lasting impact remains with many people and bridges throughout the state, both those he knew and those who will never know his name; and

Whereas, Glenn F. Lough died in the line of duty at the age of 47 as the result of a vehicle collision on Interstate 79 on June 27, 2017, while traveling back to Charleston from the site of several bridges for which he was designing repairs, leaving behind a wife and two daughters, who miss him dearly; and

Whereas, It is fitting that a proper memorial be established for this man who served the State of West Virginia until the very last moment of his life; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-64-53.02, (20A842) locally known as the I-64 Kanawha River Bridge/South Charleston-Dunbar Bridge, carrying Eastbound Interstate 64 over the Kanawha River in Kanawha County, West Virginia, the “Glenn Franklin Lough, P.E. Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Glenn Franklin Lough, P.E. Memorial Bridge”; and, be it

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

Delegates Hamilton, A. Evans, Wagner, Iaquina and Lynch offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 15** – “Requesting the Division of Highways to name bridge number 49-32-12.86 (49A061), locally known as Alton Deck Girder, carrying County Route 32 over the Buckhannon River in Upshur County, the ‘U. S. Army PVT Winton L. Ways Memorial Bridge’.”

Whereas, Winton L. Ways, son of Mr. and Mrs. Willard H. Ways, of Alton, Upsur County, West Virginia, was born February 13, 1933, at Alton; and

Whereas, PVT Winton L Ways served in the U. S. Army as a member of the 712<sup>th</sup> Transportation Railway Operating Battalion; and

Whereas, On August 22, 1951, PVT Winten L. Wayts died as a result of injuries he sustained from falling from a train while on duty as a brakeman near Seoul, South Korea; and

Whereas, PVT Winten L. Wayts' remains are buried at Indian Camp Cemetery at French Creek, West Virginia; and

Whereas, Surviving siblings of PVT Winten L. Wayts are sisters Marcella Kelley of Tallmansville, West Virginia and Louise Lough of Buckhannon, West Virginia, and half-brother Billy Jo Casto of Alexandria, Louisiana; and

Whereas, It is proper to dedicate a fitting memorial to this young soldier who lost his life in service to his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 49-32-12.86 (49A061), locally known as Alton Deck Girder, carrying County Route 32 over the Buckhannon River in Upshur County, the "U. S. Army PVT Winten L. Wayts Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army PVT Winten L. Waytes Memorial Bridge"; and, be it

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

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

**By Delegates Walters, Ambler, Cooper, Harshbarger, Sobonya, Moore, Blair, Howell, Westfall, Zatezalo and Gearheart:**

**H. J. R. 104** – "Proposing an amendment to the Constitution of the State of West Virginia amending section one, article V

thereof; and amending section fifty-one, article VI thereof, all relating to the authority of the Legislature with regard to the state budget; giving the Legislature the sole authority to determine what funds are necessary for the efficient and effective operation of the legislative, executive and judicial departments; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

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

**H. B. 4135** - “A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates”; to the Committee on Finance.

**By Delegates Hamilton, Storch, Wagner, A. Evans and Folk:**

**H. B. 4136** - “A Bill to amend and reenacted §7-14-8 of the Code of West Virginia, 1931, as amended, relating to the age requirements of persons for the position of deputy sheriff”; to the Committee on the Judiciary.

**By Delegates Walters, Hanshaw, Shott, Lovejoy, C. Miller, Westfall, Pethel, Sponaule, Hamilton, E. Evans and Hollen:**

**H. B. 4137** - “A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-9-10 of said code, all relating to removing the cap on payments for service by retired circuit judges, family court judges, and magistrates in certain limited circumstances”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Byrd, Fluharty, Lane, R. Miller, Phillips, Fleischauer, Moore, Lovejoy, Blair, Canestraro and Robinson:**

**H. B. 4138** - “A Bill to amend §29-3-16a of the Code of West Virginia, 1931, as amended, relating to requiring each public or private school and daycare center that uses a heating system or other device that emits carbon monoxide to install carbon monoxide detectors”; to the Committee on the Judiciary.

**By Delegates Upson and Hamrick:**

**H. B. 4139** - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, relating to specifying the conditions where and by whom it is unlawful to possess a firearm at school-sponsored functions; identifying the area of those functions; revising the conditions when a retired law-enforcement officer may possess a firearm; prohibiting education officials from authorizing certain individuals; and providing where in a locked vehicle a firearm may be placed”; to the Committee on Education then the Judiciary.

**By Mr. Speaker (Mr. Armstead)**

**[By Request of the Executive]:**

**H. B. 4140** - “A Bill to repeal §31-18D-1, §31-18D-2, §31-18D-3, §31-18D-4, §31-18D-5, §31-18D-6, §31-18D-7, §31-18D-8, §31-18D-9, §31-18D-10, §31-18D-11, §31-18D-12, §31-18D-13, and §31-18D-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-4c of said code; to amend and reenact §11-22-2 of said code; to amend and reenact §31-18-3, §31-18-6, and §31-18-22 of said code; and to amend said code by adding thereto a new section, designated §31-18-20d, all relating to the transfer of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund; eliminating the West Virginia Affordable Housing Trust Fund and the West Virginia Affordable Housing Trust Fund Board of Directors; creating Affordable Housing Fund of the West Virginia Housing Development Fund and providing for uses therefor; providing for assessment of fee on all sales by licensed dealers of factory-built homes to be deposited in Affordable Housing Fund of the West Virginia Housing

Development Fund; providing for assessment of fee upon the privilege of transferring real estate for consideration to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; defining 'Affordable Housing Fund'; authorizing West Virginia Housing Development Fund to provide funding to increase the capacity of nonprofit community housing organizations; providing for uses of funds in Affordable Housing Fund; and providing for disposition of Affordable Housing Fund in the event of termination or dissolution of West Virginia Housing Development Fund"; to the Committee on Government Organization then Finance.

**By Delegates Foster, Fast, Cowles, Higginbotham, Moore, Blair, Summers, Wilson, Kessinger, Criss and Ellington:**

**H. B. 4141** - "A Bill to amend and reenact §21-5-1 and §21-5-4 of the Code of West Virginia, 1931, as amended, all relating to allowing replacement costs of employer-provided property to be deducted from an employee's final paycheck if the property is not returned; defining terms; setting forth conditions upon which an employer may withhold, deduct or divert replacement costs for employer-provided property that has been timely returned; and authorizing withholding, deduction or diversion with consent of employee"; to the Committee on the Judiciary.

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

**H. B. 4142** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4b, relating to providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a pay equity salary adjustment"; to the Committee on Finance.

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

**H. B. 4143** - "A Bill to amend and reenact §19-12A-1a, §19-12A-5, and §19-12A-6 of the Code of West Virginia, 1931, as amended, all relating to eliminating the requirement that the Division of Corrections and the Bureau of Public Health purchase commodities produced on institutional farms from the Department

of Agriculture”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

**[By Request of the Executive]:**

**H. B. 4144** - “A Bill to amend and reenact §11-13X-13 of the Code of West Virginia, 1931, as amended, relating to the elimination of film tax credits; preserving rights to all previously issued film tax credits; ceasing operations of the West Virginia Film Office; and transferring certain duties of the West Virginia Film Office to the Division of Tourism”; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

**[By Request of the Executive]:**

**H. B. 4145** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing certain state employees’ salaries; increasing the annual salaries of members of the West Virginia State Police; increasing the annual salaries of public school teachers; and increasing the annual salaries of school service personnel”; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

**[By Request of the Executive]:**

**H. B. 4146** - “A Bill amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; providing rule for determining number of personal exemptions; and specifying effective dates”; to the Committee on Finance.

**By Delegates Pushkin, Sponaugle, Fluharty, Dean, Wilson, Folk, Paynter, Byrd, Robinson, McGeehan and Hornbuckle:**

**H. B. 4147** - “A Bill to amend and reenact §16A-16-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the earlier issuance of identification cards to approved medical marijuana consumers and caregivers”; to the Committee on Health and Human Resources then the Judiciary.



**By Delegates Pushkin, Sponaugle, Fluharty, Dean, Wilson, Folk, Paynter, Byrd, Robinson, McGeehan and Hornbuckle:**

**H. B. 4148** - “A Bill to amend and reenact §16A-7-2 of the Code of West Virginia, 1931, as amended, relating to allowing medical marijuana to be grown outdoors by licensed growers”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Pushkin, Sponaugle, Fluharty, Byrd, Robinson, McGeehan, Hornbuckle and Diserio:**

**H. B. 4149** - “A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing possession and smoking of medical cannabis by approved persons”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Howell, C. Miller, Hill, Storch, Dean, Lynch, Hamrick, Ward, Atkinson, Queen and Maynard:**

**H. B. 4150** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-20; to amend and reenact §46A-6F-601; and to amend said code by adding thereto a new section, designated §61-3-59, all relating to prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient; requiring those calls be automatically blocked; prohibiting telemarketing companies from transmitting misleading or inaccurate caller identification information; creating a felony of knowingly transmitting misleading or inaccurate caller identification information in certain circumstances; and creating exemptions and criminal penalties”; to the Committee on the Judiciary.

**By Delegates Howell, Hill, Sypolt, Criss, Dean, Summers, Paynter, Ward, Westfall, White and Martin:**

**H. B. 4151** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-10G-8, relating to exempting Buildings 6, 7 and 9 of the state Capitol Complex from the requirement that food service facilities be operated by West Virginia Division of Vocational Rehabilitation”; to the Committee on Government Organization then Finance.

**By Delegate Walters:**

**H. B. 4152** - “A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-22A-2 of said code; and to amend and reenact §16-5V-2 of said code, all relating to the treatment of overtime hours under the Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers and Firefighters Retirement System and the Emergency Medical Services Retirement System”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Walters, Rowe, Ellington, Summers, Maynard, Eldridge, R. Romine, White, Anderson, Frich and Miley:**

**H. B. 4153** - “A Bill to repeal §11-26-1, §11-26-2, §11-26-3, §11-26-4, §11-26-5, §11-26-6, §11-26-7, §11-26-8, §11-26-9, §11-26-10, §11-26-11, §11-26-12, §11-26-13, §11-26-14, §11-26-15, §11-26-16, §11-26-17, §11-26-18, §11-26-19 and §11-26-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-27-3 of said code; and to amend said code by adding thereto a new section, designated §11-27-10a, all relating to imposing a healthcare related provider tax on certain health care organizations; repealing outdated tax: adding definitions; establishing tax rates; requiring federal approval of tax; and setting effective date”; to the Committee on Health and Human Resources then Finance.

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

**H. B. 4154** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, §5B-8-5, §5B-8-6, §5B-8-7, §5B-8-8, §5B-8-9, and §5B-8-10, all relating to establishing the 2018 Regulatory Reform Act; providing legislative findings; defining terms; providing for an application process with the Development Office to request a project be classified as a project of critical economic concern; encouraging state agencies to provide for expeditious review of a license or permit application even absent a designation as a project of critical economic concern; establishing a procedure for the filing of a certificate of critical economic concern with state agencies and the Development Office; providing for agencies to adopt an expedited license and permit fee; providing

for timelines, reports, and written explanations for expedited license and permit review; clarifying a certificate of critical concern is not a blanket waiver and does not guarantee a license or permit will be granted; requiring the executive director to report to the Governor and the Joint Committee on Government and Finance on or before November 1, 2019 and on or before every November 1st thereafter regarding the success of this article; exempting this article from the state Freedom of Information Act until a final license or permit decision is made; and granting the Development Office with procedural rulemaking authority to implement the provisions of this article”; to the Committee on Government Organization then the Judiciary.

**By Delegates Foster, Wagner, Blair, Upson, Summers, Marcum, Zatezalo and C. Miller:**

**H. B. 4155** - “A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c, and §48-1-239d; to amend and reenact §48-9-102, §48-9-203 and §48-9-204 of said code; to amend said code by adding thereto a new section, designated §48-9-204a; and to amend and reenact §48-9-206, §48-9-207, §48-9-209, §48-9-403 and §48-9-601 of said code, all relating to establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child”; to the Committee on the Judiciary.

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

**H. B. 4156** - “A Bill to amend and reenact §30-7-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-7-5A, all relating to school of nursing faculty requirements; establishing the qualifications of full and part time nursing school faculty members; granting exceptions; and defining a term”; to the Committee on Health and Human Resources then Education.

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

**H. B. 4157** - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-15-30a, all

relating generally to consumers sales and services tax; eliminating the refundable exemption for road construction contractors; prohibiting the transfer of revenues collected from the state's consumers sales and service tax and the state's use tax to the State Road Fund; requiring the Tax Commissioner to transfer \$12.5 million collected pursuant to the state's consumers sales and service tax via the General Revenue Fund to the state road fund by June 15 of each fiscal year; making technical corrections; and specifying the effective date"; to the Committee on Finance.

**By Delegates Westfall, Ambler, Maynard, Wagner, Atkinson, Lane, Ward, Higginbotham and Hamrick:**

**H. B. 4158** - "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; clarifying the authority of the Municipal Home Rule Board; allowing all municipalities to participate in the Municipal Home Rule Program; requiring certain notice prior to passing of an ordinance; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule or regulation that is contrary to certain laws governing the professional licensing or certification of public employees; providing for petition procedures to protest enacted or amended ordinances; requiring ratification of certain ordinances by the voters in a municipal election; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019"; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Pushkin, Sponaugle, Fluharty, Dean, Wilson, Folk, Paynter, Byrd, Robinson, McGeehan and Hornbuckle:**

**H. B. 4159** - "A Bill to amend and reenact §16A-6-3 and §16A-3-13 of the Code of West Virginia, 1931, as amended, all relating to removing certain limitations on medical marijuana grower,

processor and dispensary licenses”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sponaule, Miley, Caputo, Fluharty, Lovejoy, Fleischauer, Lynch, Pushkin, McGeehan, R. Miller and Williams:**

**H. B. 4160** - “A Bill to amend and reenact §62-1C-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §62-1C-1b, all relating to establishing an alternative methodology for pretrial release of persons charged with crimes”; to the Committee on the Judiciary.

### **House Calendar**

#### **Second Reading**

**H. B. 2869**, Providing for paid leave for certain state officers and employees during a declared state of emergency; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page one, by striking out the enacting section.

The bill was then ordered to engrossment and third reading.

#### **First Reading**

**H. B. 4005**, Clarifying that appeals to the Supreme Court are a matter of right; on first reading, coming up in regular order, was read a first time and ordered to second reading.

### **Miscellaneous Business**

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

Delegate Deem filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2845.

Delegate Harshbarger filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 2936.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4031.

Delegate Lane filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2843.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4153.

At 11:34 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 17, 2018.

---

Wednesday, January 17, 2018

**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 Tuesday, January 16, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2662**, Prohibiting the waste of game animals, game birds or game fish,

**H. B. 2693**, Relating to state ownership of wildlife,

**H. B. 2696**, Relating to crossbow hunting,

**H. B. 2708**, Relating to a lawful method for a developmentally disabled person to purchase a base hunting license,

And,

**H. B. 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person,

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 the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 2662, H. B. 2693, H. B. 2696, H. B. 2708 and H. B. 3020) were each referred to the Committee on the Judiciary.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2641**, Relating to pension benefits exempt from state income taxation,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2641) was referred to the Committee on Finance.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2566**, West Virginia Fresh Food Act,

And,

**H. B. 3027**, Imposing a tax on cattle which is to be used to help fund the U. S. Department of Agriculture's Wildlife Services Fund,

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 (H. B. 2566 and H. B. 3027) were each referred to the Committee on Finance.

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. 4002**, Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020,

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

**Com. Sub. for H. B. 4002** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2c, relating to the decennial redistricting of the House of Delegates and providing that following the reapportionment and redistricting of the Legislature following the United States Census in 2020, all delegates shall be elected from one hundred single member districts,”

And,

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

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

**Com. Sub. for H. B. 4013** - “A Bill to amend and reenact §56-1-1 of said code, all relating to venue in West Virginia state courts as it applies to nonresidents of the state and providing that a nonresident generally may not bring an action in the state unless all or a substantial part of the acts or omissions giving rise to the claim asserted occurred in this state and providing exceptions,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4009**, State Settlement and Recovered Funds Accountability Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4009) was referred to the Committee on Finance.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 2546**, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2546) was referred to the Committee on the Judiciary.

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. 3089**, Relating to the adoption of instructional resources for use in the public schools,

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

**Com. Sub. for H. B. 3089** - “A Bill to amend the Code of West Virginia, 1931, as amended; thereto a new section, designated §18-2A-10, relating to the adoption of instructional resources for use in the public schools; providing for transition to new provisions for instructional resources adoption; defining instructional resources; providing for adoption cycle rule; requiring person, firm or corporation desiring to offer instructional resources for use by students to file statement containing and verifying certain information; requiring state board to provide list of vendors to counties; prohibiting county board from adopting or using instructional resources not in compliance; disqualification of person, firm or corporation for failure to honor terms of filing; supplementary resources exempted; requiring necessary instructional resources be furnished to students free of charge, including reasonable access to electronic resources; requiring county board policy on instructional resources adoption and specifying minimum provisions; and prohibiting board of education member or employee from acting as sales agents for person, firm or corporation filing statement with superintendent,”

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:

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

And reports the same back with the recommendation that it 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:

**H. B. 4025**, Permitting reciprocity for licensure as a pharmacy technician,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4025) was 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:

**H. B. 4023**, Relating to the regulation of dialysis technicians,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4023) was 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:

**H. B. 4035**, Creating a legislative coalition to study and report to the Legislature on palliative care,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4035) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2843) was referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2654**, Expanding county commissions' ability to dispose of county or district property,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2654) 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:

**H. B. 4038**, Requiring training conducted on behalf of a state agency to be provided in state-owned facilities,

And,

**H. B. 4039**, Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired,

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 (H. B. 4038 and H. B. 4039) were each referred to the Committee on Finance.

### **Bills Introduced**

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

**By Delegates Hanshaw, Ambler, Kessinger, Lynch, Pethtel and Mr. Speaker (Mr. Armstead):**

**H. B. 4161** - "A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended, relating to exempting the State Conservation Committee and the Conservation Agency from the requirements of the Purchasing Division for contracts related to flood recovery or stream restoration, and all contracts with the United States Geological Survey"; to the Committee on Government Organization then the Judiciary.

**By Delegates Hanshaw, Ambler, Kessinger, Lynch, Pethtel and Mr. Speaker (Mr. Armstead):**

**H. B. 4162** - "A Bill to amend and reenact §19-21A-4 of the Code of West Virginia, 1931, as amended, relating to granting authority to the State Conservation Committee to contract for flood response and related stream restoration work and to collaborate

with federal agencies to respond to flooding and certain related recovery and restoration”; to the Committee on Government Organization then the Judiciary.

**By Delegates Kessinger, Criss, Higginbotham, Butler, Foster, Summers, Zatezalo, Hamrick, Arvon, Cooper and Dean:**

**H. B. 4163** - “A Bill to repeal §29-20-2, §29-20-3, §29-20-4, §29-20-5 and §29-20-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-20-1 of said code, all relating to termination of the Women’s Commission; declaring Women’s Commission terminated and not in existence after June 30, 2019; directing commission to wind up affairs, arrange for disposition of funds, assets, equipment and records, and cease all activities before July 1, 2019; and repealing provisions of code related to Women’s Commission”; to the Committee on Government Organization then Finance.

**By Delegates Wagner, Deem, Overington, Zatezalo, Anderson, Statler, Nelson, Hill, Lane, Butler and Ellington:**

**H. B. 4164** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2c, relating to election of members of the House of Delegates in districts having more than one delegate; and providing that the delegates be elected from numbered divisions”; to the Committee on the Judiciary.

**By Delegates Moye, Paynter, Butler, E. Evans, Fast, R. Miller and Kessinger:**

**H. B. 4165** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-23, relating to prohibiting employers from requiring employees to have certain electronic devices implanted in or permanently attached to his or her body; and providing criminal penalties for violators”; to the Committee on the Judiciary.

**By Delegates Westfall, Kessinger, Paynter, Foster, Hamrick, Butler, Statler and Summers:**

**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 a special revenue fund to be known as the “Capital Improvements Fund — Department of Agriculture Facilities” for the purposes of funding capital improvements to the Department of Agriculture’s facilities”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Graves, Hamrick, Jennings, Iaquinta, Howell, Pyles, Hill, Criss, Diserio and Paynter:**

**H. B. 4167** - “A Bill to repeal §30-6-8, and §30-6-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-20, §30-6-21, §30-6-22, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-28, and §30-6-29 of said code; and to amend said code by adding thereto a new section, designated §30-6-4a, all relating to regulation of cremation, embalming, and funeral service directing; terminating the Board of Funeral Service Examiners; transferring the functions of the board to the Secretary of State; amending definitions; specifying duties for the transfer of functions and property; providing special provisions and authority to the Secretary of State to facilitate the transfer; continuing the effect of existing rules and authorizing the promulgation of emergency rules; creating a special revenue account; terminating the prior special revenue account; providing for the transfer of assets and liabilities; repealing provisions for obsolete forms of licenses; updating the requirements for renewal of licenses; specifying powers and procedures for conducting hearings and rendering disposition of contested cases; granting the authority to suspend or revoke an authorization to practice without a prior hearing under certain circumstances; providing for referral of criminal matters to appropriate authorities; and correcting references and updating terms throughout”; to the Committee on Government Organization then Finance.

**By Delegates Anderson, Kelly, Zatezalo, Lane, Westfall and Higginbotham:**

**H. B. 4168** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §54-1-3b,



relating to entry onto private property for certain purposes by a federally regulated natural gas company without written permission of the property owner; requiring a written request for permission to inspect property prior to entry; requiring notice of intent to enter property prior to entry; declaring the legal status of such entry; distinguishing lawful entry under other authority; and limiting property owner's liability with respect to the company's entry"; to the Committee on Energy then the Judiciary.

**By Delegates Barrett, Shott, Overington, Moore, Kessinger, Lane, Queen, Upson, Lovejoy, Canestraro and R. Miller:**

**H. B. 4169** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9A-4, relating to requiring certain establishments and facilities to post human trafficking assistance notices; establishing posting notices and contents of notice; directing the Director of the Division of Justice and Community Services to administer the program; authorizing state agents to give notice of violations; providing for criminal penalties for failure to comply with posting of notices once given notice of lawful duty to post; and defining terms"; to the Committee on the Judiciary.

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

**H. B. 4170** - "A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10, §5A-12-11, and §5A-12-12; to amend said code by adding thereto a new section, designated §12-6D-7; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26, and §17A-3-27; and to amend and reenact §29B-1-4 of said code, all relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies; repealing provisions relating to the central motor pool; continuing management of state owned or leased aircraft through an aviation division; continuing the Fleet Management Office;

providing powers and duties of the Director of the Fleet Management Office; continuing special fund; requiring reporting of state vehicles to Fleet Management Office; requiring reporting to and inventory of vehicles by State Agency for Surplus Property; requiring reporting to and inventory of vehicles by Enterprise Resource Planning Board; authorizing a rental pool; requiring legislative compliance audit; requiring new title, registration, and license plates for state vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue special plates to organizations and entities; requiring agencies to apply for a new uniform vehicle title and registration plate; exempting confidential information relating to certain vehicles from public disclosure under the Freedom of Information Act; authorizing rule-making; and requiring annual reports to Legislature and Governor”; to the Committee on Government Organization then Finance.

**By Delegates Pushkin, Lynch, Bates, Rohrbach, Byrd, Diserio, R. Miller, Lovejoy, White and Lane:**

**H. B. 4171** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §17C-14-16, relating to prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present; penalty”; to the Committee on Health and Human Resources then the Judiciary.

## **House Calendar**

### **Third Reading**

**H. B. 2869**, Providing for paid leave for certain state officers and employees during a declared state of emergency; 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. 2**), 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: Blair, Moore, Rohrbach and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2869) 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**

**H. B. 4005**, Clarifying that appeals to the Supreme Court are a matter of right; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **First Reading**

**Com. Sub. for H. B. 4020**, Making technical corrections in the code when referencing chapter 49; on first reading, coming up in regular order, was 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 Blair, Moore, Rohrbach and White.

### **Miscellaneous Business**

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

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2831, H. B. 4026 and H. B. 4156.

Delegate Householder filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2436, H. B. 2488, H. B. 2489, H. B. 2523, H. B. 2580, H. B. 2703, H. B. 2799, H. B. 2871 and H. B. 3084.

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

Delegate Upson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2383.

Delegate Maynard filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2938.

Delegate C. Miller filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2938.

At 11:31 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 18, 2018.

---

Thursday, January 18, 2018

## NINTH DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 17, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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

Your Committee on the Judiciary has had under consideration:

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

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

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

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2938) was referred to the Committee on Finance.

### **Resolutions Introduced**

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

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

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

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

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

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

*Resolved by the Legislature of West Virginia:*

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

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

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

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

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

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

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

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

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

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

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

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

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

*Resolved by the West Virginia Legislature:*

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

*Further Resolved,* That the Division of Highways is hereby requested to have made, and be placed, signs identifying the bridge as the “U. S. Army CPL F. Lee Noel Memorial Bridge”; and, be it

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



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

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

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

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

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

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

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

*Resolved by the Legislature of West Virginia:*

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

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC O. T. (Teaberry) Mullins Memorial Bridge”; and, be it

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

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

**By Delegates Marcum, Hicks and Isner:**

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

### **Bills Introduced**

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

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

**H. B. 4014** - “A Bill to repeal §16-1-5 of the Code of West Virginia, 1931, as amended; to repeal §16-2G-1 of said code; to repeal §16-4A-1, §16-4A-2, §16-4A-3, §16-4A-4, §16-4A-5 and §16-4A-6 of said code; to repeal §16-4E-1, §16-4E-2, §16-4E-3, §16-4E-4, §16-4E-5 and §16-4E-6 of said code; to repeal §16-22-1, §16-22-2, §16-22-3, §16-22-4, §16-22-5 and §16-22-6 of said

code; to repeal §16-22A-1, §16-22A-2, §16-22A-3, and §16-22A-4 of said code; to repeal §16-22B-1, §16-22B-2, §16-22B-3, and §16-22B-4 of said code; to repeal §16-24-8 of said code; to repeal §16-37-1, §16-37-2, §16-37-3, §16-37-4, and §16-37-5 of said code; to repeal §16-38-1, §16-38-2, §16-38-3, §16-38-4, §16-38-5, §16-38-6 and §16-38-7 of said code; to repeal §16-44-1 and §16-44-2 of said code; to repeal §16-45-1, §16-45-2, §16-45-3, §16-45-4 and §16-45-5 of said code; to amend and reenact §5-6-4 of said code; to amend and reenact §5-14-3 of said code; to amend and reenact §5F-1-2 and §5F-1-3a of said code; to amend and reenact §5F-2-1, §5F-2-2 and §5F-2-7 of said code; to amend and reenact §5F-3-1 and §5F-3-2 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §8-19-18 of said code; to amend and reenact chapter 9 of said code; to amend and reenact §15-12-2a and §15-12-2b of said code; to amend and reenact §16-1-2, §16-1-3 and §16-1-6 of said code; to amend said code by adding thereto six new sections designated §16-1-3a, §16-1-5a, §16-1-5b, §16-1-6a, §16-1-6b and §16-1-6c; to amend and reenact §16-2-2 and §16-2-9 of said code; to amend and reenact §16-3-4 of said code; to amend and reenact §16-3D-2 of said code; to amend and reenact §16-8-1 and §16-8-2 of said code; to amend said code by adding thereto four new sections designated §16-8-3, §16-8-4, §16-8-5 and §16-8-6; to amend and reenact §16-29E-2, §16-29E-3, and §16-29E-5 of said code; to amend and reenact §17C-5-6a of said code; to amend and reenact §17C-5A-3 of said code; to amend and reenact §18-4-2 of said code; to amend and reenact §18-5-22c of said code; to amend and reenact §18-7A-3 of said code; to amend and reenact §18-9E-3 and §18-9E-5, of said code; to amend and reenact §18-10K-2 of said code; to amend and reenact §18C-3-1 of said code; to amend and reenact §19-11D-1 and §19-11D-3 of said code; to amend and reenact §19-12A-6 of said code; to amend and reenact §19-16A-4 of said code; to amend and reenact §20-2-28 of said code; to amend and reenact §22-15-10 of said code; to amend and reenact §22-28-4 and §22-28-5 of said code; to amend and reenact §22C-4-10 of said code; to amend and reenact §25-1-3 of said code; to amend and reenact chapter 27 of said code; to amend and reenact §30-3-4, §30-3-5 and §30-3-8 of said code; to amend and reenact §30-16-19 of said code; to amend and reenact §31-15A-2 and §31-15A-3 of said code; to amend and reenact §48-1-236 of

said code; to amend and reenact §48-14-401 of said code; to amend and reenact §48-18-101, §48-18-108 and §48-18-126 of said code; to amend and reenact §48-19-103 of said code; to amend and reenact §48-22-104 of said code; to amend and reenact §48-23-301 of said code; to amend and reenact §48-26-501, §48-26-502 and §48-26-503 of said code; to amend and reenact §49-1-206 and §49-1-208 of said code; to amend and reenact §49-2-901, §49-2-902, §49-2-903, §49-2-905, §49-2-906 and §49-2-913 of said code; to amend and reenact §49-7-204 of said code; to amend and reenact §61-12-3, §61-12-4 and §61-12-6 of said code; and to amend and reenact §62-13-5 of said code, all relating to reorganization of the West Virginia Department of Health and Human Resources; creating the Departments of Health and Compliance, Human Services and Healthcare Facilities; creating the Office of Inspector General; setting out powers and duties of cabinet secretaries and Inspector General; setting out powers and duties of newly created departments and Office of Inspector General; transferring various functions, personal and authority from existing department to the newly created departments; creating various bureaus within the newly created departments; setting forth powers and duties of commissioners of bureaus; setting forth powers and duties of the bureaus; transferring and restructuring various existing functionality among bureaus; revising, rearranging and recodifying the laws of the State of West Virginia relating to health care, human services and behavioral health; providing for various transition plans; requiring restructuring to remain as revenue neutral as possible; transferring the Division of Juvenile Services from the Department of Military Affairs and Public Safety to the newly created Department of Human Services; placing autonomous healthcare licensing boards within the newly created Department of Health and Compliance for administrative purposes; defining terms; making various technical corrections and removing outdated language”; to the Committee on Health and Human Resources then Finance.

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

**H. B. 4172** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-52-1 and §16-52-2, all relating to the establishment and implementation

of a crisis line and mobile application for the public to freely and anonymously access to combat the crisis in this state posed by substance abuse, substance addiction, substance overdose, and suicide”; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

**By Delegate Summers:**

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

**By Delegates Hanshaw and Shott:**

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

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

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

**By Delegate Walters:**

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

**By Delegate Lane:**

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

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

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

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

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

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

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

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

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

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

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

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

**H. B. 4183** - “A Bill to amend and reenact §18-28-3 of the Code of West Virginia, 1931, as amended, relating generally to standardized testing requirements for nonpublic schools; removing restrictions on specific forms of nationally normed achievement tests that must be administered; requiring standardized tests to be administered to nonpublic students at same grade levels and subject areas required in public schools; requiring standardized achievement test administered to be published or normed within ten years from the date of administration; allowing additional testing at sole discretion of school; limiting accountability for composite scores to grade levels and subject areas required in public schools; removing requirement that every child be tested;

and requiring minimum student participation rate on test for composite score to be valid”; to the Committee on Education.

**By Delegate Hanshaw:**

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

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

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

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

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

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

**H. B. 4187** - “A Bill to amend and reenact §61-7-14 of the code of West Virginia, 1931, as amended, relating to creating the



“Business Liability Protection Act”; the right to limit possession of firearms on certain premises; providing definitions; misdemeanor criminal offense and penalty; prohibiting employers from certain specific actions against a person when that person possesses a firearm legally, including a condition of employment; providing a duty of care of public and private employers and immunity from liability; authorizing the Attorney General to enforce this statute, including the right to sue or seek injunctive relief; and providing for civil fines”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

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

**H. B. 4188** - “A Bill to amend and reenact §5A-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5A-2B-1, §5A-2B-2, §5A-2B-3, §5A-2B-4, §5A-2B-5, and §5A-2B-6, all relating to creating the Shared Services Section within the Finance Division of the Department of Administration for accounting and financial reporting services; authorizing the appointment of a deputy director; providing rule-making authority; defining services offered; allowing for fees; applicability and exemptions; providing for reports to the Legislature and Governor; providing for reporting of certain information by spending units to the Shared Services Section; establishing deadlines for information necessary for the consolidated annual financial report; establishing a liaison between spending units and the Department of Administration to facilitate compiling the consolidated annual financial report; providing for a plan of corrective action and probation for spending units; authorizing the Department of Administration to contract for accounting services; and creating a new special revenue fund”; to the Committee on Government Organization then Finance.

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

**H. B. 4189** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-49a, relating to prohibiting certain persons from operating state-

owned vehicles; and rulemaking”; to the Committee on the Judiciary.

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

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

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

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

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

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

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

**H. B. 4193** - “A Bill to amend and reenact §62-1D-6 and §62-1D-9 of the Code of West Virginia, 1931, all relating to allowing state and federal law-enforcement officers to testify as to the

contents and evidence of a wiretap or electronic surveillance obtained in state court in criminal proceedings both in state courts and federal courts; and providing that certain information that had previously been excluded may now be used for obtaining an arrest warrant or an indictment”; to the Committee on the Judiciary.

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

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

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

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

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

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

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

**H. B. 4197** - “A Bill to amend and reenact §24-6-5 of the Code of West Virginia, 1931, as amended, related to requiring persons

employed to dispatch emergency calls in county emergency dispatch centers to complete a training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation”; to the Committee on Fire Departments and Emergency Medical Services then Health and Human Resources.

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

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

**By Delegates Ellington, Sobonya, Longstreth and Householder:**

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

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

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

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

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

### **House Calendar**

#### **Third Reading**

**H. B. 4005**, Clarifying that appeals to the Supreme Court are a matter of right; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 3**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Gearheart and Hornbuckle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4005) passed.

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

#### **Second Reading**

**Com. Sub. for H. B. 4020**, Making technical corrections in the code when referencing chapter 49; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

#### **First Reading**

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

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

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

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

And,

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

### **Leaves of Absence**

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

### **Miscellaneous Business**

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

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

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

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

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

---

Friday, January 19, 2018

## TENTH 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 Thursday, January 18, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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

Your Committee on Education has had under consideration:

**H. J. R. 103**, Election of West Virginia Board of Education members amendment,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the resolution (H. J. R. 103) was referred to the Committee on the Judiciary.

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. 4006**, Revising the processes through which professional development is delivered for those who provide public education,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4006) was referred to the Committee on Finance.

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. 2799**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2799) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 2822**, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (H. B. 2822) to the Committee on Government Organization was abrogated.



Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 2838**, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on Health and Human Resources be dispensed with.

In the absence of objection, reference of the bill (H. B. 2838) to the Committee on Health and Human Resources was abrogated.

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

**By Delegates Summers, Ellington, Sobonya, Rohrbach, Dean, Robinson and Campbell:**

**H. B. 4232** - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners on Registered Professional Nurses to promulgate a legislative rule relating to policies, standards and criteria for the evaluation and accreditation of colleges, departments or schools of nursing."

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 4232) to the Committee on the Judiciary.

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. 4067**, Board of Pharmacy, rule relating to licensure and practice of pharmacy,

And,

**H. B. 4070**, Board of Medicine, rule relating to continuing education for physicians and podiatric physicians,

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 the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4067 and H. B. 4070) were each referred to the Committee on the Judiciary.

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. 4156**, Establishing the qualifications of full and part time nursing school faculty members,

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 Education.

In accordance with the former direction of the Speaker, the bill (H. B. 4156) was referred to the Committee on Education.

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. 2607**, Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations,

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

**Com. Sub. for H. B. 2607** – “A Bill to amend and reenact §62-12-10 of the Code of West Virginia, 1931, as amended, relating to extending the maximum period of confinement a judge may impose for certain, first-time probationary violations from sixty days to six months; and providing judges greater sentencing discretion for certain, subsequent violations of probation,”

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4161**, Exempting the State Conservation Committee and the Conservation Agency from the requirements of the Purchasing Division for contracts related to flood recovery,

And,

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

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

In accordance with the former direction of the Speaker, the bills (H. B. 4161 and H. B. 4162) were each 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:

**H. B. 4051**, Board of Veterinary Medicine, rule relating to schedule of fees,

**H. B. 4052**, Board of Veterinary Medicine, rule relating to certified animal euthanasia technicians,

And,

**H. B. 4053**, Board of Veterinary Medicine, rule relating to organization and operation and licensing of veterinarians,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4051, H. B. 4052 and H. B. 4053) were each referred to the Committee on the Judiciary.

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. 4061**, Board of Pharmacy, rule relating to controlled substances monitoring program,

**H. B. 4062**, Board of Pharmacy, rule relating to registration of pharmacy technicians,

**H. B. 4063**, Board of Pharmacy, rule relating to uniform controlled substances act,

**H. B. 4064**, Board of Pharmacy, rule relating to centralized prescription processing,

**H. B. 4065**, Board of Pharmacy, rule relating to immunizations administered by pharmacists and pharmacy interns,

**H. B. 4066**, Board of Pharmacy, rule relating to pharmacist recovery networks,

**H. B. 4068**, Board of Osteopathic Medicine, rule relating to osteopathic physician assistants,

And,

**H. B. 4069**, Board of Medicine, rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4061, H. B. 4062, H. B. 4063, H. B. 4064, H. B. 4065, H. B. 4066, H. B. 4068 and H. B. 4069) were each referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Rowan, Frich, Eldridge, Hicks, Ambler, Anderson, Arvon, Atkinson, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Capito, Caputo, Cowles, Criss, Dean, Gearheart, Graves, Hamilton, Harshbarger, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Iaquina, Isner, Jennings, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, McGeehan, Miley, C. Miller, R. Miller, Moore, Moye, Mr. Speaker (Mr. Armstead), Nelson, Overington, Pack, Paynter, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowe, Shott, Sobonya, Sponaugle, Statler, Storch, Summers, Sypolt, Thompson, Upson, Wagner, Walters, Ward, Westfall, White, Williams, Wilson, Zatezalo, Cooper and Campbell offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 19** – “Requesting that the West Virginia Legislature designate Sunday, May 6<sup>th</sup> 2018, as a day of recognition of World Moyamoya Awareness Day in West Virginia.”

Whereas, Moyamoya is a rare neurovascular condition seen in children and adults in which the walls of the internal carotid arteries—the vessels that supply blood to important areas of the brain—become thickened and narrowed, reducing blood flow; and

Whereas, This blockage of flow puts patients at great risk of transient ischemic attacks (TIAs) and strokes; and

Whereas, Moyamoya is not a well-known disease and can often go misdiagnosed or undetected; and

Whereas, While there is no known medical treatment capable of reversing or stabilizing progression of Moyomoya syndrome it can progress quickly; and

Whereas, Moymoya syndrome is more common in children and has higher prevalence in children diagnosed with sickle cell disease or trisomy 21 (Down Syndrome); and

Whereas, Awareness is the key to saving lives and early detection and diagnosis provides patients with Moyamoya the best chance of survival; and

Whereas, The good health and well-being of the residents of the state are enhanced as a direct result of increased awareness about Moyamoya and research into early detection, causes, and effective treatments; and

Whereas, West Virginia will be aligned with World Moyamoya Day on May 6<sup>th</sup> to bring awareness to the public and the medical community, prompting early diagnosis; therefore, be it

*Resolved by the Legislature of West Virginia:*

That Sunday, May 6, 2018, is named a day of recognition of World Moyamoya Awareness Day and all citizens are urged to take cognizance of this event and participate fittingly in its observance.

Delegates Robinson, Rowe, Pushkin, Lane, Graves, Mr. Speaker (Mr. Armstead), Byrd and Capito offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 20** – “Requesting the Division of Highways name bridge number 20-73/5-0.55, locally known as Point Lick Bridge, carrying Point Lick Bridge over Campbells Creek in Kanawha County, the ‘U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge’.”

Whereas, Larry Scott Kennedy was born in Charleston, West Virginia, May 15, 1947, and died March 6, 1968, in Khe Sanh, Vietnam. He was the first child and only son born to Clyde J. Kennedy and Janet Trigg Kennedy; and

Whereas, Larry Scott Kennedy helped his relatives build a home for his family at Point Lick on Campbells Creek. He treasured nature and enjoyed fishing, trapping, and hunting with his parents and his dogs. Larry attended New Lexington High School in New Lexington, Ohio, was Senior Class President at New Lexington High School and was deeply admired by his peers and was on the football team at New Lexington High School and helped carry his team to victory at the Muskingham Valley Championship; and

Whereas, Larry Scott Kennedy joined the Marine Corps and departed for Parris Island in July 1967 and was sent to AIT Camp Lejeune in North Carolina thereafter where he served as a Forward Observer for the Artillery. He aspired to finish college at West Virginia University after attending one year to become a forester after he returned home from service; and

Whereas, Larry Scott Kennedy was sent to Camp Pendleton in California, and from there he was sent to Khe Sanh, Vietnam along with six thousand fellow Marines. He fell ill for three weeks in Vietnam and he valiantly persevered through his illness. He worked alongside the Bru Montagnards, finding brotherhood through a love of the mountains and fighting for peace; and

Whereas, Larry Scott Kennedy was wounded on the hand by shrapnel that killed a Marine nearby. He was subsequently injured with a damaging concussion and internal bleeding after being launched thirty feet into the air. He received two Purple Hearts during his service; and

Whereas, During Larry Scott Kennedy's recovery at a hospital in Da Nang, his best friend George L. Elliott III diligently remained by his side. They decided to return to Khe Sanh together because they knew every capable man was needed. The plane that carried Larry Scott Kennedy and George L. Elliott III back to Khe Sanh was shot down by enemy forces and everyone aboard was pronounced dead or missing in action; and

Whereas, Larry Scott Kennedy now rests at the Jefferson Barracks National Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Marine Corps CPL Larry Scott Kennedy his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-73/5-0.55, locally known as Point Lick Bridge, carrying Route 73/5 over Campbells Creek in Kanawha County, the "U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge"; and, be it

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

Delegates R. Miller, Rodighiero and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Rules:



**H. C. R. 21** – “Requesting the Division of Highways name bridge number 03-85/24-0.01 (03A167), on County Route 85, locally known as Clinton Camp Road Bridge, carrying CR 85/24 over Pond Fork in Boone County, the ‘U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge’.”

Whereas, Randall Carl Phelps was born June 4, 1948, in Dorothy, West Virginia to Carl William and Bernice Dale Lee Phelps; he grew up in Boone County where he loved baseball and played in the Pony League each summer and graduated from Van High School in 1967; he was a voracious reader who teased and tormented his brother Steve and sisters, Joy, Jane and Diane without mercy; and

Whereas, Randall Carl Phelps enlisted in the United States Marine Corps and prior to his departure to Vietnam he became engaged to the love of his life, Grace Workman; becoming a Marine was a choice for PFC Phelps, who believed in honor, duty and country and his letters home documented his belief that the people he was defending were deserving of his sacrifice; and

Whereas, U. S. Army PFC Randall Carl Phelps was a member of A Company, 3rd Engineering Battalion, 3rd Marine Division, serving as a Combat Engineer; he was killed in action in Quang Tri Province, The Republic of South Vietnam, on April 8th, 1968, assisting wounded soldiers onto a Medevac chopper during a North Vietnam mortar barrage; and

Whereas, U. S. Army PFC Randall Carl Phelps was awarded the Bronze Star, the Purple Heart, the National Defense Service Military Ribbon, the Vietnam Service Military Ribbon, the Defense Distinguished Service Military Ribbon and The Republic of Vietnam Gallantry Cross. On May 23, 1986, the Academic 1 Facility at Marine Corps Base Camp Lejeune in Jacksonville, North Carolina, was dedicated to PFC Phelps and seven other marines who also gave their lives for their country; and

Whereas, Naming the bridge on County Route 85, in Boone County, the “U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge” is an appropriate recognition of their

contributions to their country, state, community and Boone County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge on County Route 85, bridge number 03-85/24-0.01 (03A167), locally known as Clinton Camp Road Bridge, carrying CR 85/24 over Pond Fork in Boone County, the “U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 22** – “Requesting the Division of Highways to name bridge number 03-3/14-0.10 (03A196), locally known as New Kirbyton Bridge, carrying CR 3/14 over Big Coal River in Boone County, the ‘U. S. Navy MM2 Carl E. Keeney, U. S. Navy SN1 Frankie Keeney and U. S. Army PFC Carl M. Nicholas Bridge’.”

Whereas, Carl Eugene Keeney was born to Dewey and Ruth Skeens Keeney on March 27, 1925, in Seth, West Virginia; he learned to repair engines and vehicles at an early age and became skilled as a machinist and when this country sought skilled tradesmen in its Armed Forces, he enlisted in the United States Navy in 1942, eventually attaining the rating of Machinist’s Mate Second Class; and

Whereas, U. S. Navy Machinist’s Mate Carl Eugene Keeney served over three years in the Pacific Theater and saw combat in

the Solomon Islands and at Okinawa; he was awarded three battle stars before he was honorably discharged in 1946; and

Whereas, After faithfully and honorably serving his country, Carl E. Keeney applied his machinist's skills in the coal industry, working as a driver, mechanic and machinist in Boone County until his retirement; and

Whereas, Frankie Keeney was born to Dewey and Ruth Skeens Keeney on June 10, 1927, in Seth, West Virginia; and left high school early as he entered the United States Armed Forces at the age of 16, by enlisting in the United States Navy in 1944, eventually attaining the rating of Seaman First Class; and

Whereas, U. S. Navy Seaman First Class Frankie Keeney served over seven years in the Pacific Theater and earned combat ribbons from action in Iwo Jima, Okinawa and the Dutch East Indies before he was honorably discharged in 1951; and

Whereas, After faithfully and honorably serving his country, Frankie Keeney began an athletic career in the minor league baseball farm system of the Cleveland Indians until his retirement and continued with the organization by being a batting practice pitcher until well after the age of sixty; and

Whereas, Carl M. Nicholas was born to Dan and Frona Cottrell Nicholas on September 27, 1922, in Bickmore, West Virginia, and though he left school after eight years to help support his family, he became quite accomplished in a mining career that spanned five decades in the coalfields of southern West Virginia; and

Whereas, U. S. Army PFC Carl M. Nicholas answered his nation's call to service, joining the United States Army in World War II in the European Theater of Operations, where he was assigned to Company I, 12th Infantry Regiment, 4th Infantry Division from May 16, 1944, to September, 1945, where he participated in the Invasion of Normandy on D-Day and in the Battle of the Bulge; and

Whereas, U. S. Army PFC Carl M. Nicholas was wounded in action on June 26, 1944, when he received and survived bullet

wounds from a German sniper and for which he was awarded the Purple Heart; he also was awarded the Bronze Star for meritorious achievement in active ground combat; and

Whereas, Upon his return to civilian life, U. S. Army PFC Carl M. Nicholas continued his mining career with some of the most prominent companies in the industry and he became a successful businessman as proprietor of his own trucking company; he continued to support military veterans and was a leader of the effort to secure dedicated parking for veterans at our State Capitol; and

Whereas, After a life well lived in service to his community and his country, Carl M. Nicholas passed away on September 3, 2014; and

Whereas, Recognizing that both U. S. Navy Machinist's Mate Carl Eugene Keeney, U. S. Navy SN1 Frankie Keeney and U. S. Army PFC Carl M. Nicholas are lifelong residents of Boone County on Big Coal River, it is an appropriate recognition of their contributions to their country, state, community and Boone County to name a bridge over the Big Coal River in their honor; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 03-3/14-0.10 (03A196), locally known as New Kirbyton Bridge, carrying CR 3/14 over Big Coal River in Boone County, the "U. S. Navy MM2 Carl E. Keeney, U.S. Navy SN1 Frankie Keeney and U. S. Army PFC Carl M. Nicholas Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Navy MM2 Carl E. Keeney, U.S. Navy SN1 Frankie Keeney and U.S. Army PFC Carl M. Nicholas Bridge"; and, be it

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

Delegates Fast, Shott, Love, C. Romine and R. Miller offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

**H. C. R. 23** – “Requesting the Department of Military Affairs and Public Safety (‘DMAPS’) to coordinate with the Division of Personnel (‘DOP’) to develop a plan to raise correctional officer’s salaries to alleviate staffing and retention shortages.”

Whereas, DMAPS is charged with overseeing the three correctional agencies in West Virginia: the West Virginia Regional Jail and Correctional Facility Authority, the West Virginia Division of Corrections and the West Virginia Division of Juvenile Services (herein collectively “WV Correctional Agencies”); and

Whereas, WV Correctional Agencies suffer from recruitment and retention issues, and have represented to the Legislative Oversight Committee on Regional Jail and Correctional Facilities Authority that salaries are not competitive enough to allow for recruitment of applicants and retention of staff; and

Whereas, The United States Poverty Guidelines for a family of four have increased since 2010 from \$22,050 to \$24,300 in 2016. However, as of August 2017, West Virginia correctional officer’s salaries have remained at \$22,584 since 2009. Meanwhile, turnover rates have increased in WV Correctional Agencies from 29.2% in FY14 to 32.2% in FY16, and vacancies in the West Virginia Division of Corrections (‘DOC’) have increased by 55% from 2013 to 2016; and

Whereas, As of July 13, 2015, nearly 44% of all DOC employees have less than 5 years’ service in their current position. There were 448 correctional officer separations from the DOC in FY16 with over 75% leaving within the first 24 months, and over 66% leaving within the first year of service; and

Whereas, WV Correctional Agencies are in competition with surrounding states’ correctional facilities, in-state Federal Bureau of Prisons, and county and municipal police departments. WV Correctional Agencies are losing personnel to their competitors

because of superior compensation. As of August 2017, the starting salary for a West Virginia correctional officer was the lowest in the nation; and

Whereas, Separation, replacement, and training costs are placing a significant strain on the financial security of WV Correctional Agencies. Vacancy costs have caused overtime hours to increase to a total of \$13,572,260 for WV Correctional Agencies in FY16; and

Whereas, In order to make WV Correctional Agencies competitive, starting salaries need to be raised from \$10.86 per hour to approximately \$14.50 per hour; or the equivalent of approximately \$30,000 per year salary. This would equal an approximately \$7,000 pay increase from the starting salary (as of August 2017) for West Virginia correctional officers; and

Whereas, WV Correctional Agencies are experiencing critical levels of staff vacancies, inexperience, and turnover. Moreover, as of August 17, 2017, WV Correctional Agencies were housing 820 inmates in excess of total beds. Correctional officers perform an important public safety function and work in an inherently dangerous environment. The staffing and retention crisis, coupled with overcrowding in WV Correctional Agencies, poses a substantial risk to public safety; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests DMAPS and DOP to work in conjunction to develop an adequate compensation plan to raise correctional officer starting salaries to approximately \$30,000 per year to alleviate the current WV Correctional Agencies' staffing and retention crisis; and, be it

*Further Resolved,* That the Legislature hereby requests the Governor's Office to support and adopt the staffing and retention compensation plan developed by DMAPS and DOP; and, be it

*Further Resolved,* That the Legislature hereby encourages the Governor's Office to draft and support any legislation necessary to provide salary increases to correctional officers in WV

Correctional Agencies so that starting salaries for correctional officers are no less than \$30,000 per year, and to include funding for those salaries in any budget proposal submitted to the West Virginia Legislature; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of DMAPS, the Director of DOP, and to the Governor's Office.

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

**By Mr. Speaker (Mr. Armstead) and Delegate Miley:**

**H. J. R. 106** - "Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section one-d, generally relating to the Just Cut Taxes and Win Amendment; providing a purpose for the amendment; clarifying the ad valorem taxation of current tangible industrial machinery, equipment and inventory personal property directly used in industrial business activity, and such components thereof, will be reduced and ultimately eliminated; clarifying tangible industrial personal property of public service companies will continue to be taxed; defining certain terms; exempting from ad valorem taxation new tangible industrial machinery, equipment and inventory personal property directly used in industrial business activity, and such components thereof, except for that imposed on the tangible industrial personal property of public service companies, purchased on and after July 1, 2019; freezing the assessed value of tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof, except for the assessed value of the tangible industrial personal property of public service companies; stepping down the assessed value and ultimately eliminating the ad valorem taxation of tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof, except for the assessed value and tax on tangible industrial personal property of public service companies; replacing revenue to the schools, municipalities, counties, the State, other levying bodies and levies reduced because of the assessed value stepdown and

ultimate elimination of the ad valorem tax on tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof; requiring the Governor to annually provide in the budget bill, the Legislature to annually preserve and appropriate in the budget bill, and prohibiting the Governor from line item vetoing or reducing replacement revenue in the budget bill required by this amendment for the schools, municipalities, counties, the State, other levying bodies and levies; clarifying why replacement revenue is needed and how it is distributed; permitting the Legislature to enact general laws required to carry out the provisions of this amendment; permitting agencies through rule-making authorized by general law approved by the Legislature to promulgate rules required to carry out the provisions of this amendment; preserving earned tax relief benefits; prohibiting the reinstatement of the ad valorem tax on tangible industrial machinery, equipment and inventory personal property directly used in industrial business activity, and such components thereof, after ultimate elimination; providing for primacy of this section over all other law in the West Virginia Constitution, West Virginia Code and West Virginia common law; numbering and designating the amendment; and providing a summarized statement of the purpose of the amendment"; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

**By Delegates Storch, Ferro, R. Romine, Hamrick, Ellington, McGeehan, Pyles, Lynch, Paynter, Barrett and Longstreth:**

**H. B. 4202** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §51-12-1, §51-12-2, §51-12-3, §51-12-4, §51-12-5, §51-12-6, §51-12-7, §51-12-8, §51-12-9, §51-12-10, §51-12-11, §51-12-12, §51-12-13, §51-12-14, §51-12-15, and §51-12-16, all relating to the Model Veterans Treatment Court Act"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.



**By Delegates Butler, Cooper, Ambler, Ward, Hollen, Westfall, Criss, Harshbarger, Kelly, Zatezalo and Householder:**

**H. B. 4203** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-20-1, §18-20-2, §18-20-3, §18-20-4, §18-20-5, §18-20-6 and §18-20-7, all relating to creating the Campus Free Speech Act; making findings; creating the Committee on Free Expression; requiring freshman orientation; authorizing the Higher Education Policy Commission and state institutions of higher learning to adopt additional policies; providing limitations; defining terms; providing enforcement actions; and providing for damages”; to the Committee on Education then the Judiciary.

**By Delegates C. Miller, A. Evans, Sobonya, McGeehan, Frich, Atkinson, Westfall, Butler, Cooper, Harshbarger and Ambler:**

**H. B. 4204** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to the preservation of rights guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country, the choice of law used for contractual interpretations and choice of forum; exempting businesses; making legislative findings; stating public policy; defining a term; and providing a severability provision”; to the Committee on the Judiciary.

**By Delegates Phillips, Maynard, Criss, Statler, Paynter, Ambler, Lane, McGeehan, R. Miller, Eldridge and Dean:**

**H. B. 4205** - “A Bill to amend and reenact §11-13Q-3, §11-13Q-7 and §11-13Q-19 of the Code of West Virginia, 1931, as amended, all relating to entitling natural resource producers to the economic opportunity tax credit; allowing the credit to be used to offset the severance tax; establishing conditions; and modifying definitions”; to the Committee on Energy then Finance.

**By Delegates Shott, Gearheart and Ellington:**

**H. B. 4206** - “A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to revising pupil

to teacher ratio for elementary schools”; to the Committee on Education then Finance.

**By Delegates Shott and Hanshaw:**

**H. B. 4207** - “A Bill to amend and reenact §39-4-20 of the Code of West Virginia, 1931, as amended, relating to receiving a commission to act as a notary public; authorizing an online electronic application process to apply to receive a commission to act as a notary public; and eliminating the \$1000 bond requirement”; to the Committee on the Judiciary.

**By Delegates Storch, Hamrick, Ellington and Barrett:**

**H. B. 4208** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39A-4-1, §39A-4-2, §39A-4-3, §39A-4-4, §39A-4-5, §39A-4-6 and §39A-4-7, all relating to creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; clarifying validity of electronic documents and electronic signatures; providing for recording of electronic documents; requiring any county clerk implementing the provisions of the act to comply with established standards; authorizing county clerks to receive, index, store, archive and transmit electronic documents; authorizing county clerks to allow public access, search and retrieval of electronic documents; allowing county clerks to convert paper documents accepted for recording into electronic documents; authorizing county clerks to collect electronically any tax or fee relating to electronic recording of real property documents they are authorized by law to collect; authorizing county clerks to agree with other jurisdictions on procedures or processes necessary for electronic recording of documents; creating the Real Property Electronic Recording Standards Council to develop the standards necessary to electronically record real property documents; authorizing a legislative rule; providing for a report and recommendations to the Legislature; providing that members of the Real Property Electronic Recording Standards Council pay their own expenses; setting forth areas for consideration when adopting or changing standards; providing for uniformity of application and construction of the act; and providing that this act modifies, limits and supersedes certain parts of the federal Electronic Signatures in

Global and National Commerce Act”; to the Committee on the Judiciary.

**By Delegates Storch, Ferro, R. Romine, Hamrick, Ellington, Pyles and Barrett:**

**H. B. 4209** - “A Bill to amend and reenact §39B-2-101 and §39B-3-101 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new article, designated §44E-1-1, §44E-1-2, §44E-1-3, §44E-1-4, §44E-1-5, §44E-1-6, §44E-1-7, §44E-1-8, §44E-1-9, §44E-1-10, §44E-1-11, §44E-1-12, §44E-1-13, §44E-1-14, §44E-1-15, §44E-1-16, §44E-1-17, and §44E-1-18, all relating to the Uniform Power of Attorney Act, exercising authority over the content of electronic communications and accessing the content of electronic communications; creating the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing a short title; defining certain terms; setting forth to whom the article applies; providing for user direction for disclosure of assets; addressing terms of service agreements; setting forth procedure for disclosing digital assets; providing for disclosure of content of electronic communications and other digital assets of deceased users; providing for disclosure of content of electronic communications of a principal; addressing disclosure of digital assets of a principal; addressing disclosure of digital assets held in trust when the trustee is an original owner or user; addressing disclosure of digital assets held in trust when trustee is not an original owner or user; addressing disclosure of digital assets to conservator of a protected person; setting forth fiduciary’s duties and authority; providing for custodian’s compliance and immunity; providing for uniformity of application and construction of article; and addressing relation of article to Electronic Signatures in Global and National Commerce Act”; to the Committee on the Judiciary.

**By Delegates Marcum, Thompson, Hicks, Isner, Rodighiero, Eldridge, R. Miller, Robinson and Williams:**

**H. B. 4210** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, relating to creating tax credits for new and/or existing small businesses in this state and operating entirely within West

Virginia”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Marcum, Eldridge, Rodighiero, Hicks, R. Miller, Isner, Phillips, Hollen, Maynard and E. Evans:**

**H. B. 4211** - “A Bill to amend and reenact §61-3-20 of the Code of West Virginia, 1931, as amended, relating to increasing penalties for public school employees that embezzle public funds”; to the Committee on Education then the Judiciary.

**By Delegates Marcum, R. Miller, Hicks, Eldridge, Thompson, Isner, Phillips, Hollen, E. Evans and Rodighiero:**

**H. B. 4212** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-21a, relating to requiring a minimum criminal penalty of life imprisonment upon conviction of first degree murder, second degree murder, or voluntary manslaughter if the convicted individual selected the victim of such crime based on the victim’s actual or perceived employment as a law-enforcement officer”; to the Committee on the Judiciary then Finance.

**By Delegates Phillips, Blair, Criss, Lane, McGeehan, Marcum, Gearheart and Maynard:**

**H. B. 4213** - “A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, reducing the severance tax on coal to two percent; making it effective March 31, 2018”; to the Committee on Energy then Finance.

**By Delegates Eldridge, Maynard, Diserio, R. Miller, Campbell, Marcum, Dean, Phillips, Ambler, Paynter and Cooper:**

**H. B. 4214** - “A Bill to amend and reenact §19-1A-3a of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-3-35 of said code, all relating to increasing penalties for unlawfully possessing or digging ginseng”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Lane, Westfall, Kelly, White and Hanshaw:**

**H. B. 4215** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-46-7, relating to the involuntary hospitalization of persons administered opioid antagonists”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Shott, Ellington and Gearheart:**

**H. B. 4216** - “A Bill amend and reenact §18A-4-8b(b), of the Code of West Virginia, 1931, as amended; relating to revising the order in which qualified applicants are considered for service personnel employment by county boards of education to the Committee on Education.

**By Delegates Ellington, Sobonya, Atkinson, Queen, Summers, White, Westfall, Dean, Criss and Rohrbach:**

**H. B. 4217** - “A Bill to amend and reenact §61-12-10 of the Code West Virginia, 1931, as amended, relating to permitting an attending physician to obtain a patient’s autopsy report”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ellington, Summers, Householder, Rohrbach, Sobonya, Criss and Hollen:**

**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; setting out requirement for an expert who signs a certificate of merit; allowing for admissibility of certificate of merit in actions against health care providers; and allowing testimony in a judicial proceeding or by deposition upon issuing a certificate of merit”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Espinosa, Statler, Upson, Cooper, Dean, Wilson and Higginbotham:**

**H. B. 4219** - “A Bill to amend and reenact §18-7A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 of said code, all relating to permitting employees of educational services cooperatives to participate in the State Teachers Retirement System; and permitting persons employed for instructional services by educational services cooperatives to participate in the State Teachers’ Defined Contribution Retirement System”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Espinosa, Statler, Upson, Cooper, Dean, Wilson, Higginbotham and Folk:**

**H. B. 4220** - “A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating generally to grounds for revocation of a teaching certificate; and providing that a teaching certificate or license shall be automatically revoked if a teacher is convicted of a criminal offense that requires him or her to register as a sex offender”; to the Committee on Education then the Judiciary.

**By Delegates Brewer, Sponaugle, Iaquina, Diserio, Canestraro, Ferro, Fluharty, Isner, Hornbuckle, R. Miller and Maynard:**

**H. B. 4221** - “A Bill to amend and reenact §11-10-12 of the Code of West Virginia, 1931, as amended, relating to requiring the Tax Commissioner to maintain a centralized computerized information system that allows the public access to information about tax liens recorded by the commissioner”; to the Committee on Government Organization then Finance.

**By Delegates Hamilton, Frich, R. Romine, A. Evans, Ambler, Cooper, Lynch, Pyles, Sponaugle, Iaquina and Marcum:**

**H. B. 4222** - “A Bill to amend and reenact §20-7-12 of the Code of West Virginia, 1931, as amended, relating to requiring the owners of motorboats to carry liability insurance, regardless of the horsepower or length of the motorboat”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Rowan, Rohrbach, R. Romine, Wagner, Cooper, Ambler, Moye and Kelly:**

**H. B. 4223** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-20, relating to selection of language developmental milestones to develop a resource for use by parents to monitor and track deaf and hard-of-hearing children’s receptive and expressive language acquisition in the language(s) and communication mode chosen by the parents, and developmental stages toward English literacy”; to the Committee on Education.

**By Delegates Shott, Ellington and Gearheart:**

**H. B. 4224** - “A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to establishing

an eight-hour work day for school service personnel”; to the Committee on Industry and Labor then Education.

**By Delegates Shott, Gearheart and Ellington:**

**H. B. 4225** - “A Bill to amend and reenact §18A-4-8, of the Code of West Virginia, 1931, as amended; relating to eliminating the written consent requirement for relegating any condition of employment for service personnel”; to the Committee on Education.

**By Delegates Shott, Ellington and Gearheart:**

**H. B. 4226** - “A Bill to amend and reenact §18A-4-8e, of the Code of West Virginia, 1931, as amended; relating to eliminating the competency testing requirement for school service personnel”; to the Committee on Education.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

**[By Request of the Executive]:**

**H. B. 4227** - “A Bill to amend and reenact §16-5T-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5T-6, all relating generally to drug control; requiring hospital emergency rooms and departments, as well as certain other law-enforcement and medical care providers, report suspected or confirmed drug overdoses, and other drug-related instances, to the Office of Drug Control Policy; permitting counties experiencing drug overdoses at rates higher than the national average to establish certain community-based recognition and response efforts; permitting those counties to seek federal and private funding to implement those efforts; and requiring all first responders, regardless of frequency of drug overdoses in their communities, to carry Naloxone and be trained in its use”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Brewer, Sponaugle, Robinson, Isner, Canestraro, Williams, E. Evans, R. Miller, Ferro, Caputo and Diserio:**

**H. B. 4228** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto five new sections, designated §5-22-4, §5-22-5, §5-22-6, §5-22-7 and §5-22-8, all relating to requiring the use of items of goods and equipment manufactured in the United States in government construction contracts; specifying the types of

public entities and the types of contracts to which provisions apply; setting forth duties and responsibilities of public entities and bidders on contracts; providing conditions upon which provisions may be waived; setting forth the duties and responsibilities of the Division of Labor; providing for violations and penalties; providing for hearings; defining terms; and requiring rule-making”; to the Committee on Industry and Labor then the Judiciary.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley:**

**H. B. 4229** - “A Bill to amend and reenact §5A-3-33c, §5A-3-33d, §5A-3-33e, and §5A-3-33f of the Code of West Virginia, 1931, as amended, all relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions; updating the duties of the Director of Purchasing; specifying additional grounds for debarment of a vendor; providing that actions of an individual may be imputed to a vendor under certain circumstances; providing for the debarment of individuals in addition to vendor businesses; providing for the debarment of subcontractors; specifying mandatory conditions for the initiation of debarment proceedings; prohibiting vendor employment of debarred individuals; and prohibiting the state from contracting with, or soliciting bids from, certain parties related to debarred vendors”; to the Committee on Government Organization then Finance.

**By Delegates Westfall, Frich, White and Upson:**

**H. B. 4230** - “A Bill to amend and reenact §33-4-15a of the Code of West Virginia, 1931, as amended, relating to credit for reinsurance; setting forth the purpose of the legislation; describing where assets that provide security to fund United States obligations are to be maintained by a non-United States insurer or reinsurer; providing for the filing and valuation of claims, and the distribution of assets, regarding an insolvent non-United States insurer or reinsurer; describing the circumstances under which credit for reinsurance of a domestic ceding insurer will be allowed; providing for an asset or reduction from liability for reinsurance ceded by a domestic insurer when certain requirements are not met; defining a qualified United States financial institution; providing authority for the Insurance Commissioner to promulgate legislative and emergency rules; and providing for an effective date”; to the Committee on Banking and Insurance then the Judiciary.



**By Delegates Shott, Gearheart and Ellington:**

**H. B. 4231** - “A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement to pay service personnel for at least a full day of work when he or she has worked more than three and one-half hours on any Saturday or Sunday”; to the Committee on Education then Finance.

### **House Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 4020**, Making technical corrections in the code when referencing chapter 49; 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. 4**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Ellington, Moore, Nelson and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4020) 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**

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

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

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

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

And,

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

#### **First Reading**

**Com. Sub. for H. B. 2028**, Relating to the venue for suits and other actions against the state; on first reading, coming up in regular order, was 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 Anderson, Ellington, Moore and Wilson.

#### **Miscellaneous Business**

Delegate Nelson attended part of the session but noted to the Clerk that he was absent on today when the vote was taken on Roll No. 4, and that had he been present, he would have voted “Yea” thereon.

Delegate Rowan filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 4035.

Delegate Westfall filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. B. 2868.

At 11:41 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 22, 2018.

---

Monday, January 22, 2018

**THIRTEENTH 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, January 19, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2916**, Authorizing certain first responders to carry firearms,

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

**Com. Sub. for H. B. 2916** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6; to amend and reenact §6-1-3a of said code; to amend said code by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to authorizing certain investigators and first responders to carry firearms; authorizing supervising entities to authorize investigators employed by the attorney general, reserve deputy sheriffs, ambulance crew members, firefighters, rescue squad members, and

emergency service personnel to carry firearms; specifying the training required for such persons to be eligible to carry a firearm; and, for first responders, allowing for reimbursement for the cost of the training.”

And,

**H. B. 3004**, Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates,

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

**Com. Sub. for H. B. 3004** - “A Bill to amend and reenact §3-10-3, §3-10-5 and §3-10-7 of the Code of West Virginia, 1931, as amended, all relating to filling vacancies in offices of state officials, Justices, judges, and magistrates; and requiring vacancy in the partisan offices of that section to be filled with individual of the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred; setting requirements for party executive committees to submit qualified names for vacancies in said offices; providing for circumstances where party executive committees do not so act; requiring vacancies created in state Legislature to be filled by the Governor with a person from the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; requiring vacancies in offices of county commissioner or clerk of the county commission to be filled with person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing process for vacancy on county commission or clerk of the county commission to be filled by the county commission itself; providing process for vacancy on county commission to be filled if county commission fails to fill the vacancy by itself; requiring the Governor fill vacancies on county commission when no quorum on county commission with a person from the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; setting requirements for party executive committees to submit qualified

names for county commission vacancies that must be filled by the Governor; ensuring county commission appointments are subject to time periods set forth in section one of the article; and making technical corrections,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 3005**, Relating to regulation of unmanned aircraft systems,

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

**Com. Sub. for H. B. 3005** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1 and §61-14-2, all relating to regulation of unmanned aircraft systems; defining terms; creating misdemeanor criminal offense for certain conduct using an unmanned aircraft system and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system equipped with a lethal weapon, creating exceptions, and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system with the intent to cause damage or disrupt in any way the flight of a manned aircraft and setting penalties therefor; and creating an exception for operating an unmanned aircraft system for commercial purposes that is authorized by the Federal Aviation Administration in a manner that is consistent with federal law and the provisions of this article,”

And,

**H. B. 4150**, Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient,

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

**Com. Sub. for H. B. 4150** - “A Bill to amend the Code of West Virginia, 1931, as amended, to amend and reenact §46A-6F-501, all relating to prohibiting telemarketing companies from transmitting misleading or inaccurate caller identification information,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2727**, Providing an identification card for released inmates who do not have a West Virginia identification card or driver’s license,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2727) was referred to the Committee on Finance.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution:

**S. C. R. 6** – “Encouraging and supporting the construction of a Gold Star Families Memorial Monument on the West Virginia State Capitol grounds.”

Whereas, The mission of the Hershel “Woody” Williams Medal of Honor Foundation is to honor Gold Star families, relatives, and children by building Gold Star Families Memorial

Monuments throughout the United States, by offering scholarships to Gold Star children, by sponsoring outreach programs and events, and by educating communities about Gold Star families and the sacrifice they have endured; and

Whereas, The goal of the Gold Star Families Memorial Monument initiative is to establish a Gold Star Families Memorial Monument in all 50 states for the purpose of honoring Gold Star families, preserving the memory of the fallen, and to stand as a stark reminder that freedom is not free; and

Whereas, Through its core values of courage, sacrifice, patriotism, citizenship, integrity, and commitment, the Hershel “Woody” Williams Medal of Honor Foundation will honor Gold Star families in West Virginia by building this monument on the grounds of the West Virginia State Capitol; and

Whereas, Per capita, more citizens from West Virginia have served in our nation’s armed forces than from any other state, and this monument will honor those West Virginia families who sacrificed a loved one for our freedom; and

Whereas, On behalf of the citizens of West Virginia, it is fitting that we offer this resolution in support of the Hershel “Woody” Williams Medal of Honor Foundation and West Virginia Gold Star families for the important work they do and in honor of the sacrifices they have made; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby encourages and supports the construction of a Gold Star Families Memorial Monument on the West Virginia State Capitol grounds; and, be it

*Further Resolved,* That the Legislature will work with the Hershel “Woody” Williams Medal of Honor Foundation, the Governor of West Virginia, the Honorable Jim Justice, and all other entities involved to ensure the construction of the Gold Star Families Memorial Monument on the West Virginia State Capitol grounds; and, be it

*Further Resolved*, That the Legislature extends its sincere gratitude and appreciation to West Virginia Gold Star families for their sacrifice; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Hershel “Woody” Williams Medal of Honor Foundation and the Governor of West Virginia, the Honorable Jim Justice.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 6) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

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. 73** - “A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to modifying the crime of fleeing the scene of an accident involving injuries; and increasing 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 154** - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to parking”; 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. 296** - “A Bill to amend and reenact §5A-3-45 of the Code of West Virginia, 1931, as amended, relating to the sale or transfer of surplus property; and allowing spending units to designate the fund into which proceeds from the sale or transfer of surplus property shall be deposited if the fund that was used to purchase the property no longer exists”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 297** - “A Bill to amend and reenact §33-3-15 of the Code of West Virginia, 1931, as amended, relating to eliminating taxation on annuity considerations collected and received by a life insurer”; which was referred to the Committee on Banking and Insurance then Finance.

A message from the Senate, by

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

**S. B. 298** - “A Bill to amend and reenact §11-4-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county assessors to make separate entries in their landbooks when real property is partly used for exempt, and partly for nonexempt, purposes”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 299** - “A Bill to amend and reenact §5-16-7 and §5-16-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-16B-6f; to amend said code by adding thereto a new section, designated §9-5-27; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to mandatory insurance coverage, up to the age of 20, for certain medical foods for amino acid-based formulas; providing a list of diagnosed conditions for which insurance coverage should extend; providing that coverage extends to medically necessary foods for home use when prescribed by a physician; defining terms; and providing for exclusions”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

**S. B. 301** - “A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to removing the limitation on the amount collected by the county via the hotel occupancy tax that may be used for medical care and emergency services”; which was referred to the Committee on Political Subdivisions then Finance.

### **Resolutions Introduced**

Delegates Kelly, Zatezalo, Wagner, Atkinson, Sobonya, Westfall, Summers, Sypolt, Deem, Criss, and Lane offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 24** – “Recognizing March 2, 2018, as National Speech and Debate Education Day.”

Whereas, It is essential for youth to learn and practice the art of communicating, with and apart from technology; and

Whereas, Speech and debate education offers students a myriad of forms of public speaking through which to develop their talents, and exercise their unique voice and character; and

Whereas, Speech and debate gives students the 21st century skills of communication, critical thinking, creativity, and collaboration; and

Whereas, Important ideas, texts, and philosophies have the opportunity to flourish when they have been analyzed critically and communicated effectively; and

Whereas, Personal, professional, and civic interactions are enhanced by their participants' abilities to listen, concur, question, and even dissent with reason and compassion; and

Whereas, Students who participate in speech and debate have chosen a challenging activity that requires regular practice, dedication, and hard work; and

Whereas, Teachers and coaches of speech and debate devote in-school, after-school, and weekend hours to equip students with life-changing skills and opportunities; and

Whereas, National Speech and Debate Education Day emphasizes the lifelong impact of providing citizens with the confidence and preparation to both discern and share their views; and

Whereas, National Speech and Debate Education Day acknowledges that most achievements, celebrations, commemorations, and pivotal moments in modern history begin, end, or are crystallized with public address; and

Whereas, National Speech and Debate Education Day recognizes that learning to research, construct, and present an argument is integral to personal advocacy, social movements, and the making of public policy; and

Whereas, The National Speech and Debate Association, in conjunction with national and local partners, honors and celebrates the importance of speech and debate through National Speech and Debate Education Day; and

Whereas, National Speech and Debate Education Day emphasizes the importance of speech and debate instruction and its integration across grade levels and disciplines; therefore, be it

*Resolved by the Legislature of West Virginia:*

That March 2, 2018, be designated as “National Speech and Debate Education Day”; and, be it

*Further Resolved*, That the Legislature strongly affirms the purposes of National Speech and Debate Education Day; and, be it

*Further Resolved*, That the Legislature encourages educational institutions, businesses, community and civic associations, and all citizens to celebrate and promote National Speech and Debate Education Day.

Delegates Fleischauer, Hollen, Criss, Deem, Kelly, Anderson, Cooper, Phillips, McGeehan, Atkinson, and Butler offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 25** – “Requesting the Division of Highways to name the bridge on WV Route 14 over Slate Creek, bridge number 54-14-0.64 (54A193), locally known as Slate Bridge, in Wood County, the ‘U. S. Army SPC David A. Hess Memorial Bridge’.”

Whereas, U. S. Army Specialist David A. Hess was born on April 28, 1985, in Charleston, to Kathryn Dowler and Jeffrey Hess; and

Whereas, Specialist Hess grew up in the Slate Creek area of Wood County. He attended the Mineral Wells Elementary School, Edison Junior High, and Parkersburg South High School and graduated in May 2003. While in school, he was active in sports, playing football, baseball, and wrestled. Specialist Hess spent his

spare time umpiring girls' softball games in Mineral Wells, and fishing near the Slate Creek Bridge; and

Whereas, Specialist Hess joined the United States Army in 2008 and served with the 101st Airborne. He was awarded the Gold Star, two Purple Hearts, the War on Terrorism Medal, North Atlantic Treaty Organization Medal, and the Afghanistan Campaign Medal for his service; and

Whereas, Specialist Hess' unit was deployed to Afghanistan in April 2010 to assist in the war on terrorism; and

Whereas, On October 10, 2010 while in Afghanistan, Specialist Hess' unit was on patrol in Kabul and he was riding in the lead vehicle. His vehicle was crossing a bridge that had been cleared for any explosives just seven minutes prior. While crossing the bridge an IED exploded, taking his life; and

Whereas, Specialist Hess is survived by his parents, his wife Diane Hess, his son Bryon and two sisters; and

Whereas, Naming that bridge on WV Route 14, bridge number 54-14-0.64 (54A193), locally known as Slate Bridge, in Wood County, the "U. S. Army SPC David A. Hess Memorial Bridge" is an appropriate recognition of his selfless service to his country and having made the ultimate sacrifice; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge on WV Route 14 over Slate Creek, bridge number 54-14-0.64 (54A193), locally known as Slate Bridge, in Wood County, the "U. S. Army SPC David A. Hess Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U. S. Army SPC David A. Hess Memorial Bridge"; and, be it

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

Delegate A. Evans offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 26** – “Requesting the Division of Highways to name bridge number 12-3-0.02 (12A003), locally known as Maysville Bridge, carrying County Route 3 over Lunice Creek in Grant County, the ‘U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge’.”

Whereas, Tracy Victor Rohrbaugh was born October 27, 1922, in Martin, Grant County, West Virginia, son of Victor Adam Rohrbaugh and Dovie Clara Rohrbaugh; and

Whereas, Tracy was later joined by three brothers and five sisters; and

Whereas, The Rohrbaugh family had been well established in Grant County for many years; and

Whereas, The Rohrbaugh family lived in Martin for all of Tracy’s life; and

Whereas, Tracy Victor Rohrbaugh was inducted into the United States Army in January 1942, and trained at Camp Maxey and Camp Hood in Texas; and

Whereas, The young soldier was shipped overseas for service in the European Theater on New Year’s Day, 1943; and

Whereas, U. S. Army PFC Tracy Victor Rohrbaugh served with the 625<sup>th</sup> Ordnance Ammunition Company during his time in Europe; and

Whereas, In his last letter home on April 17, 1944, PFC Rohrbaugh stated, “Everything is going fine and I could not be in any better shape.” Sadly, this would not last for long; and

Whereas, Just ten days after that letter was written, PFC Tracy Victor Rohrbaugh was killed in action while participating in Exercise Tiger, a large scale training exercise in England in preparation for the Normandy invasion; and

Whereas, PFC Tracy Victor Rohrbaugh, whose body was buried at sea, was posthumously awarded the Purple Heart, American Campaign Medal and WWII Victory Medal; and

Whereas, In recognition of his honorable service in World War II, and for his ultimate sacrifice, PFC Rohrbaugh's name is inscribed on the Tablets of the Missing at the Cambridge American Cemetery in Cambridge, England, and his name was one of the original names inscribed on the West Virginia Veterans Memorial; and

Whereas, It is fitting that the state continue to honor this fallen hero by a memorial in the area in which he lived; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 12-3-0.02 (12A003), locally known as Maysville Bridge, carrying County Route 3 over Lunice Creek in Grant County, the "U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is requested to have made and be placed signs identifying the bridge as bridge number 12-3-0.02 (12A003), locally known as Maysville Bridge, carrying County Route 3 over Lunice Creek in Grant County, the "U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge"; and, be it

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

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

**By Delegates Zatezalo, Householder, Martin, Storch, Hill, Blair, C. Romine, Kessinger, Statler, McGeehan and Fast:**  
**H. J. R. 107** - "Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof, relating to the establishment of a general fund expenditure

limit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

And,

**By Delegates McGeehan, Kessinger, Hamrick, Butler, Folk, Paynter, Dean, Howell, R. Romine, Ward and Overington:**

**H. J. R. 108** - “Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

**By Delegates Howell, Criss, Hill, Hamrick, Statler, Queen, Blair, Summers, Sypolt, Moore and Storch:**

**H. B. 4015** - “A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10, §5A-12-11, and §5A-12-12; to amend said code by adding thereto a new section, designated §12-6D-7; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26, and §17A-3-27; and to amend and reenact §29B-1-4 of said code, all relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies; repealing provisions relating to the central motor pool;



continuing management of state owned or leased aircraft through an aviation division; continuing the Fleet Management Office; providing powers and duties of the Director of the Fleet Management Office; continuing special fund; requiring reporting of state vehicles to Fleet Management Office; requiring reporting to and inventory of vehicles by State Agency for Surplus Property; requiring reporting to and inventory of vehicles by Enterprise Resource Planning Board; authorizing a rental pool; requiring legislative compliance audit; requiring new title, registration, and license plates for state vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue special plates to organizations and entities; requiring agencies to apply for a new uniform vehicle title and registration plate; exempting confidential information relating to certain vehicles from public disclosure under the Freedom of Information Act; authorizing rule-making; and requiring annual reports to Legislature and Governor”; to the Committee on Government Organization then Finance.

**By Delegates Storch, Hamrick, Ferro, Barrett and Ellington:**

**H. B. 4233** - “A Bill to amend and reenact §40-1A-1, §40-1A-2, §40-1A-4, §40-1A-5, §40-1A-6, and §40-1A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §40-1A-13, §40-1A-14, and §40-1A-15, all relating generally to fraudulent transfers; establishing that a presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probable than its existence; providing that a creditor making a claim for relief has the burden of proving the elements of the claim for relief by a preponderance of the evidence; setting forth rules regarding the defenses, liability and protection of transferees; establishing the governing law; providing for the application to series organizations; providing for the limiting, modifying or superseding of the federal Electronic Signatures in Global and National Commerce Act; and adding and modifying definitions”; to the Committee on the Judiciary.

**By Delegates Iaquinta, A. Evans, Hartman, Canestraro, R. Romine, Hamilton, Ellington, Walters, Dean, Barrett and Ferro:**

**H. B. 4234** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1E-6, relating to creating the ‘West Virginia Winner’ program to promote healthy living, improve lifestyle and increase longevity of West Virginia residents by competing in various athletic and cultural events in the fifty-five counties; providing that the program be administered by the Office of Healthy Lifestyles; and declaring who may participate in the events together with participation fees”; to the Committee on Health and Human Resources then Finance.

**By Delegates Hamilton, Harshbarger, Brewer, Atkinson, Ward, Queen, Diserio, Longstreth, Wagner, R. Romine and A. Evans:**

**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”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Nelson, Hanshaw and Shott:**

**H. B. 4236** - “A Bill to amend and reenact §5A-10-9 of the Code of West Virginia, 1931, as amended, relating to requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division; removing the exemption of certain agencies from reporting property holdings to the Real Estate Division; clarifying the information to be reported annually by agencies; and requiring an annual report by the Real Estate Division to the Governor and Legislature”; to the Committee on Government Organization.

**By Delegate Shott:**

**H. B. 4237** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto, a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-7, §37-16-8, §37-16-9, §37-16-10, §37-16-11, §37-16-12, and §37-16-13, all relating to enacting the Uniform Partition of Heirs

Property Act; defining terms; providing for a court hearing to determine if the partition action concerns heirs' property; providing for notice by publication in a partition action; providing for requirements for commissioners; providing procedures for a court to follow in determining the value of the property and factors for a court to consider for certain types of partitions; providing procedures for cotenant buyout; providing for alternatives to a partition action; providing for certain factors for the court to consider in determining whether partition in kind is appropriate; providing for open-market sales, sealed bids, or auctions; providing reporting requirements for an open-market sale; providing for uniformity of application and construction; and modifying, limiting, and superseding the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 *et seq.*"; to the Committee on Energy then the Judiciary.

**By Delegates Fleischauer, Williams, Pyles, Statler, Frich, Hamrick, Robinson, Brewer, Storch, Howell and Miley:**

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

**By Delegates Rohrbach, Ellington, Sobonya, Queen, Summers, White, Criss and Hollen:**

**H. B. 4239** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to regulating prior authorizations"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Summers, Pushkin, R. Miller, Lane, Moore, Kessinger, Hollen, Atkinson and Shott:**

**H. B. 4240** - "A Bill to amend and reenact §17C-5-2b of the Code West Virginia, 1931, as amended, relating to expungement

of the records associated with driving under the influence after completion of the deferral program”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Westfall, White, Criss, Rohrbach, Ellington, Summers and Hanshaw:**

**H. B. 4241** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to transitioning foster children into managed care”; to the Committee on Health and Human Resources then Finance.

**By Delegates Shott and Hanshaw:**

**H. B. 4242** - “A Bill to amend and reenact §50-4-8 of the Code of West Virginia, 1931, as amended, relating to clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court”; to the Committee on the Judiciary.

**By Delegates Kessinger, Hill, Paynter, Howell and Moore:**

**H. B. 4243** - “A Bill to amend and reenact §18-5-9 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to conduct regular structural inspections of school facilities and structures; and requiring boards to establish a schedule of rotating inspections for all schools every ten years”; to the Committee on Education then Finance.

**By Delegates Ward, Howell, Hollen, Paynter, Moore, Lane, Frich, Longstreth, Sobonya, Martin and Hamrick:**

**H. B. 4244** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, §11-13EE-5, and §11-13EE-6, all relating generally to business tax credits; granting business tax credits that financially support students enrolled in in the state’s community and technical colleges; establishing the amount of credits available; setting forth conditions; defining terms; requiring rule-making; and establishing an effective date”; to the Committee on Education then Finance.

**By Delegates Ward, Howell, Paynter, Frich, Martin, Hamrick, Kelly, Atkinson, Hamilton, Butler and Fast:**

**H. B. 4245** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9p, relating to exempting wood furniture from state sales tax if

seventy-five percent of the finished product is made from wood timbered in the state and the furniture is manufactured in the state”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Kessinger, Pack, Martin, Hill, Paynter, Howell and Foster:**

**H. B. 4246** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2A-1, relating to requiring abortions to be performed by a licensed physician”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Kessinger, Pack, Hill, Paynter and Howell:**

**H. B. 4247** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-30-26, relating to life-sustaining treatment policies of health care facilities”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Kessinger, Martin, Hill, Paynter, Howell and Foster:**

**H. B. 4248** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g, relating to requiring county boards of education to permit students who are homeschooled or attend private schools to enroll and take classes at the county’s vocational school”; to the Committee on Education.

**By Delegates Kessinger, Martin, Hill, Paynter, Howell, Moore and Foster:**

**H. B. 4249** - “A Bill to amend and reenact §18-5-9 of the Code of West Virginia, 1931, as amended, relating to allowing private entities to lease buildings to local school boards in cases of emergency or condemnation”; to the Committee on Education.

**By Delegates Kessinger, Hill, Paynter and Howell:**

**H. B. 4250** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to creating a digital learning pilot project; establishing a

purpose; establishing goals; establishing objectives; establishing key components of the pilot project; establishing qualifications; and establishing a deadline”; to the Committee on Education then Finance.

**By Delegates Shott, Ellington and Gearheart:**

**H. B. 4251** - “A Bill to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended, relating to permitting employees of baccalaureate institutions and universities outside of this state to be appointed to a board of governors of a state institution of higher education; and making a technical correction”; to the Committee on Education.

**By Delegates R. Miller, Campbell, Canestraro, Eldridge, Maynard and Isner:**

**H. B. 4252** - “A Bill to amend and reenact §57-5-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the prosecuting attorney to issue a subpoena duces tecum for documents deemed material to a criminal investigation”; to the Committee on the Judiciary.

**By Delegates Kessinger, Hill, Paynter and Howell:**

**H. B. 4253** - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section designated §8-15-28; and to amend said code by adding thereto a new section designated §16-4C-24, all relating to creating the ‘Responders Protection Act’ authorizing certain responders to carry firearms; authorizing supervising entities to authorize ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for them to be eligible to carry a firearm; allowing reimbursement for the cost of the training; and requiring proposal of rules relating to this issue”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 3089**, Relating to the adoption of instructional resources for use in the public schools; 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. 5**), and there were—yeas 72, nays 24, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Brewer, Byrd, Canestraro, Caputo, Diserio, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lynch, Miley, Pethel, Pushkin, Pyles, Robinson, Rowe, Sponaule and Williams.

Absent and Not Voting: Blair, Dean, C. Romine and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3089) 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. 4002**, Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020; on third reading, coming up in regular order, was read a third time.

### **Speaker Pro Tempore Overington in the Chair**

Mr. Speaker, Mr. Armstead, arose from his seat and addressed the House regarding Com. Sub. for H. B. 4002.

### **Mr. Speaker, Mr. Armstead, in the Chair**

Delegate Frich requested to be excused from voting on the passage of Com. Sub. for H. B. 4002 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. 6**), and there were—yeas 72, nays 25, absent

and not voting 3, with the nays and absent and not voting being as follows:

Nays: Brewer, Campbell, Canestraro, Caputo, Criss, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Jaquinta, Kelly, Longstreth, Miley, Pyles, Robinson, Rodighiero, Sponaugle, Thompson, Ward and Williams.

Absent and Not Voting: Dean, C. Romine and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4002) 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. 4013**, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 7**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Dean, Hamrick, C. Romine, Storch and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4013) 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. 4026**, Exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act; 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. 8**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Isner and Marcum.

Absent and Not Voting: Dean, C. Romine, Storch and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4026) 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. 2028**, Relating to the venue for suits and other actions against the state; 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. 2607**, Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations,

**H. B. 2822**, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter,

And,

**H. B. 2838**, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Dean, C. Romine and Storch.

### **Miscellaneous Business**

Delegate Sponaugle asked and obtained unanimous consent that the remarks of Delegates Moye, E. Evans and Hornbuckle during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Sponaugle also asked and obtained unanimous consent that the remarks of all Members regarding Com. Sub. for H. B. 4002 today be printed in the Appendix to the Journal.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4241.

At 1:39 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 23, 2018.

---

Tuesday, January 23, 2018

**FOURTEENTH 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 following communication was laid before the House of Delegates and was read by the Clerk:

House of Delegates  
West Virginia Legislature  
212-M, State Capitol  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470

January 23, 2018

The Honorable Tim Armstead  
Speaker  
West Virginia House of Delegates  
Building 1, Room 228-M  
Charleston, West Virginia 25305

Dear Mr. Speaker:

I have been given the great opportunity to fill the vacant seat in the West Virginia Senate created by the resignation of Senator Mullins, and I hereby resign my seat in the West Virginia House of Delegates effective immediately.

I have been honored to serve in the House of Delegates, and I look forward to continuing to serve my constituents in the Senate.

Sincerely,

Lynne Carden Arvon

The Clerk proceeded to read the Journal of Monday, January 22, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### **Committee Reports**

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**H. B. 2612**, Repealing section relating to unattended motor vehicles and penalties,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2612) 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:

**H. B. 4047**, Board of Examiners of Psychologists, rule relating to code of conduct,

**H. B. 4057**, Real Estate Commission, rule relating to requirements for real estate courses, course providers and instructors,

**H. B. 4059**, Real Estate Commission, rule relating to licensing real estate brokers,

And,

**H. B. 4073**, Board of Accountancy, rule relating to board rules and rules of professional conduct,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4047, H. B. 4057, H. B. 4059 and H. B. 4073) were each referred to the Committee on the Judiciary.

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. 4144**, Relating to the elimination of film tax credits,

And,

**H. B. 4146**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

And reports the same back with the recommendation that they each do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 4135**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

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

**Com. Sub. for H. B. 4135** – “A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates,”

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. 4207**, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement,

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. 4035**, Creating a legislative coalition to study and report to the Legislature on palliative care,

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

**Com. Sub. for H. B. 4035** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6 and §16-54-7, creating a state advisory coalition to improve palliative care in West Virginia, providing definitions, designating members of the coalition, providing for the powers and duties of the coalition, establishing that certain and other state agencies shall cooperate with the coalition, and establishing a termination date for the coalition, all relating to medical, end of life, serious illness and palliative care,"

**H. B. 4169**, Requiring certain establishments and facilities to post human trafficking assistance notices,

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

**Com. Sub. for H. B. 4169** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9A-4, relating to requiring certain establishments and facilities to post human trafficking assistance notices; establishing where notices must be posted and contents of notice; directing the Director of the Division of Justice and Community Services to administer the program; authorizing state agents to give notice of violations; providing for criminal penalties for failure to comply with posting of notices once given notice of lawful duty to post; and defining terms,”

**H. B. 2483**, Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday,

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

**Com. Sub. for H. B. 2483** - “A Bill to amend and reenact §49-4-720 and §49-4-722 of the Code of West Virginia, 1931, as amended, all relating to requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who turns eighteen years of age; requiring transfer of juvenile in adult jurisdiction upon reaching eighteen years of age if he or she has either been convicted or is in a pretrial status; directing the Division of Juvenile Services to notify the circuit court one hundred eighty days or as soon as practical of a juvenile reaching eighteen years of age; requiring the circuit court to set and conduct a hearing prior to the transfer to an adult correctional facility; providing for transfer to an adult facility in the event a hearing is not held; mandating that the position of victim be taken under consideration by the court in considering disposition or alternative placement; prohibiting juveniles that commit an adult offense while under the custody of the Division of Juvenile Services from returning back to the placement in a juvenile facility if the juvenile has attained the age of eighteen years; requiring the court to conduct a hearing prior to the completion of the adult sentence; and prohibiting a court from remanding a child who has

reached eighteen years of age and completed serving an adult sentence to a juvenile facility,”

And,

**H. B. 4174**, Designating the placement of nonpartisan judicial offices on the primary election ballot,

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

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

With the recommendation that the committee substitutes each do pass.

### **Messages from the Senate**

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. 53** - “A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to correcting incorrect code reference resulting from recent amendment to said code exempting certain persons from prohibitions against carrying concealed handguns or deadly weapons on the property of another”; 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. 62** - “A Bill to amend and reenact §18-8-3 of the Code of West Virginia, 1931, as amended, relating to school attendance



directors; and adjusting requirements for hiring an attendance director”; which was referred to the Committee on Education.

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. 98** - “A Bill to amend and reenact §7-11B-3, §7-11B-4 and §7-11B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-4 of said code; and to amend said code by adding thereto a new section, designated §7A-2-5, all relating to incentives for consolidating local governments; amending the definitions of certain terms to include municipalities that successfully consolidated; granting additional powers to governing bodies of municipalities that successfully consolidated; authorizing municipalities that successfully consolidate additional powers related to creation of a development or redevelopment district; allowing consolidation of local governments to include public school districts, library districts and fire districts; creating certain incentives for municipalities that consolidate; creating certain incentives for counties that consolidate; and creating certain incentives for municipalities and counties that form metro governments by consolidation”; which was referred to the Committee on Political Subdivisions then Government Organization.

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. 110** - “A Bill to amend and reenact §60-7-13 of the Code of West Virginia, 1931, as amended, relating generally to private club licensees; continuing Alcohol Beverage Control Enforcement Fund; requiring a private club licensee to timely notify emergency medical services or law enforcement of a life-threatening medical emergency occurring on the licensee’s premises; authorizing sanctions against licensees’ failing to notify such personnel as required; requiring a licensee to notify the

Alcohol Beverage Control Administration within 48 hours of the occurrence of a life-threatening emergency; permitting the commissioner to sanction a licensee for failing to comply with the 48-hour notification requirement; providing examples of life-threatening medical emergencies; authorizing the promulgation of emergency rules; and requiring promulgation of proposed legislative rules”; 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. 133** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-3c, relating to exempting certain contracts related to recovery from a declared state of emergency from purchasing requirements; clarifying exemption from purchasing requirements for certain contracts entered into during declared state of emergency; exempting from purchasing requirements renewals of certain contracts entered into during declared state of emergency; exempting purchase of goods or services from federal government or agency when goods and services are directly and solely related to recovery from declared state of emergency; requiring Director of Division of Homeland Security and Emergency Management to certify eligibility for exemption; setting forth record-keeping requirements; and defining the term ‘directly and solely related’”; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

**S. B. 263** - “A Bill to amend and reenact §11-13X-13 of the Code of West Virginia, 1931, as amended, relating to the elimination of film tax credits; preserving rights to all previously issued film tax credits; ceasing operations of the West Virginia

Film Office; and transferring certain duties of the West Virginia Film Office to the Division of Tourism.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 263) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 300** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, and §11-28-3, all relating to creating five-year tax credits for businesses locating on post-coal mine sites; defining terms; setting eligibility requirements for tax credit; establishing amount of tax credit allowed; establishing how the credit may be applied; and providing rule-making authority”; which was referred to the Committee on Energy then Finance.

### **Resolutions Introduced**

Delegates Summers, Queen, Hamrick, Miley and Iaquina offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 27** - “Making Grafton’s Annual Memorial Day Parade the Official State Memorial Day Parade.”

Whereas, The idea of a National Memorial Day was conceived by Mrs. John A. Logan, wife of General John A. Logan, Civil War figure and Congressman from Illinois. She was deeply impressed and moved after seeing a woman dressed in mourning clothes reverently place a garland of spring blossoms on the grave of a loved one. She later related the tender scene to her husband and spoke of a national holiday for the dead of the nation. General Logan in turn introduced a bill in Congress on April 8, 1868, proposing to set aside May 30<sup>th</sup> as Memorial Day; and

Whereas, The history of the Grafton National Cemetery on Walnut Street goes back to 1865 when Samuel Swinton Burdett, Commander in Chief of the Grand Army of the Republic and a Congressman from Iowa, visited Pruntytown. While visiting, he toured the battlegrounds of the area and conceived the idea of having all war dead in the area reburied in a location accessible from all parts of the new West Virginia, so that those who lost loved ones might visit the graves and pay their respects. Burdett introduced a bill in Congress to establish a National Cemetery in Northern West Virginia. The bill was approved and the War Department ordered Major R. C. Bates to select a site. Bates decided on Grafton because of its location and the availability of the railroad, and contacted the heirs of Alexander Yates for approximately four acres of land between Walnut Street and the Baltimore and Ohio right-of-way in what was called West Grafton. The deed was recorded in the office of the county clerk in Pruntytown; and

Whereas, Development of national cemeteries began during the Civil War. During the early years of the war, the dead were buried in field and church yards, or close to the hospitals and prison camps where they died. President Abraham Lincoln, on July 17, 1862, signed legislation which authorized the creation of the first National Cemeteries. Grafton National Cemetery was one of 50 cemeteries created after the Civil War and was established in 1867 by an Act of Congress and within two years 1,251 bodies of both Union and Confederate Troops of the Civil War were interred in Grafton under the supervision of the U. S. Burial Corps, and 664 of the gravesites are for Unknown Soldiers that are identified by numbered 8 inch square headstones. Burial records indicate only from what state or location the bodies were disinterred. Work on the Grafton National Cemetery started in the early spring of 1867. Following the completion of two terraces, the War Department sent James Fitzgerald, a Civil War Veteran, to supervise the planting and seeding of trees and shrubbery. Edward E. Gilbert, a Civil War Veteran from Company H, 12th West Virginia Infantry, was appointed as Superintendent in 1868; and

Whereas, Work on the cemetery was slowed by winter and resumed in the spring of 1868, when Major Bates contacted James Breedlove to exhume the bodies of 68 soldiers who had been buried on upper Maple Avenue and cart them to the new cemetery. The remaining dead were gathered from various battlefields, camps, and hospitals situated in 32 counties of West Virginia. Those interred originally represented 14 states which now stands at 24, among them are both white and black, women, children, and 12 members of the famous Volunteer Regiment of the Army who adopted the dress and skill of Zouaves, a body of infantry in the French service noted for their dash and valor; and

Whereas, It was the intention of the Civil War Veterans to dedicate the new Grafton National Cemetery on Saturday, May 30, 1868, to mark the anniversary of May 30, 1861, when General B. F. Kelly entered Grafton to start the opening land engagement of the Civil War. However, a three-day rain that left the ground muddy forced Captain Daniel Wilson to postpone the dedication ceremonies. In addition to the rainy weather, trains and Army ambulances bearing disinterred bodies from nearby battlefields streamed into Grafton until bodies were piled high on the ground awaiting reburial. Due to the large number of dead to be buried, the cemetery dedication was postponed once again. Finally, on Sunday afternoon, June 14, 1868, Captain Wilson aligned Veterans of Company B, 2nd and 17<sup>th</sup> West Virginians in military formation at Compton's Corner. The procession was headed by a small martial band composed of Thomas Gough, fifer of the 5th Calvary, George Hammond, musician of the 12<sup>th</sup> Infantry, snare drummers Clinton Albright, Millard Carr, Henry Lippencott, Edward W. Walters, and bass drummer Joseph N. Shannon. The assembled procession moved down St. John Street, across the "Boardwalk", then across the railroad bridge to West Grafton. The parade was joined by the citizens of West Grafton and proceeded to march out Pearl Street to the cemetery. At the cemetery, there were so many unburied bodies still lying on the ground that the procession continued past the cemetery to Handley's Grove. At the Grove, Captain Wilson introduced the Reverend George Davidson, Pastor of the Baptist Church, who asked the divine blessing. The first

Memorial Day Address was given by the Honorable Jacob B. Bristor; and

Whereas, The Grafton National Cemetery also has the distinction of having interred there the remains of Private Thornesberry Bailey Brown of the 2<sup>nd</sup> West Virginia Infantry, the first Union soldier killed by Confederate forces during the Civil War. On the night of May 22, 1861, Daniel Knight of the Confederate Army was placed as a sentinel at the B & O Railroad where it crosses a small creek near the upper end of Fetterman. During the night, T. Bailey Brown and Daniel Wilson came down the railroad tracks from Grafton. When they came near Knight, he called them to halt and they refused to obey. Brown shot Knight in the ear and Knight returned fire and killed Brown. A special monument to Private Brown is erected at the Grafton National Cemetery on the first terrace, in addition to a monument off U. S. Route 50 and Riverside Drive near the location he was killed; and

Whereas, Decorating the graves at the Grafton Cemetery began in 1869 when Mayor William Mallonee issued a proclamation asking all citizens to lay aside their tasks at bench, forge, and shops and join the Civil War Veterans in observance of “Flower Strewing Day” on the 30<sup>th</sup> of May. He requested that those who grew flowers to donate liberally to children who would call for them and place them on the graves. “Flower Strewing Day” retained the name until 1882, when Reno Post Number 7, Grafton Unit of the Grand Army of the Republic, was organized and adopted the more appropriate name of Memorial Day; and

Whereas, The Grafton National Cemetery contains the remains of over 2,000 graves of men and their dependents, including veterans of the Spanish-American War, World War I, World War II, Korea, and Vietnam. Plans to purchase additional land to expand the cemetery on Walnut Street did not work out and hard work by veterans from the State of West Virginia resulted in the creation of the West Virginia National Cemetery on land from the former site of the West Virginia Industrial School for Boys at Pruntytown. The dedication ceremonies took place in 1987 and the West Virginia National Cemetery became the 110th national cemetery in the system. The dedication of the Administration and

Maintenance Building took place in June of 1991. A current expansion project began in the fall of 2001 and includes seven new sections with an additional 4,648 developed gravesites and 5,336 sites set aside for future use. The capacity of the Grafton National Cemetery was reached in 1961, and the West Virginia National Cemetery will have enough gravesites to serve veterans and their families until 2050 with still more room with future development. The West Virginia Memorial Day Committee held the first Memorial Day Program at the new cemetery in May 1988, under the direction of General Chairman Otis B. Shahan. The Annual Ceremony is held at 3:00 PM on the Sunday before Memorial Day; and

Whereas, The Annual Memorial Day Program on the holiday designated as Memorial Day by the federal government in the 1970s continues to be held at the Grafton National Cemetery following the Memorial Day Parade. The parade route follows a tradition that was established in 1890. During that year, a new bridge was constructed across the Tygart River and assumed its present route down Main Street, across Memorial City Bridge (St. Mary's Bridge), and up Walnut Street to the Grafton National Cemetery. In 1961, the Parade basically went backwards through Grafton due to construction of the St. Mary's Bridge and the Memorial Day Parade again went backwards in 2005 starting at the Grafton Post Office, East on Main Street, across Bridge Street, to Front Street, across the Southside Bridge to Walnut Street. The traditional parade route returned for the 139th Annual Memorial Day Parade; and

Whereas, The highlight of the Annual Memorial Day Parade is the participation of the Taylor County schoolchildren. Schoolchildren from preschool to Grafton High School seniors take part in the line of march and assist in decorating the graves at Grafton National Cemetery with flowers. Any citizen of Taylor County who attended Taylor County schools can proudly boast that he or she has marched in the Memorial Day Parade in years past and helped decorate the graves of our nation's heroes. Some local families have participated in this observance for five or six generations. Although schoolchildren have participated with

Memorial Day since 1869, it was not until 1896 that Mrs. Maria Leads had the schoolchildren placed in the line of march. Interest in the Memorial Day activities had decreased in the 1890s. The Grand Army of the Republic had been in charge of the 30th of May activities in Taylor County. When the schoolchildren first participated, they marched in a separate parade in the morning with the main parade with speakers and veterans held in the afternoon; and

Whereas, Memorial Day also became “Homecoming Day” for many former citizens of Grafton and Taylor County, who come from all over the country to renew old acquaintances and be with fellow alumni of past Memorial Days. It is no wonder that Grafton with its rich history and dedication to the activities of Memorial Day became known as “Memorial City” and when VFW Post #3081 was organized it became known as “Memorial City Post #3081, Veterans of Foreign Wars”. For 150 years, many different organizations have been in charge of Memorial Day activities, including Civil War Veterans, the Grand Army of the Republic, Spanish-American War Veterans, World War I Veterans, the American Legion, the Veterans of Foreign Wars, the Daughters of the American Revolution, and others. In November 1980, the West Virginia Memorial Day Committee, Inc. was formed to combine the efforts of the American Legion, VFW, the Disabled American Veterans, and other veterans organizations. Each year, the Memorial Day Committee sponsors the National Cemetery Essay Contest on the history of the two National Cemeteries. The primary purpose is to stimulate interest in all West Virginia high school students in the historical significance of the two hallowed sites; and

Whereas, Each governor of the State of West Virginia has been the principal speaker once during his term of office, and a great number of nationally known people have appeared in the same role. Governor Bob Wise spoke in 2002, Governor Cecil Underwood spoke in 1998, and Governor Jay Rockefeller spoke in 1980. An invitation to speak is offered every year to the current Governor of the State of West Virginia. The activities of the Memorial Day Committee are made possible by an appropriation of the West Virginia State Legislature through the West Virginia Division of



Veterans Affairs. Additional funding also comes from the Taylor County Commission, the City of Grafton, many local businesses and the general public; and

Whereas, In 2017, Grafton celebrated Memorial Day with its sesquicentennial parade and memorial services at the state's only national cemeteries located in Grafton and Pruntytown. Although not the official Memorial Day Parade for the state, the Memorial Day Committee promotes the parade as the West Virginia Memorial Day Parade. Grafton shines by having the nation's longest continuous running Memorial Day Parade and Memorial Services; therefore, be it

*Resolved by the Legislature of West Virginia:*

That Grafton's Annual Memorial Day Parade is the Official State Memorial Day Parade; and, be it

*Further Resolved,* That Grafton's Annual Memorial Day Parade is an important historic and cultural resource in the State of West Virginia; and, be it

*Further Resolved,* The Grafton National Cemetery and the West Virginia National Cemetery are the state's only national cemeteries; and , be it

*Further Resolved,* That all concerned parties, public and private, have an obligation to future generations to continue to honor those West Virginia soldiers who have fought and died in the name of freedom; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward copies of this resolution to Peggy Knotts Barney, Mayor of Grafton, the Grafton City Council, and the Superintendents of the Grafton National Cemetery and the West Virginia National Cemetery.

Delegates Walters, Maynard, Howell and Hamrick offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 28** - “Requesting the Secretary of the Department of Transportation to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia’s Appalachian Corridor highways.”

*Resolved by the Legislature of West Virginia:*

That the Secretary of the Department of Transportation authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia’s Appalachian Corridor highways; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of the Department of Transportation and the Governor.

Delegates Iaquina, Maynard, A. Evans, Brewer, Ferro, Robinson, Sponaugle and Williams offered the following resolution, which was read by its title and referred to the Committee on Banking and Insurance then Rules:

**H. C. R. 29** - “Requesting the Joint Committee on Government and Finance study Bitcoin, its future and potential impact on the state, its citizens, and businesses.”

Whereas, In 2017, the Global Cryptocurrency Study was published by Cambridge University; and

Whereas, As Bitcoin stands to affect many West Virginians, their businesses, and their governmental agencies; and

Whereas, Many aspects of Bitcoin need to be studied, including how it achieves decentralization, its mechanics, the mining of Bitcoin, its anonymity, its regulation, Bitcoin as a platform, altcoins, and the cryptocurrency ecosystem, and Bitcoin’s future; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study Bitcoin, its future and potential impact on the state, its citizens and businesses; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance enlist the assistance of other state agencies and departments as necessary in conducting the study; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

### **Bills Introduced**

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

**By Delegates Moore, Summers, Sobonya, Shott, Hanshaw, Westfall, Maynard, Paynter, Harshbarger, Kessinger and Queen:**

**H. B. 4254** - “A Bill to amend and reenact §60A-3-308 of the Code of West Virginia, 1931, as amended, relating to prescriptions of Schedule II drugs; placing a seven-day supply limitation on the amount of Schedule II drugs which can be lawfully prescribed; and providing exceptions”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Rodighiero, Thompson, Hicks, Marcum, Westfall, Kelly, Atkinson, Eldridge, Campbell, Williams and Lynch:**

**H. B. 4255** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-41, relating to requiring the state board of education to develop an

elective course on Vocational Agriculture”; to the Committee on Education then Finance.

**By Delegates Nelson and Boggs:**

**H. B. 4256** - “A Bill to amend and reenact §11-4-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county assessors to make separate entries in their landbooks when real property is partly used for exempt, and partly for nonexempt, purposes”; to the Committee on Finance.

**By Delegates Nelson and Boggs:**

**H. B. 4257** - “A Bill to repeal §11-12D-1, §11-12D-2, §11-12D-3, §11-12D-4, §11-12D-5, and §11-12D-6 of the Code of West Virginia, 1931, as amended, all relating to the Office of Business Registration and Creation of Centralized Records”; to the Committee on Government Organization then Finance.

**By Delegates Statler, Frich, Cooper, Pethel, Fleischauer, Criss, Deem, Hill, Martin, Hollen and Williams:**

**H. B. 4258** - “A Bill to amend and reenact §7-3-2a of the Code of West Virginia, 1931, as amended, relating to requiring the purchase by county commissions and display of POW/MIA flags at county courthouses”; to the Committee on Political Subdivisions then Finance.

**By Delegates Robinson, Cooper, Dean, Rowe, Lane, Canestraro, Isner, Hanshaw, Lovejoy, Williams and R. Miller:**

**H. B. 4259** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40; and to amend said code by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, and §18-33-4, all relating to vocational and technical education programs, requiring State Board and Commerce Department create lists of apprenticeships and certifications and credentials to provide students; requiring county school districts to provide certain information to students; establishing the Governor’s Workforce Credential; establishing requirements for the Governor’s Workforce Credential; mandating graduation recognition for recipients of credential; and creating

monetary incentive for schools who graduate recipients of credential”); to the Committee on Education.

**By Delegates Atkinson, Hollen, Sobonya, C. Miller, Westfall, Love, Eldridge, R. Miller, Hill, Jennings and Dean:**

**H. B. 4260** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-16, relating to providing limited prescriptive authority to a licensed psychologist who meets certain criteria”; to the Committee on Health and Human Resources then the Judiciary.

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

**H. B. 4261** - “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-3-10b, §5A-3-10c, §5A-3-10e, §5A-3-33d, and §5A-3-33f of said code; to amend said code by adding thereto a new section, designated §5A-3-37a; to amend and reenact §5A-3-45 of said code; to amend said code by adding thereto a new section, designated §5A-3-61; to amend and reenact §5G-1-3 of said code; and to amend and reenact §6D-1-1 of said code, all relating generally to procurement by state agencies; establishing direct award procurement requirements; authorizing awarding contracts without competitive bidding if certain requirements are met; establishing prequalification agreements and their requirements; authorizing agency delegated bidding and its procedure; increasing certain cost limits from \$50,000 to \$1 million; establishing the concept of ‘reciprocal preference’ for an in-state vendor over an out-of-state vendor from any state that gives or requires a preference to bidders from that state, and setting forth its requirements; modifying the value determination of certain motor vehicles that are to be sold; permitting spending units to use a standardization process to purchase commodities and setting forth its requirements; expanding the scope of those who may be debarred; permitting an architectural or engineering firm to be selected without bidding if certain conditions exist; permitting alternate funds to

be substituted if the original fund no longer exists; increasing certain contract limits from \$100,000 to \$1 million; defining terms; and authorizing rulemaking”; to the Committee on Government Organization then Finance.

**By Delegates Fleischauer, Pyles, Williams, Boggs, Summers, E. Evans, Statler, Frich, Rohrbach, Moye and Cooper:**

**H. B. 4262** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting retirement income of members of certain uniformed services from state income tax”; to the Committee on Pensions and Retirement then Finance.

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

**H. B. 4263** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, and §16-54-9; to amend and reenact §30-3-14 of said code; to amend and reenact §30-3A-1, §30-3A-2, §30-3A-3, and §30-3A-4 of said code; to amend and reenact §30-4-19 of said code; to amend and reenact §30-5-6 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-8-18 of said code; to amend and reenact §30-14-12a of said code; to amend and reenact §30-36-2 of said code; to amend and reenact §60A-2-204, §60A-2-206, and §60A-2-210 of said code; and to amend and reenact §60A-9-4, §60A-9-5, and §60A-9-5a of said code, all relating to reducing the use of opiates; providing reports to licensing boards regarding abnormal prescribing practices; requiring the Board of Pharmacy to report quarterly to various licensing boards; permitting the investigation and discipline for abnormal prescribing and dispensing of prescription drugs, adding substances to Schedule I, II and IV of the Uniform Controlled Substances Act; and allowing licensing boards who regulate prescribers to investigate abnormal prescribing and dispensing of prescription drugs based upon information”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Ellington, Fleischauer, Walters, Longstreth and Pushkin:**

**H. B. 4264** - “A Bill to repeal §61-2-8 of the Code of West Virginia, 1931, as amended, relating to the penalty for performing an abortion”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Nelson and Boggs:**

**H. B. 4265** - “A Bill to amend and reenact §11-21-74 of the Code of West Virginia, 1931, as amended, relating generally to employer withholding taxes; changing due date for employers to file annual reconciliation and withholding statements with Tax Commissioner to January 31; requiring certain employers to file withholding return information electronically with the Tax Commissioner; and deleting obsolete language”; to the Committee on Finance.

**By Delegates Westfall, Boggs, Statler and White:**

**H. B. 4266** - “A Bill to amend and reenact §33-3-15 of the Code of West Virginia, 1931, as amended, relating to eliminating taxation on annuity considerations collected and received by a life insurer”; to the Committee on Banking and Insurance then Finance.

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

**H. B. 4267** - “A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; establishing Advanced Career Education (ACE) programs and pathways; providing that certain high school graduates shall be considered adults enrolled in regular secondary programs for funding purposes; requiring community and technical colleges establish partnerships with career technical education centers, county boards of education, or both that provide for ACE programs; providing requirements for ACE programs and pathways; requiring the board of education (board) and the West Virginia Council for Community and Technical College

Education (council) promulgate joint guidelines; requiring the division of vocational education and the council maintain and annually report certain information; providing that community and technical colleges and career technical education centers shall participate in one or more ACE partnership in order to receive certain funding; establishing the WV Invests Grant Program; defining terms; authorizing the council to award WV Invests Grants under certain terms and conditions; requiring the council to report certain information on the WV Invests Grant Program; requiring the council to promulgate rules; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; establishing the WV Invests Fund"; to the Committee on Education then Finance.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2028**, Relating to the venue for suits and other actions against the state; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 9**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Storch and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2028) 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. 2607**, Extending the maximum period of confinement a judge may impose for certain, first-time



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

**H. B. 2822**, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Cooper, the bill was amended on page one, immediately following the enacting clause, by striking out the enacting section.

The bill was then ordered to engrossment and third reading.

**H. B. 2838**, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Cooper, the bill was amended on page one, immediately following the enacting clause, by striking out the enacting section.

The bill was then 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. 2916**, Authorizing certain first responders to carry firearms,

**Com. Sub. for H. B. 3004**, Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates,

**Com. Sub. for H. B. 3005**, Relating to regulation of unmanned aircraft systems,

And,

**Com. Sub. for H. B. 4150**, Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Byrd, Storch and White.

### **Miscellaneous Business**

Delegate C. Romine asked and obtained unanimous consent that the remarks of Delegate C. Miller regarding the death of Huntington Police Chief Joe Ciccarelli be printed in the Appendix to the Journal.

In the absence of objection, the remarks of the following Members during Remarks by Members on today were ordered printed in the Appendix to the Journal:

Delegates Gearheart and Zatezalo, at the request of Delegate McGeehan,

Delegate Cowles, at the request of Delegate Howell,

Delegate Cooper, at the request of Delegate Rohrbach,

And,

Delegate Thompson, at the request of Delegate Sponaugle.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4266.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2868.

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4199.

Delegate Walters filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4264.

Delegate C. Romine noted to the Clerk that he was absent on yesterday when the vote was taken on Roll No. 6, and that had he been present, he would have voted "Yea" thereon.

At 12:34 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 24, 2018.



---

Wednesday, January 24, 2018

**FIFTEENTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Tuesday, January 23, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4077**, Commissioner of Agriculture, rule relating to schedule of charges for inspection services: fruit,

**H. B. 4078**, Commissioner of Agriculture, rule relating to inspection of nontraditional, domesticated animals,

**H. B. 4079**, Commissioner of Agriculture, rule relating to West Virginia apiary law,

**H. B. 4080**, Commissioner of Agriculture, rule relating to inspection of meat and poultry,

**H. B. 4081**, Commissioner of Agriculture, rule relating to noxious weeds,

And,

**H. B. 4083**, Commissioner of Agriculture, rule relating to animal disease control,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4077, H. B. 4078, H. B. 4079, H. B. 4080, H. B. 4081 and H. B. 4083) were each referred to the Committee on the Judiciary.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4082**, Commissioner of Agriculture, rule relating to auctioneers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4082) was referred to the Committee on the Judiciary.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2995**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2995) was referred to the Committee on Government Organization.

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. 4183**, Relating generally to standardized testing requirements for nonpublic schools,

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. 2546**, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned,

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

**Com. Sub. for H. B. 2546** - "A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, all relating to the Wage Payment and Collection Act; relating to allowing actual cash value of employer provided property to be deducted from an employee's final paycheck if the property is not returned; setting forth conditions upon which an employer may withhold, deduct or divert the actual cash value of employer provided property that has not been timely returned; requiring written agreements before withholding or deductions for the actual cash value of employer provided property may be made; specifying certain contents of such written agreements; authorizing withholding, deduction or diversion of actual cash value of employer provided property with consent of employee; requiring employer to provide notice of intent to withhold, deduct or divert actual cash value of employer

provided property; specifying contents of that notice; requiring employer to relinquish withheld wages if the employee provides the employer provided property by the deadline contained in the notice; providing exceptions; providing option to employee to object to actual cash value of employer provided property to be withheld, deducted or diverted; providing that employer place contested amounts in interest bearing escrow account; requiring employee to file civil action to recoup contested amounts within three months or contested amount in escrow account reverts to employer; providing that new subsection does not abolish or limit any other remedies available to employers under law; exempting collective bargaining agreements; and defining terms,”

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:

**H. B. 4001**, Relating to eligibility and fraud requirements for public assistance,

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

**H. B. 4217**, Permitting an attending physician to obtain a patient’s autopsy report,

And,

**H. B. 4218**, Relating to medical professional liability,

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 the Judiciary.



In accordance with the former direction of the Speaker, the bills (H. B. 4001, H. B. 4199, H. B. 4217 and H. B. 4218) were each referred to the Committee on the Judiciary.

### **Messages from the Senate**

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. 146** - "A Bill to amend and reenact §22-15-10 of the Code of West Virginia, 1931, as amended, relating to correcting technical errors within the Solid Waste Management Act"; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Wagner, Westfall, Hamilton, Jennings, McGeehan and Queen offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 30** - "Requesting the Division of Highways name bridge number 10573, carrying Route 93 over Beaver Creek in Tucker County, the 'U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge'."

Whereas, Victor Allen Mazitis, Jr. was born in Hambleton, Tucker County, West Virginia, July 26, 1947, to Victor Allen Mazitis and Anna Margaret Mazitis. He grew up in Tucker County and attended school in Thomas and high school in Davis, where he played football and basketball. He graduated from Mountaineer High School in 1965. In the fall of that year he enrolled in Fairmont State College, but before he finished he was called to active duty by the United States Army; and

Whereas, U. S. Army PFC Victor Allen Mazitis, Jr. completed basic training and then attended airborne training. Upon being awarded his jump wings and promotion to Private First Class he was sent to Vietnam and assigned to the 101st Airborne Division HC, 2nd BN, 502nd Infantry; and

Whereas, On December 8, 1967, at age 20, U. S. Army PFC Victor Allen Mazitis, Jr. was killed in action in the Lam Dong Province, South Vietnam. His remains were returned to West Virginia and received full military honors. He was buried in the Thomas, West Virginia, Catholic Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army PFC Victor Allen Mazitis, Jr. and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 0573, carrying Route 93 over Beaver Creek in Tucker County, the “U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge”; and, be it

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

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

**H. C. R. 31** - “Requesting the Division of Highways to remove one of the two current signs that designates an approximate nine-mile section of WV Route 14 beginning at the Lowe Family Cemetery and ending at the intersection of WV Route 14 and WV Route 10 in Logan County as the ‘Lowe Mountain Memorial Highway’ and keep a single sign at the Lowe Family Cemetery designating the highway as the ‘Lowe Mountain Memorial Highway’.”

Whereas, During the 2017 Legislative Session House Concurrent Resolution 50 was passed naming the highway as the

“Lowe Mountain Memorial Highway” that honored the Lowe Family Cemetery located at the top of Lowe Mountain, elevation 2,177 feet, as the final resting place of the following brave veterans: Jerry Lowe, U. S. Army, Vietnam; Roy Lowe, U. S. Army, (KIA) World War I; Nolan Porter, U. S. Army, World War I; Cecil Porter, U. S. Army, World War II; George Porter, U. S. Army, World War II; Wetzel Lowe, U. S. Army, World War I; James Roberts, Sr., U. S. Army; James Roberts, Jr. , U. S. Army, Vietnam; Elbert Kilgore, U. S. Army, Korea; Ira Ramsey, U. S. Army, World War I; Virgil Mullins, Sr., U. S. Army, World War II; Herbert Ferrell, U. S. Army, World War II; Hubert Lowe, U. S. Army; J. B. Lowe; and Darrell Lowe; U. S. Air Force; and

Whereas, The sign for the “Lowe Mountain Memorial Highway” nine miles away from the cemetery has caused some confusion with many residents because it is too close to a preexisting sign for Rum Creek; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to remove one of the two current signs that designates an approximate nine-mile section of WV Route 14 beginning at the Lowe Family Cemetery and ending at the intersection of WV Route 14 and WV Route 10 in Logan County as the “Lowe Mountain Memorial Highway” and keep a single sign at the Lowe Family Cemetery that designated the highway as the “Lowe Mountain Memorial Highway”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to remove the sign for the “Lowe Mountain Memorial Highway” that currently exists nine miles away from the Lowe Family Cemetery on WV Route 19; and, be it

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

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

**H. C. R. 32** - “Making Apple Cider West Virginia’s State Beverage.”

Whereas, The Romney Middle School Eighth Grade in Romney has requested that the West Virginia Legislature adopt Apple Cider as West Virginia’s State Beverage; and

Whereas, The adoption of Apple Cider as West Virginia’s State Beverage would instill a sense of pride in the heritage of frontier self-reliance in that since the earliest settlements of the region, Apple Cider was made to preserve the rich nutrients of the apple for leaner times; and

Whereas, The adoption of Apple Cider as West Virginia’s State Beverage would accentuate the character of cider presses and cideries within West Virginia that are enjoying a renaissance as a feature of the agri-tourism portfolio of the region; and

Whereas, The adoption of Apple Cider as West Virginia’s State Beverage would reflect the support and commitment that West Virginia has toward supporting tourism and the craft industries of West Virginia; and

Whereas, The adoption of Apple Cider as West Virginia’s State Beverage would go far in enhancing the current and welcomed period of stability the fruit growing industry is enjoying; and

Whereas, West Virginia does not currently have a state beverage; and

Whereas, The adoption of Apple Cider as West Virginia’s State Beverage would reflect positively on the rural nature of our state and the many fairs and festivals that feature apple products; and

Whereas, The adoption of Apple Cider as West Virginia’s State Beverage would honor an industry that has employed many and sustained families through the best of times and the worst of times in our country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That Apple Cider is of important historic and cultural significance to the State of West Virginia and its citizens; and

*Further Resolved*, As a show of respect to our heritage and a warm embrace of our ancestors, Apple Cider should be declared West Virginia's State Beverage; and

*Further Resolved*, That the Clerk of the House of Delegates forward copies of this resolution to the Eighth Grade of Romney Middle School, Kent Leonhardt, Commissioner of the West Virginia Department of Agriculture and Randall Reid-Smith, Commissioner of the Division of Culture and History.

### **Bills Introduced**

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

**By Delegates Anderson, Kelly, Zatezalo, Westfall, Fast, Higginbotham, Ward, Hollen, Atkinson, Foster and Lane:**

**H. B. 4268** - "A Bill to amend and reenact §22C-9-3 and §22C-9-4 of the Code of West Virginia, 1931, as amended, to amend and reenact §37-7-2 of said code; and to amend said code by adding thereto a new chapter, designated §37B-1-1, §37B-1-2, §37B-1-3, §37B-1-4, §37B-1-5, §37B-1-6, §37B-1-7, §37B-2-1, §37B-2-2, §37B-2-3, §37B-2-4, §37B-2-5, §37B-2-6, §37B-2-7, §37B-2-8, and §37B-2-9, all relating generally to real property; providing an exception to waste and trespass for certain oil or natural gas developments; providing short titles; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use and development of oil or natural gas mineral property by the persons owning an undivided three fourths of the royalty interests, as defined, in an oil or natural gas mineral property is permissible, is not waste, and is not trespass; providing that nonconsenting cotenants may elect a production royalty interest or a working interest share of production; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund hereby created, known as the Unknown and Unlocatable Interest Owners Fund, to be administered by the State Treasurer in

conjunction with the West Virginia Uniform Unclaimed Property Act until said reserved interests are claimed or transferred to the Oil and Gas Reclamation Fund for the plugging of oil and gas wells; providing methods for determination of leasehold and contractual terms, including reviews and determinations by the Oil and Gas Conservation Commission; empowering the Oil and Gas Conservation Commission to enforce certain provisions hereof; providing liability protection for damages resulting from the lawful use or development of oil or natural gas mineral property; requiring surface use agreements in specified circumstances; preserving common law rights; providing for severability of provisions; providing reporting requirements and administrative duties, including civil penalties for noncompliance under the West Virginia Uniform Unclaimed Property Act; and providing for rule-making authority”; to the Committee on Energy then the Judiciary.

**By Delegates Kelly, Anderson, Zatezalo, Lane, Harshbarger, Shott, C. Romine, Maynard, C. Miller, Statler and Nelson:**

**H. B. 4269** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-7, §37-16-8, §37-16-9, §37-16-10, §37-16-11, §37-16-12 and §37-16-13, all relating to enacting the Uniform Partition of Heirs Property Act; defining terms; providing for a court hearing to determine if the partition action concerns heirs’ property; providing for notice by publication in a partition action; providing for requirements for commissioners; providing procedures for a court to follow in determining the value of the property and factors for a court to consider for certain types of partitions; providing procedures for cotenant buyout; providing for alternatives to a partition action; providing for certain factors for the court to consider in determining whether partition in kind is appropriate; providing for open-market sales, sealed bids, or auctions; providing reporting requirements for an open-market sale; providing for uniformity of application and construction; and modifying, limiting and superseding the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 *et seq.*”; to the Committee on Energy then the Judiciary.

**By Delegates Deem, Kelly, Zatezalo, Anderson, R. Romine, Hollen, A. Evans, White, Lane, Harshbarger and Shott:**

**H. B. 4270** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §37B-1-1, §37B-1-2, §37B-1-3, and §37B-1-4, all relating generally to real property; providing for timely payment of moneys owed from oil and natural gas production; establishing interest penalties for certain late payments; requiring specified information to be remitted with payments; requiring quarterly reporting of production data to Department of Environmental Protection for horizontal wells; and providing for rule-making authority”; to the Committee on Energy then the Judiciary.

**By Delegates Fast, Sobonya, Butler, Hanshaw, Kessinger, Howell, Martin, Criss, Byrd, Maynard and Rodighiero:**

**H. B. 4271** - “A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, relating to pyramid promotional schemes; definitions, and unlawful acts”; to the Committee on the Judiciary.

**By Delegate Nelson:**

**H. B. 4272** - “A Bill to amend and reenact §5-16D-1, §5-16D-3, §5-16D-4, and §5-16D-6 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Retirement Health Benefit Trust Fund within the Public Employees Insurance Agency, modifying definitions to provide flexibility for compliance with the government accounting standards board guidance, and allowing the current allocation process for unfunded liability to continue”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Pack, Cooper, Moye and Bates:**

**H. B. 4273** - “A Bill to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating to creating an additional magistrate court deputy clerk position for Raleigh County”; to the Committee on the Judiciary then Finance.

**By Delegates Hamilton, Wagner, A. Evans, R. Romine, Criss, Diserio and Rodighiero:**

**H. B. 4274** - “A Bill to amend and reenact §20-7-11, §20-7-12, §20-7-13, §20-7-14, §20-7-18, §20-7-18d, and §20-7-19 of the Code of West Virginia, 1931, as amended, all relating to the operation of motorboats; defining the term ‘state of principle operation’; establishing a fee schedule for motorboat registration; establishing motorboat numbering, lighting, fire extinguishers, engine bilges and flotation device requirements; increasing the financial amount of property damage before certain accidents need to be reported; clarifying the requirements for the operation of personal watercrafts; limiting the hours during the day water skiing and surfboarding is permitted; and authorizing rulemaking”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Shott, Hanshaw and Cowles:**

**H. B. 4275** - “A Bill to amend and reenact §15-2D-2 and §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to the law-enforcement authority of the director and officers of the division of protective services; exempting certain safety and security information from disclosure under the West Virginia Freedom of Information Act; and clarifying that agencies installing electronic security systems designed to connect with the division’s command center must be approved prior to installation”; to the Committee on the Judiciary.

**By Delegates Canestraro, Hanshaw, Shott, Isner and R. Miller:**

**H. B. 4276** - “A Bill to amend and reenact §62-11A-1 of the Code of West Virginia, 1931, as amended, relating to allowing magistrates to grant work release privileges”; to the Committee on the Judiciary.

**By Delegates Folk, Butler, Paynter, McGeehan, Martin, Rohrbach, Upson, Blair, Espinosa, Statler and E. Evans:**

**H. B. 4277** - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to allowing individuals who have completed home school to be eligible for the PROMISE scholarship without having to obtain a diploma



equivalent such as a general equivalency degree (GED)”; to the Committee on Education then Finance.

**By Delegates Rodighiero, Thompson, Marcum, Hicks, R. Miller and Eldridge:**

**H. B. 4278** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to exempting volunteer firefighters from fees for hunting, fishing and trapping licenses and permits; providing that fees for hunting, trapping and fishing licenses and permits are waived for volunteer firefighters; including eligibility requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Rowan, Fast, Moye and Paynter:**

**H. B. 4279** - “A Bill to amend and reenact §9-6-1 and §9-6-2 of the Code of West Virginia, 1931, as amended, relating to adult protective services system; defining ‘financial exploitation’; proposal of legislative rules regarding the organization and procedures of the adult protective services system; providing that goals of the rules include the preventing, reducing and eliminating financial exploitation of residents in nursing homes or facilities”; to the Committee on Senior Citizen Issues then Health and Human Resources.

**By Delegates Iaquinta, Hamilton, A. Evans, Maynard, R. Romine, Ferro and Pushkin:**

**H. B. 4280** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8G-1, §31A-8G-2, §31A-8G-3, §31A-8G-4, §31A-8G-5, §31A-8G-6, §31A-8G-7, §31A-8G-8, §31A-8G-9, §31A-8G-10, §31A-8G-11, §31A-8G-12, §31A-8G-13, §31A-8G-14, §31A-8G-15, §31A-8G-16, §31A-8G-17, §31A-8G-18, §31A-8G-19, §31A-8G-20, §31A-8G-21, §31A-8G-22, §31A-8G-23, §31A-8G-24, §31A-8G-25, §31A-8G-26, §31A-8G-27, §31A-8G-28, and §31A-8G-29, all relating to creating the ‘State Bank of West Virginia’ that is owned, controlled and operated by the state for the purpose of encouraging and promoting agriculture, commerce and industry”; to the Committee on Banking and Insurance then Finance.

**By Delegates Walters, Higginbotham, Westfall, Lane, Storch, Harshbarger, Williams, Miley, Moore, Hartman and Pyles:**

**H. B. 4281** - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on gender identity, or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for persons convicted of violations; and designating amendments to this section as the ‘Justice Through Grace in Communities Act’”; to the Committee on the Judiciary then Finance.

**By Delegates Marcum, Hicks, Isner, Rodighiero, Eldridge, R. Miller and Campbell:**

**H. B. 4282** - “A Bill to amend and reenact §61-2-30 of the Code of West Virginia, 1931, as amended, relating to changing the Unborn Victims of Violence Act to the Unborn Victims of Abuse Act; adding that a ‘person’ is also exempt from a certain provision of the act; and defining the term ‘person’”; to the Committee on the Judiciary.

**By Delegates Marcum, Hicks, Love, Phillips, Thompson, Hamilton, R. Romine, A. Evans, Hamrick, Gearheart and E. Evans:**

**H. B. 4283** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8a, relating to construction of a modern highway from eastern Kentucky to Beckley, West Virginia; requiring the Commissioner of Highways to determine how the highway can be best funded and constructed; and requiring regular submission of reports”; to the Committee on Roads and Transportation then Finance.

**By Delegates Ward, Howell, Hollen, Lane, Frich, Martin, Hamrick, Hamilton, Butler, Fast and McGeehan:**

**H. B. 4284** - “A Bill to amend and reenact §6-9A-3 of the Code of West Virginia, 1931, as amended, relating to providing minimum periods in which a governing body must make the agenda for its meetings available to the public and news media

under the Open Governmental Proceedings Act”; to the Committee on the Judiciary.

**By Delegates Frich, Westfall, White and A. Evans:**

**H. B. 4285** - “A Bill to amend and reenact §31-17A-4, §31-17A-6 and §31-17A-9 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Safe Mortgage Licensing Act; modernizing and standardizing licensing requirements for mortgage loan originators; and increasing the application fee to fully cover administrative costs”; to the Committee on Banking and Insurance then Finance.

**By Delegates Wagner, Phillips, Criss and Paynter:**

**H. B. 4286** - “A Bill to repeal §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to wind power projects”; to the Committee on Energy then Finance.

**By Delegates Howell, Summers, Sobonya, C. Miller, Westfall, Lovejoy, Rohrbach, White and Ellington:**

**H. B. 4287** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-51-9, relating to pharmacy benefit managers; prohibiting fees; prohibiting contractual provisions; and prohibiting certain information on cards”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Howell, Foster, Statler, Espinosa, Hamrick, Butler, Kessinger, Brewer, Lynch, Pyles and Ferro:**

**H. B. 4288** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-21; and to amend said code by adding thereto a new section, designated §29-3-33, all relating to requiring contractors to provide all required information on a construction project to the State Fire Commission or the State Fire Marshall; relieving the person who has hired the contractor from submitting the same information twice; and requiring the State Fire Commission and the State Fire Marshall to create forms and provide them to the West Virginia Contractor Licensing Board for contractors to use”; to the Committee on Government Organization.

**By Delegates Walters, Pethtel, Anderson, Hamilton, Hollen and E. Evans:**

**H. B. 4289** - “A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to disability pensions of municipal employees; removing provision relating to limitation of nonduty disability retirement; increasing amount of income that may be earned before an offset of benefits is required; and increasing that limit automatically when the minimum wage increases”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Walters:**

**H. B. 4290** - “A Bill to amend and reenact §8-22-22 of the Code of West Virginia, 1931, as amended, relating to requiring certain funds held by a board of trustee of a policeman’s pension and relief fund or a firemen’s pension and relief fund be invested with the West Virginia Investment Management Board”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Cowles, Moore and Phillips:**

**H. B. 4291** - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from certain contract and common carrier laws for motor vehicles used by contract carriers exclusively for the transportation of railroad personnel”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Frich, Butler, Kessinger, Overington, Fast, Foster, Higginbotham, Harshbarger, Deem, Sobonya and Hollen:**

**H. B. 4292** - “A Bill to amend and reenact §19-23-3, §19-23-7, §19-23-10, §19-23-12b, §19-23-13 and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27 and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; modifying certain definitions; discontinuing the West Virginia

Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purpose of funding purses, awards or providing any other funding for greyhound races be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred racetracks, and deducted for administrative costs and expenses, to the Racing Commission's General Administrative Account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from video lottery terminals with certain parties; providing that a percentage of net terminal income originating at dog racetracks will be

deposited in the State Excess Lottery Revenue Fund; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted or in an alternate location within the county as approved by the Lottery Commission; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates”; to the Committee on the Judiciary then Finance.

**By Delegates Frich, Hollen, Fast, Kessinger, Butler, Overington, Foster, Paynter, Higginbotham, Harshbarger and Deem:**

**H. B. 4293** - “A Bill to amend and reenact §19-23-26 of the Code of West Virginia, 1931, as amended, relating to prohibiting the use of anabolic steroids and certain Class I drugs on racing dogs; providing criminal penalties for violators; making dogs temporarily ineligible to race when testing positive for the drugs; and requiring the Racing Commission to publish certain information regarding the presence of drugs in racing dogs on its website each month and in its annual report”; to the Committee on the Judiciary.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2607**, Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations; 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. 10**), and there were--yeas 79, nays 17, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Diserio, Fleischauer, Fluharty, Hornbuckle, Isner, Lynch, Marcum, McGeehan, Miley, Pushkin, Pyles, Rowe, Sponaule, Upson and Wilson.

Absent and Not Voting: Caputo, Gearheart 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. 2607) 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. 2822**, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter; 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. 11**), and there were--yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Caputo, Gearheart and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2822) 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. 2838**, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician; 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. 12**), and there were--yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Caputo, Gearheart and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2838) 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**

**S. B. 263**, Eliminating film tax credits; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2916**, Authorizing certain first responders to carry firearms; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Kelly, the bill was amended on page four, after the chapter heading, by inserting the following:

**“ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

**§7-1-3tt. Authority of county homeland security emergency management personnel to carry firearm.**

Notwithstanding any provision of this code to the contrary, the county commission may designate and authorize county personnel whose duties include homeland security emergency management to carry a handgun in the course of performing his or her official duties if the person has first successfully completed an initial firearms training course equivalent to that provided to officers attending the entry level law-enforcement certification course provided at the West Virginia State Police Academy, and thereafter, successfully completes an annual firearms qualification course equivalent to that required of certified law-enforcement officers as established by legislative rule.”

The bill was then ordered to engrossment and third reading.



**Com. Sub. for H. B. 3004**, Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Cowles, and by unanimous consent, the bill was advanced to third reading with amendment pending and the restricted right to amend by Delegate Hanshaw, and the rule was suspended to permit the consideration of amendments on that reading.

**Com. Sub. for H. B. 3005**, Relating to regulation of unmanned aircraft systems; 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. 4150**, Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient; 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 501, line fifty-six, after the word “solicitation” and the period, by inserting the following proviso, “*Provided*, That the provisions of this subsection do not apply to a communications service provider that delivers a communication originated by another person or entity.”

The bill was then 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. 2483**, Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday,

**Com. Sub. for H. B. 4035**, Creating a legislative coalition to study and report to the Legislature on palliative care,

**Com. Sub. for H. B. 4135**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

**H. B. 4144**, Relating to the elimination of film tax credits,

**H. B. 4146**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

**Com. Sub. for H. B. 4169**, Requiring certain establishments and facilities to post human trafficking assistance notices,

**Com. Sub. for H. B. 4174**, Designating the placement of nonpartisan judicial offices on the primary election ballot,

And,

**H. B. 4207**, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Frich asked and obtained unanimous consent that the remarks of Delegate Canestraro regarding Com. Sub. for H. B. 2607 and the remarks of Delegate Cooper during Remarks by Members be printed in the Appendix to the Journal.

Delegate Bates asked and obtained unanimous consent that the remarks of Delegate Upson regarding the death of Nancy Tonkin be printed in the Appendix to the Journal.

Delegate Hornbuckle asked and obtained unanimous consent that the remarks of Delegates Sponaugle and McGeehan during Remarks by Members be printed in the Appendix to the Journal.

Unanimous consent having been obtained, the remarks of Delegate Summers during Remarks by Members were ordered printed in the Appendix to the Journal.

Delegate Gearheart announced that he was absent on today when the votes were taken on Roll Nos. 10, 11 and 12, and that had he been present, he would have voted “Yea” thereon.

Delegates that requested to be added as a cosponsor to bills, pursuant to House Rule 94b, were as follows:

Delegate Frich to H. B. 4199, H. B. 4217 and H. B. 4218,

Delegate Cowles to H. B. 2123,

And,

Delegate Robinson to H. B. 4276.

At 1:02 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 25, 2018.



---

Thursday, January 25, 2018

**SIXTEENTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 24, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 4102**, State Tax Department, rule relating to farm to food bank tax credit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4102) was referred to the Committee on the Judiciary.

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. 4100**, Lottery Commission, rule relating to state lottery rules,

**H. B. 4103**, State Tax Department, rule relating to payment of taxes by electronic funds transfer,

**H. B. 4104**, Tax Department, rule relating to property transfer tax,

And,

**H. B. 4105**, Tax Department, rule relating to municipal sales and service and use tax administration,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4100, H. B. 4103, H. B. 4104 and H. B. 4105) were each referred to the Committee on the Judiciary.

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. 4010**, Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs,

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. 2845**, Establishing that the Division of Corrections is responsible for the costs of housing and maintaining an inmate the day following an inmate's conviction,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2845) was referred to the Committee on Finance.

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. 2799**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit,

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

**Com. Sub. for H. B. 2799** - "A Bill to amend and reenact §21-6-3 of the Code of West Virginia, 1931, as amended, all relating generally to the issuance of a minor's work permit; prohibiting the superintendent of schools from requiring a physical examination to be included with the application for a minor's work permit unless required by the prospective employer; and removing the requirement that the superintendent of schools certify that the minor personally appeared before him or her prior to the issuance, modification, or rejection of a work permit,"

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4048**, Board of Examiners of Psychologists, rule relating to requirements for licensure as a psychologist and/or a school psychologist,

**H. B. 4050**, Board of Optometry, rule relating to rules of the West Virginia Board of Optometry,

**H. B. 4060**, Real Estate Appraiser Licensing and Certification Board, rule relating to requirements for licensure and certification,

**H. B. 4071**, Board of Hearing Aid Dealers, rule relating to rules governing the West Virginia Board of Hearing Aid Dealers,

And,

**H. B. 4072**, Board of Licensed Dietitians, rule relating to licensure and renewal requirements,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4048, H. B. 4050, H. B. 4060, H. B. 4071 and H. B. 4072) were each 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:

**H. B. 4049**, Board of Examiners of Psychologists, rule relating to fees,

**H. B. 4058**, Real Estate Commission, rule relating to schedule of fees,

**H. B. 4075**, Athletic Commission, rule relating to regulation of mixed martial arts,

And,

**H. B. 4076**, Athletic Commission, rule relating to administrative rules of the West Virginia State Athletic Commission,



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 the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4049, H. B. 4058, H. B. 4075 and H. B. 4076) were each referred to the Committee on the Judiciary.

### **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. 37** - “A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to the crime of burglary; eliminating the offense of daytime burglary; making breaking and entering or entering without breaking into a dwelling or outbuilding thereof a felony regardless of time of day; and establishing the criminal penalty for burglary”; 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. 39** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11A-9, relating to creating the Sexual Assault Victims’ Bill of Rights; declaring additional rights bestowed upon sexual assault survivors regarding medical forensic examinations, sexual assault evidence collection kits, and other similar topics; clarifying the right of a victim to be accompanied by a personal representative during certain proceedings; requiring sexual assault victims be informed or notified of certain rights; incorporating other rights contained in code; and defining terms”; 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. 75** - “A Bill to amend and reenact §29-22B-501 of the Code of West Virginia, 1931, as amended, relating to video lottery in general; providing that a limited video lottery retailer may sell or transfer ownership of one or more locations, including the limited video lottery retailer’s license or permit associated with that location; providing that a purchaser or transferee shall satisfy the requirements for a limited video lottery retailer’s license; providing that the state Lottery Commission be given prior written notice of the sale or transfer; and making technical corrections to internal citations”; 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. 134** - “A Bill to amend and reenact §15-5-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Homeland Security and Emergency Management to contract with or employ individuals and contract for goods for the purpose of emergency response and recovery; and providing requirements for such contracts or employment”; which was referred to the Committee on Government Organization.

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. 292** - “A Bill to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4, and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; continuing

the commission; clarifying composition and chairmanship of the commission; redefining what constitutes a quorum for voting procedures of the commission; clarifying contents of the commission's annual report; listing existing and necessary commission staff positions; granting power to conduct interviews and request production from agencies of the state and its political subdivisions of books, records, documents, papers, or any other tangible thing, computers, laptops, computer hard drives, electronic records including, but not limited to, emails, files, documents and metadata, or any other thing, in any form in which they may exist; requiring compliance with such requests; authorizing the director to issue subpoenas on the commission's behalf; granting authority to the commission to require an agency head to appear before the commission to answer questions regarding a failure to appear or produce requested or subpoenaed material or other related concerns including the basis for the failure to comply; authorizing the commission and director to order or direct that all or a portion of the information communicated to the commission at the commission's request, including the existence of the investigation, be confidential and not made public; establishing requirements for the commission to enter into executive session; establishing procedures for conducting executive session; removing requirement that Joint Committee on Government and Finance approve expenses of the commission; establishing procedure for the commission's retention and disposal of records; establishing new offenses of impersonating a commission member or staff member and of threatening or otherwise obstructing a commission member or staff; establishing penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission's primary and secondary duty weapons; and authorizing sale of surplus weapons to active and retired members of the commission's investigative staff"; which was referred to the Committee on the Judiciary.

### **Bills Introduced**

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

**By Delegates Atkinson, Frich, Dean, Shott, Sypolt, Graves, Hamrick, White, Walters, Ward and Capito:**

**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; to amend and reenact §12-4A-1, §12-4A-2, §12-4A-3, and §12-4A-4 of said code; to amend said code by adding thereto two new sections, designated §12-4A-2a and §12-4A-5; to amend and reenact §61-3-20 of said code; to amend said code by adding thereto a new section, designated §61-3-20b; and to amend and reenact §61-3-37 of said code, all relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency; setting forth legislative findings; defining terms; creating open governmental finances; directing Auditor to develop and maintain a searchable financial transparency website; setting forth the necessary contents of the searchable website; authorizing the Auditor to set forth specifications and guidance to governmental agencies; clarifying authority and purpose of receiving and investigating reports of possible fraud, misappropriation, mismanagement or waste of public funds; setting forth duties of Auditor to receive and investigate reports; clarifying modes of communicating reports; allowing reports to be made anonymously; establishing investigative powers of Auditor to investigate possible fraud, misappropriation, mismanagement or waste of public funds; authorizing the Auditor and others to examine into financial affairs of a state governmental office or political subdivision and all boards, commissions, authorities, agencies or other offices created under authority thereof; authorizing the Auditor and others to issue subpoenas and compulsory process, direct the service thereof by any sheriff, compel the attendance of witnesses and the production of books and papers, and administer oaths; authorizing the Auditor and others to interview witnesses and require production of items; authorizing the Auditor and others to assist in other entities in the investigation and prosecution of crimes; authorizing the Auditor's

Office to be deemed a criminal justice agency; authorizing the sharing of confidential documents, material or information; requiring recipient of confidential information to agree to maintain confidentiality and privileged nature of the document and material; directing Auditor to forward a summary report and evidence to certain entities when evidence exists of potential criminal violations; clarifying that Auditor investigative powers does not preempt authority or duty of other law enforcement or regulatory agencies; clarifying that Auditor investigative powers does not prevent or prohibit the voluntary disclosure of information to other law enforcement or regulatory agencies; clarifying that Auditor investigative powers does not limit powers granted elsewhere to the Auditor; directing the Auditor to track and compile instances of possible fraud, misappropriation, mismanagement or waste of public funds; directing the Auditor to annually publish a report detailing the compiled instances of possible fraud, misappropriation, mismanagement or waste of public funds; setting forth the contents of the report; directing the Auditor to provide an annual report to the Legislature's Commission on Special Investigations disclosing the nature and disposition of completed investigations; authorizing the Auditor to issue publicly an audit, special report or fraud report at the completion of an investigation; amending the criminal offense of embezzlement to remove the larceny distinction; increasing the penalties for criminal offense of embezzlement; authorizing an award of restitution to an investigating entity to cover certain expenses; creating a new criminal offense constituting larceny and penalties for improper receipt or concealment of public funds; and increasing the penalties for the criminal offense of making a false statement as to the financial condition of a person, firm or corporation"; to the Committee on the Judiciary then Finance.

**By Delegates Bates, Fluharty, Fleischauer, Longstreth, Ellington, Summers, Householder, Rohrbach, Atkinson and Queen:**

**H. B. 4294** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-53-1, §16-53-2, §16-53-3, §16-53-4, §16-53-5, and §16-53-6 all relating to creating a state-administered wholesale drug importation

program”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates A. Evans, R. Romine, Hamilton, Rowan, Statler, Love and Campbell:**

**H. B. 4295** - “A Bill to amend and reenact §19-35-2, §19-35-3 and §19-35-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-35-5, all relating to farmers markets; removing local health departments from farmers market permit process; transferring rules and regulations for farmers markets, cottage foods, acidified foods, nonpotentially hazardous foods and exempted foods from Department of Health and Human Resources to Department of Agriculture; clarifying consignment markets; requiring farmers market registration and fees; expanding farmers market vendor permits and fee structure to include egg permit and cottage foods permit; clarifying certain farm and food products require other permits; permitting sampling of certain food products; clarifying scope, labeling and sources of cottage foods; requiring online farmers market sales be delivered in person; permitting home, farm, community or commercial kitchen to be used by cottage foods vendor as determined by the department; and clarifying that cottage foods includes certain acidified foods, nonpotentially hazardous foods and exempted foods”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates A. Evans, R. Romine, Hamilton, Rowan, Eldridge, Love, Campbell and Hicks:**

**H. B. 4296** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-1B-1, §5B-1B-2, §5B-1B-3, and §5B-1B-4, all relating to establishing the Southern West Virginia Lake Development Study Commission; providing legislative findings; establishing the commission and designating its membership; defining components of commission study; authorizing the commission to create committees and utilize university and other state government resources; providing for expense reimbursement for certain commission members; and requiring reports to the Legislature”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Foster, Householder, Sobonya, Frich, Fast, Upson, Cowles, C. Miller, Moore, Hamrick and Jennings:**

**H. B. 4297** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to prohibiting state licensing boards from hiring lobbyists; and declaring that the director and appointed board members of each board may lobby on behalf of the board”; to the Committee on Government Organization then the Judiciary.

**By Delegates Butler, Householder, Higginbotham, Eldridge, McGeehan, Marcum, Blair, Espinosa, Foster, A. Evans and R. Romine:**

**H. B. 4298** - “A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended, to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to denying institutions of higher education the authority to restrict or regulate the carrying of a concealed deadly weapon by a person who holds a current license to carry a concealed deadly weapon; providing exceptions as to when regulation may occur; and designating these amendments as ‘The Campus Self Defense Act’”; to the Committee on Education then the Judiciary.

**By Delegates Phillips, Hollen, Criss, White, Ward, Moye, Rohrbach, Paynter, Maynard, Marcum and Pack:**

**H. B. 4299** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to providing a \$2,000 salary increase to West Virginia State Troopers”; to the Committee on Finance.

**By Delegates Hamilton, Eldridge, Rodighiero and Maynard:**

**H. B. 4300** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-3b, relating to increasing compensation for Parole Board members”; to the Committee on the Judiciary then Finance.

**By Delegates Hamrick, Howell, Moore, Espinosa, Higginbotham, Pack, Queen, Westfall, Hollen, Ward and Capito:**

**H. B. 4301** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-6-4d, relating to requiring all state agencies to develop a plan to evaluate a transition to cloud based data storage; reporting requirements”; to the Committee on Government Organization then Finance.

**By Delegate Marcum:**

**H. B. 4302** - “A Bill to amend and reenact §51-3-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the use of bailiffs who are not law-enforcement officers”; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 4303** - “A Bill to amend and reenact §29-22B-503, §29-22B-504, §29-22B-903, and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating generally to limited video lottery; allowing operators to be retailers at up to 10 licensed locations with certain exceptions; increasing the maximum wager permitted per limited video lottery game; removing restrictions on bill denominations accepted by limited video lottery terminals; fixing the state’s share of gross terminal income at 50 percent on July 1, 2018; and requiring an additional 5 percent of gross terminal income for a total state share of 55 percent if locations are operated by the same individual or entity that holds both operator and retailer licenses”; to the Committee on the Judiciary then Finance.

**By Delegates Summers, Ellington, Hamrick, Criss, Rohrbach and Hollen:**

**H. B. 4304** - “A Bill to repeal §30-7-1a, §30-7-6a, §30-7-6b, §30-7-8a, §30-7-11a, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d, and §30-7-15e of the Code of West Virginia, 1931, as amended; to repeal §30-7A-2, §30-7A-3, §30-7A-4, §30-7A-5, §30-7A-6, §30-7A-6a, §30-7A-7, §30-7A-7a, §30-7A-8, §30-7A-9, §30-7A-10, and §30-7A-11 of said code; to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6,



§30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of said code; to repeal §30-7E-1, §30-7E-2, and §30-7E-3 of said code, to amend and reenact §16-5B-19 of said code; to amend and reenact §30-7-1, §30-7-2, §30-7-3, §30-7-4, §30-7-5, §30-7-6, §30-7-7, §30-7-8, §30-7-9, §30-7-10, §30-7-11, §30-7-12, §30-7-13, §30-7-14, §30-7-15, §30-7-16, §30-7-17, §30-7-18, §30-7-19, and §30-7-20 of said code; to amend said code by adding thereto twelve new sections, designated §30-7-21, §30-7-22, §30-7-23, §30-7-24, §30-7-25, §30-7-26, §30-7-27, §30-7-28, §30-7-29, §30-7-30, §30-7-31, and §30-7-32; and to amend and reenact §30-7A-1 of said code, all relating to the regulation of certain professions by Board of Nursing, prohibiting the practice of nursing without a license; providing other applicable sections; defining terms; providing for board composition and qualifications; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and permit requirements; establishing qualifications for licensure; codifying a scope of practice; creating a temporary permit; providing for reciprocal licensure; establishing renewal requirements; providing for exemptions from licensure; creating a special volunteer license; continuing a Joint Advisory Council; providing the council's composition; providing council members' terms; providing powers of the council; providing duties of the council; setting forth limitations of the article; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing duty to warn; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal offenses are to be reported to law enforcement; eliminating the Board of Examiners for licensed practical nurses; transferring assets to the Board of Nursing; transferring employees to the Board of Nursing; repealing expired authority; and updating internal references"; to the Committee on Health and Human Resources then Government Organization.

## House Calendar

### Third Reading

**S. B. 263**, Eliminating film tax credits; on third reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for H. B. 2916**, Authorizing certain first responders to carry firearms; 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. 13**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Caputo, Kessinger and Love.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2916) passed.

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

**Com. Sub. for H. B. 2916** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6; to amend and reenact §6-1-3a of said Code; to amend said code by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to authorizing certain investigators, homeland security emergency management personnel, and first responders to carry firearms; authorizing supervising entities to authorize investigators employed by the attorney general, reserve deputy sheriffs, homeland security emergency management personnel, ambulance crew members,

firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for all such persons to be eligible to carry a firearm; requiring successful completion of such training; and, for first responders, allowing for reimbursement for the cost of the training.”

*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. 3004**, Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates; on third reading, coming up in regular order, with amendment pending and with restricted right to amend by Delegate Hanshaw, was reported by the Clerk.

On motion of Delegate Hanshaw, the bill was amended on page three, after line forty-four, by inserting a new section, designated section four, to read as follows:

**“§3-10-4. Vacancies in representation in United States Congress.**

(a) (1) If there is a vacancy in the representation from this state in the House of Representatives in the Congress of the United States, the Governor shall, within five days after the fact comes to his or her knowledge, issue a proclamation setting dates for a special general election that is not less than eighty-four nor more than one hundred twenty days from the date of the vacancy and requiring nomination of candidates as provided in subdivision (2) of this subsection: *Provided*, That no such proclamation may be made nor may a special election be held if the vacancy occurs after the eighty-fourth day prior to the regularly scheduled general election for a new full term of the office. The election shall follow the requirements of section one of this article that are not in conflict with this section.

(2) The party executive committees for the congressional district for which there is a vacancy shall each, within thirty days of the Governor’s proclamation, nominate a candidate to stand at the general election required by subdivision (1) of this subsection.

(b) If there is a vacancy in the representation from this state in the Senate of the United States Congress, the vacancy shall be filled by the Governor of the state by appointment ~~and~~. The Governor shall make the appointment from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The list of qualified persons to fill the vacancy shall be submitted to the Governor within fifteen days after the vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the fifteen-day period, the Governor shall appoint within five days thereafter a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred.

Furthermore,

(1) If the vacancy occurs on or before the primary cutoff date, then an election shall be held pursuant to section one of this article; or

(2) If the vacancy occurs after the primary cutoff date, but on or before the general cutoff date, then the Governor shall issue a proclamation providing for: (A) A special filing period; (B) a special primary election to be held in conjunction with the upcoming general election; and (C) a special general election to be held not less than eighty-four nor more than one hundred twenty days following the date of the special primary election. Each election shall follow the requirements of section one of this article that are not in conflict with this section.”

On motion of Delegate Hanshaw, the bill was amended on page two, section three, line thirteen, following the word “occurred”, by inserting a colon and the following proviso: “*Provided*, That the provisions of this subsection do not apply to subsections (b), (c), (d), and (e) of this section.”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 14**), and there were—yeas 62, nays 34, absent and not voting 3, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Caputo, Kessinger and Love.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3004) passed.

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

**Com. Sub. for H. B. 3004** - “A Bill to amend and reenact §3-10-3, §3-10-4, §3-10-5, and §3-10-7 of the Code of West Virginia, 1931, as amended, all relating to filling vacancies in elected offices; the filling of vacancies in offices of state officials, Justices, judges, and magistrates; and requiring a vacancy in the partisan offices of that section to be filled by appointment by the Governor; providing that such vacancies be filled with a person of the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred; setting requirements for party executive committees to submit qualified names for vacancies in said offices; providing that such appointments be made within a time certain; providing for appointment of a person of the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred under circumstances where party executive committees do not act to submit qualified names for vacancies in said offices; requiring vacancies in the office of United States senator to be filled by

appointment by the Governor; providing that such vacancy be filled with a person of the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred; setting requirements for party executive committees to submit qualified names for vacancies in office of United States senator; providing that such appointments be made within a time certain; providing for appointment of a person of the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred under circumstances where party executive committees do not act to submit qualified names for vacancies in said office; requiring vacancies created in state Legislature to be filled by appointment by the Governor; providing that such vacancies be filled with a person from the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; requiring vacancies in offices of county commissioner or clerk of the county commission to be filled with person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing process for vacancy on county commission or clerk of the county commission to be filled by the county commission itself; providing process for vacancy on county commission to be filled if county commission fails to fill the vacancy by itself; requiring the Governor appoint persons to fill vacancies on county commission when no quorum on county commission with a person from the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; setting requirements for party executive committees to submit qualified names for county commission vacancies that must be filled by the Governor; ensuring county commission appointments are subject to time periods set forth in section one of the article; and making technical corrections.”

*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. 3005**, Relating to regulation of unmanned aircraft systems; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Folk asked and obtained unanimous consent to amend the bill on third reading and the rule was suspended to permit the offering and consideration of amendments on third reading.

On motion of Delegate Folk, the bill was amended on page one, section one, line two, by striking out the word “contrivance” and inserting the word “device”.

And,

On page one, section one, line three, by striking out the words “for navigation or”.

Having been engrossed, the bill was read a third time.

Delegate Folk moved that the bill be tabled, which motion did not prevail.

Delegate Hamrick requested to be excused from voting on the passage of Com. Sub. for H. B. 3005 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. 15**), and there were—yeas 78, nays 18, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bates, Byrd, Canestraro, Ferro, Fluharty, Folk, Hartman, Hornbuckle, Iaquinta, Isner, McGeehan, Pushkin, Robinson, Rowe, Sponaugle, Storch, Wagner and Williams.

Absent and Not Voting: Caputo, Kessinger and Love.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3005) 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. 4150**, Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient; 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. 16**), and there were—yeas 94, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan and Robinson.

Absent and Not Voting: Caputo, Kessinger and Love.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4150) 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. 2483**, Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday; 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. 4035**, Creating a legislative coalition to study and report to the Legislature on palliative care; 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. 4135**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4144**, Relating to the elimination of film tax credits; on second reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

**H. B. 4146**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; 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. 4169**, Requiring certain establishments and facilities to post human trafficking assistance notices; 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. 4174**, Designating the placement of nonpartisan judicial offices on the primary election ballot; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4207**, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

#### **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. 2546**, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned,

And,

**H. B. 4183**, Relating generally to standardized testing requirements for nonpublic schools.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Fleischauer during the debate regarding Com. Sub. for H. B. 3004
- Delegate Fleischauer during Remarks by Members
- Delegate E. Evans during Remarks by Members
- Delegate Moye during Remarks by Members

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

- Delegate Frich for H. B. 4175 and 4276
- Delegate Lovejoy for H. B. 4175
- Delegate R. Romine for H. B. 2123

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

- Delegate Hamrick for H. B. 4163
- Delegate C. Miller for H. B. 4287
- Delegate Overington for H. B. 2523

At 1:19 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 26, 2018.

---

Friday, January 26, 2018

## SEVENTEENTH 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 Thursday, January 25, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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. 4178**, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 4178) was referred to the Committee on Health and Human Resources.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4230**, Relating to credit for reinsurance,

And reports the same back, with a title amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4230) was referred to the Committee on the Judiciary.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4175**, Preventing requirement that an advanced practice registered nurse or physician assistant participate in a collaborative relationship to obtain payment,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 4175) was referred to the Committee on Health and Human Resources.

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. 4012**, Amending the definition of medical services, so as to exclude abortion,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4012) was referred to the Committee on the Judiciary.

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. 299**, Relating to mandatory insurance coverage for medical foods for amino acid-based formulas,

And,

**H. B. 4241**, Transitioning foster children into managed care,

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 (S. B. 299 and H. B. 4241) 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. 4287**, Relating to pharmacy benefit managers,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4287) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

**H. B. 4131**, Department of Health and Human Resources, rule relating to collection and exchange of data related to overdoses,

And,

**H. B. 4132**, Department of Health and Human Resources, rule relating to development of methodologies to examine needs for substance use disorder treatment facilities,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4131 and H. B. 4132) were each referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

**H. B. 4270**, Providing for the timely payment of moneys owed from oil and natural gas production,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4270) was referred to the Committee on the Judiciary.

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. 4101**, Racing Commission, rule relating to thoroughbred racing,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4101) 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:

**H. B. 2831**, Relating to the reconstitution of the Driver's Licensing Advisory Board,

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

**Com. Sub. for H. B. 2831** - "A Bill to amend and reenact §17B-2-7a of the Code of West Virginia, 1931, as amended, relating to the reconstitution of the Driver's Licensing Advisory Board; requiring one member of the board to be a board certified neurologist in this state; requiring the board to respond to requests of the commissioner when necessary in the discretion of the commissioner; and striking an outdated sunset provision,"

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4086**, Department of Administration, rule relating to parking,

**H. B. 4087**, Department of Administration, rule relating to state owned vehicles,

And,

**H. B. 4097**, State Fire Commission, rule relating to hazardous substance emergency response training programs,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4086, H. B. 4087 and H. B. 4097) were each referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Westfall, Wagner, Atkinson, Higginbotham, Rodighiero and Frich offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 33** – “Requesting the Division of Highways to name bridge number 18-21-21.51, (18A073), locally known as the Ripley Lanes Bridge, carrying County Route 21 over Sycamore Creek in Jackson County, the ‘U. S. Army 2LT Clarence Dragoo Memorial Bridge’.”

Whereas, Lieutenant Dragoo was born on December 30, 1923, and graduated from Gilmore High School in 1941. He attended Capital City Commercial College in Charleston. He was President of the Pi Rho Zeta fraternity and was involved in the drama club. He also performed on the WCHS radio station and worked as a bookkeeper; and

Whereas, In January 1943, Lieutenant Dragoo was inducted into the U. S. Army in Huntington, West Virginia. Six days later he entered active duty at Fort Thomas, Kentucky. On July 3, 1944, Lieutenant Dragoo earned his navigator’s wings and commission at Selman Field in Monroe, Louisiana; and



Whereas, In October of 1944, Lieutenant Dragoo left for overseas duty and arrived in Italy in November; and

Whereas, As a 21-year old navigator on a B-24 Liberator, Lieutenant Dragoo went through a 'baptism by fire' and lived to tell about it. While over a railway pass, his plane was sprayed with hundreds of gallons of highly inflammable gas when the Liberator immediately ahead of him was hit by flak and exploded in mid-air. Lieutenant Dragoo's Liberator became a flying torch, capable of igniting at the slightest spark. With blackened windows and damaged rudders, flying blind and using instruments was the only way to return the plane to the base. Miraculously, the crew managed to do this. Upon returning, Lieutenant Dragoo related that he could use everything he had learned in navigation school; and

Whereas, On February 28, 1945, a change in crew landed Lieutenant Dragoo in the B-24 Liberator manned by a crew known as the "Hanson Crew". The B-24 was a part of the 716<sup>th</sup> Bomber Squadron, 449<sup>th</sup> Bombardment Group. The Liberator departed Grottaglie Army Air Base in Italy with its target being the Isarco-Albes railroad bridge in northern Italy. The destruction of the bridge was a key objective in the 15<sup>th</sup> Air Force's effort to destroy railroad choke points and railroad cars. Upon completion of the bombing run, all the participating aircraft headed to the rally point where they would reform and return to their base. While leaving the area, witnesses reported that the aircraft carrying the Hanson Crew was skimming mountaintops with damaged engines. Pilot Hanson radioed that one of the engines had restarted, but witnesses said the aircraft continued to fall until it could no longer be seen by others in the formation. Lieutenant Dragoo's death date was reported as February 28, 1945; and

Whereas, On March 16, 1945, Lieutenant Dragoo's mother, Mrs. Stella Dragoo, received a Western Union telegram officially informing her that her son had been listed as Missing in Action over Italy. In the months following the crash, the remains of four crew members washed ashore in various places along the shores of Italy. While searching for their own lost comrades, a set of remains bearing American Army Air Force clothing and identification tags were recovered by the Germans. The remains were returned to

American military authorities in Europe who confirmed them to be a fifth member of that B-24 Liberator; and

Whereas, Both during and after World War II, the American Graves Registration Service searched for and recovered fallen Americans in the Mediterranean area. In 1948, the group convened in Rome, Italy, to discuss the recovery of the six remaining crew members. Based on the area and known information, the group deemed the aircraft and missing crew members “non-recoverable”; and

Whereas, In the years that followed, life continued for the Dragoo family. However, life was never the same for his immediate and extended family. Mother Stella’s son would never return to West Virginia. Lieutenant Dragoo’s siblings, including older sister Dorothy, younger brother Melvin, and younger sister Bernice, would never again see their brother. Bernice would never again talk to her “best friend”; and

Whereas, The handsome young navigator, who was once Treasurer of his FFA chapter, editor of his high school yearbook, and drama club performer would never get the chance to share his talents with the world. Never again would Lieutenant Dragoo pick up his guitar and sing at the Cooper Fork Community Church and never again fill the airwaves at WCHS radio with his voice; and

Whereas, As time wore on, family members passed. But Lieutenant Dragoo’s story was kept alive and passed on to the younger generations. Great-niece Tereasa Staats Yates remembers that the iconic photo of Clarence in front of the Liberator always hung in Grandma’s house. Tereasa’s father, Jim Staats, was two years old at the time of the incident. The younger sister Bernice is now of advanced age and living in California. Those remaining are a host of cousins, nephews, nieces, including the generation of great-great-great nieces and nephews; and

Whereas, In 2013, an Italian citizen wrote to military researchers about the discovery of underwater aircraft wreckage off the coast of Grado, Italy. He believed it to contain possible human remains. A dive team was sent to investigate. During a second dive,

searchers found and photographed a portion of the aircraft bearing serial numbers that corresponded to Lieutenant Dragoo's B-24. Working together with the Grado Civil Patrol, U. S. military officials were able to secure the site and prepare for recovery; and

Whereas, In 2015, a team of divers worked to recover both human remains and the wreckage of the aircraft. After 220 dives, the recovery mission was complete. Maternal family members submitted DNA samples during the Summer of 2017 and the remains of Lieutenant Dragoo were positively identified. In an unlikely coincidence, it was learned that one of the Navy divers on the recovery team had a West Virginia connection, not only a West Virginia connection, but also a Jackson County connection. Diver Nate Johnson's mother Terry grew up in Ravenswood where she followed the story because of her son's involvement and could share pictures of the recovery mission with family here; and

Whereas, It was a long time coming, and more than a lifetime for the extended Dragoo family, but on October 12, 2017, Lieutenant Dragoo came home by way of Yeager Airport. He was escorted from Yeager Airport in Charleston to Ripley and Waybright Funeral Home by family and friends, and members of the Patriot Guard; and

Whereas, It is fitting that a proper memorial be established for this man who served his nation well and made the ultimate sacrifice; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 18-21-21.51, (18A073), locally known as the Ripley Lanes Bridge, carrying County Route 21 over Sycamore Creek, in Jackson County, the 'U. S. Army 2LT Clarence Dragoo Memorial Bridge'; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the 'U. S. Army 2LT Clarence Dragoo Memorial Bridge'; and, be it

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

### **Bills Introduced**

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

**By Delegates Sobonya, C. Miller, C. Romine, R. Miller, Summers, Rohrbach, Lovejoy, Espinosa, Howell, Butler and Graves:**

**H. B. 4305** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-2-5d; and to amend said code by adding thereto a new section, designated §29B-1-6a, all relating to authorizing the West Virginia Ethics Commission to sanction persons who have violated the Freedom of Information Act; authorizing the filing of complaints with the Ethics Commission; directing the Ethics Commission to process, investigate, and render a disposition in accordance with existing procedures; authorizing sanctions for violations proven by a preponderance of the evidence; and defining terms"; to the Committee on the Judiciary then Finance.

**By Delegates Summers, Rohrbach, Barrett and Blair:**

**H. B. 4306** - "A Bill to amend and reenact §16-2-5 of the Code of West Virginia, 1931, as amended, relating to permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health"; to the Committee on Political Subdivisions then Health and Human Resources.

**By Delegate Summers:**

**H. B. 4307** - "A Bill to amend and reenact §60-2-11 of the Code of West Virginia, 1931, as amended, relating to prohibiting the alcohol beverage commission from assessing a fee to another state agency"; to the Committee on Government Organization then Finance.

**By Delegate Foster:**

**H. B. 4308** - “A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to filing reports with the Division of Labor and removing the requirement for contactors to file payroll information on public improvement construction projects”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Kessinger, Westfall, White, Cowles and Bates:**

**H. B. 4309** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60A-12-1, §60A-12-2, §60A-12-3, §60A-12-4 and §60A-12-5, all relating to restricting the sale and trade of dextromethorphan; setting age limits; defining terms; establishing penalties; preempting local ordinances; and requiring rulemaking”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Eldridge, Maynard, R. Miller, Lovejoy, A. Evans, Diserio, Canestraro, Ferro, Hamilton, Upson and Paynter:**

**H. B. 4310** - “A Bill to amend and reenact §61-3C-14b of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-8C-3 of said code, all relating to mandating cognitive behavioral therapy for persons convicted of distribution and exhibiting of material depicting minors engaged in sexually explicit conduct and soliciting or soliciting and travelling to engage a minor in prohibited sexual activity”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Howell, Hamrick, Higginbotham, Hanshaw, Hill, Kessinger, Walters and Frich:**

**H. B. 4311** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-2A-5, relating to making all work product by State Government to be in the public domain and not subject to copyright protection”; to the Committee on Government Organization then the Judiciary.

**By Delegates A. Evans, Hartman, Hamilton and R. Romine:**

**H. B. 4312** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designed §19-1B-12; and to amend and reenact §19-1B-12a of said code, all relating to requiring purchasers of roundwood to collect and maintain certain information; providing criminal penalties; and clarifying that the employees of the Division of Forestry are authorized to issue citations for violations of the Logging Sediment and Control Act”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Cowles:**

**H. B. 4313** - “A Bill to repeal §21-16-1, §21-16-2, §21-16-3, §21-16-4, §21-16-5, §21-16-6, §21-16-7, §21-16-8, §21-16-9 and §21-16-10 of the Code of West Virginia, 1931, as amended; to repeal §29-3D-1, §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-5, §29-3D-6, §29-3D-7 and §29-3D-8, of said code; and to amend and reenact §29-3-12b of said code, all relating to deregulating persons who perform work on heating, ventilating and cooling systems and fire dampers”; to the Committee on Government Organization.

**By Delegates Howell, Hamrick, Criss, Paynter, Foster, Pack, Pyles, Ferro, Eldridge, Ward and A. Evans:**

**H. B. 4314** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-1-24, relating to providing that paralegals and analysts who have been certified by a national association and who have been employed by the Legislature for two years are certified paralegals for all purposes within the state; and providing that the certification is a lifetime certification”; to the Committee on Government Organization then the Judiciary.

**By Delegates McGeehan, Folk and Criss:**

**H. B. 4315** - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-12 of said code, all relating to exempting law-enforcement officers who are members of a municipal paid police department, county sheriff’s office or the State Police from payment of income and personal property taxes”; to the Committee on Political Subdivisions then Finance.

**By Delegates McGeehan, Folk and Criss:**

**H. B. 4316** - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §11-21-12 of said code, all relating to exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Foster, Howell, Pack, Butler, C. Miller, Hamrick and Jennings:**

**H. B. 4317** - “A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6, §30-41-7, §30-41-8, §30-41-9, §30-41-10, §30-41-11, §30-41-12, §30-41-13, §30-41-14, §30-41-15, §30-41-16, §30-41-17, §30-41-18, §30-41-19, and §30-41-20, all relating to the West Virginia Contractor Act; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; necessity for contractor license and exemptions; procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; prerequisites to obtaining building permit and mandatory written contracts; requiring informational list for basic universal design features; providing injunction and criminal penalties for violation of article; specific administrative duties of board and record keeping by the board; authorizing to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; and misdemeanor criminal penalties for violations of article”; to the Committee on Government Organization then the Judiciary.

**By Delegates McGeehan, Hamilton, Folk, Butler, Kessinger and Gearheart:**

**H. B. 4318** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, and §16-2P-3, all relating to the right to life guaranteed to all human beings and providing definitions”; to the Committee on the Judiciary.

**By Delegates Pushkin, Miley, Lynch, Lovejoy, Hartman, Moore, Isner, Williams, Walters, Westfall and Higginbotham:**

**H. B. 4319** - “A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation; or gender identity and defining sexual orientation and gender identity”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates McGeehan and Folk:**

**H. B. 4320** - “A Bill to amend and reenact §39B-1-114 of the Code of West Virginia, 1931, as amended; and to amend and reenact §39B-2-101 of said code, all relating to limiting the ability of an agent under a power of attorney to take self-benefiting actions; removing a presumption that an act is not within the scope of authority granted in a power of attorney when an agent benefits from the act to the detriment of an ancestor, spouse, heir, or descendant; and removing the prohibition that an agent from exercising authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal’s property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise”; to the Committee on the Judiciary.

**By Delegates Upson, Householder, Martin, Ellington and Blair:**

**H. B. 4321** - “A Bill to amend and reenact §31A-4-35 of the Code of West Virginia, 1931, as amended, relating to permitting



electronic records of documents to serve as original records”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Howell, Statler, Hill, Fast, Martin, Butler, Criss, Paynter, Foster, Pack and Ward:**

**H. B. 4322** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-45; to amend said code by adding thereto a new section, designated §11-24-11c; and to amend said code by adding thereto a new section, designated §23-2-18, all relating to workers’ compensation insurance; allowing an employer to extend workers’ compensation coverage to an employee engaged in volunteer fire fighting and allowing employers a tax credit for the cost of providing workers’ compensation insurance coverage to employees engaged in volunteer fire fighting”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Howell, Hill, Diserio, Criss, Paynter, Foster, Pack, Pyles, Ferro, Eldridge and Ward:**

**H. B. 4323** - “A Bill to amend and reenact §30-1-6, §30-1-8, and §30-1-8a of the Code of West Virginia, 1931, as amended, all relating to the requirement that no board grant or renew any certificate, license, registration, or authority under Chapter 30 of said code to any person who is delinquent in the payment of state or local taxes, fees, or other moneys due to the state or its subdivisions with specified exceptions; and correcting the usage of terms related to certificate, license, registration, or authority in said code”; to the Committee on Government Organization then the Judiciary.

**By Delegates Howell, Statler, Hill, Martin, Butler, Shott, Moore, Criss, Paynter, Foster and Pack:**

**H. B. 4324** - “A Bill to amend and reenact §8-15-17 and §8-15-20 of the Code of West Virginia, 1931, as amended, all relating to the employment of individuals by municipal paid fire departments under civil service; providing that an applicant need not be a resident of the municipality or the county in which he or she seeks to become a member of the paid fire department; and that if there are not enough eligible applicants to certify a list of three, then the appointing officer may appoint a qualified individual to

fill the position”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates E. Evans, R. Miller, Marcum, Campbell, Rodighiero, Lovejoy, Eldridge, Zatezalo and Bates:**

**H. B. 4325** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-14D-11a, relating to adding an annual annuity adjustment of one percent for eligible retirants or surviving spouses”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Pack, Cooper, Butler, Higginbotham, Moore, Howell, Shott, Foster, Hanshaw, Capito and Lynch:**

**H. B. 4326** - “A Bill to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating to exempting veterans who are honorably discharged from the Armed Forces of the United States of America from obtaining a certificate of training in handling a firearm if that veteran presents to the local office of the Division of Wildlife Resources a copy of the veteran’s DD-214 form indicating that veteran’s qualification with a firearm”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Folk, Paynter, Sypolt, Ellington, Dean, Kessinger and Jennings:**

**H. B. 4327** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-23, relating to prohibiting employers from requiring any employee to have or receive an influenza immunization; and prohibiting employers from discharging, failing to hire, discriminating against, or otherwise disadvantaging or penalizing any individual for failing to have or receive an influenza immunization”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Pack, Kessinger, Graves, Higginbotham, C. Miller and Upson:**

**H. B. 4328** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-38; to amend said code by adding thereto a new section, designated §33-15-41; to amend said code by adding thereto a new section,

designated §33-16-3x; and to amend said code by adding thereto a new section, designated §33-25A-81; all relating to requiring health insurance providers to provide coverage for long-term antibiotic therapy for a patient with Lyme Disease”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegates Cooper, Ambler, Pack, Harshbarger, Moore, Summers, Lynch, Hollen, Atkinson and R. Miller:**

**H. B. 4329** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating to requiring pawnbrokers to providing certain information to law-enforcement agencies; providing information through third-party database; and specifying database requirements”; to the Committee on the Judiciary.

**By Delegates Sponaugle, A. Evans, R. Romine and Hamilton:**

**H. B. 4330** - “A Bill to amend and reenact §7-15-17 of the Code of West Virginia, 1931, as amended, relating to authorizing county commissions to initiate collection actions for emergency ambulance service; and allowing county commissions to assess a fee for ambulance calls when a person has refused transport”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Iaquinta, A. Evans, Williams, R. Romine, Hamilton, Dean, Campbell, Wagner, Walters, Canestraro and Ferro:**

**H. B. 4331** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing that a living organ donor is exempt from all personal income tax in the taxable year in which the organ transplantation occurs; and defining the term human organ”; to the Committee on Finance.

**By Delegates Rohrbach, Fleischauer, Longstreth and Summers:**

**H. B. 4332** - “A Bill to amend and reenact §30-5-22 and §30-5-29 of the Code of West Virginia, 1931, as amended, all relating to home peritoneal renal dialysis to patients with end state renal

disease”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sponaugle, A. Evans, R. Romine, Hamilton, Barrett, Fleischauer, Fluharty, Boggs, Miley, Pushkin and Longstreth:**

**H. B. 4333** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803, relating to adoption records; authorizing adult adoptees access to certain records; requiring birth parents to provide certain health information; allowing birth parents to designate a contact preference and allowing them to provide certain information; directing the Department of Health and Human Resources to administer records, require additional information, and charge a reasonable fee; providing a procedure for the collection and dissemination of information; and authorizing the Department of Health and Human Resources to promulgate legislative rules”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hill, Howell, Kessinger, Martin, Butler, Pack, Sobonya, Folk, McGeehan, Moore and Paynter:**

**H. B. 4334** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-1-22, relating to requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures undertaken or proposed to be undertaken”; to the Committee on Government Organization then Finance.

**By Delegates Sponaugle, Rowe, Hartman, Lynch, Williams, Bates, Isner, A. Evans, R. Romine, Hamilton and Barrett:**

**H. B. 4335** - “A Bill to amend and reenact §38-12-4 of the Code of West Virginia, 1931, as amended, relating to requiring that lien releases filed with county clerk’s office include the Deed of Trust Book and page numbers where the lien is filed”; to the Committee on the Judiciary.

**By Delegates Ellington, Summers, Rohrbach, Householder, Atkinson, Criss, Hollen, Hill, Rowan, Dean and Cooper:**

**H. B. 4336** - “A Bill to amend and reenact §60A-2-204, §60A-2-206, §60A-2-210 and §60A-2-212 of the Code of West Virginia,

1931, as amended, all relating to updating the schedule of controlled substances”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Paynter, Eldridge, Maynard, Love, E. Evans, Cooper, Martin, A. Evans and Ambler:**

**H. B. 4337** - “A Bill to amend and reenact §5-10D-1 of the Code of West Virginia, 1931, as amended, and to amend said Code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, 20-17-4a, §20-17-5, §20-17-6, §20-17-6a, §20-17-6b, §20-17-6c, §20-17-6d, §20-17-6e, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-11a, §20-17-11b, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, and §20-17-23, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System”; to the Committee on Pensions and Retirement then Finance.

## House Calendar

### Third Reading

**S. B. 263**, Eliminating film tax credits; on third reading, coming up in regular order, was read a third time.

Delegate Queen requested to be excused from voting on the passage of S. B. 263 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. 17**), and there were, including pairs—yeas 54, nays 42, absent and not voting 3, with the nays and absent and not voting and paired being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Criss                      Nay: Brewer

Yea: Gearheart              Nay: Ferro

Nays: Barrett, Bates, Boggs, Byrd, Campbell, Canestraro, Caputo, Caputo, Diserio, Eldridge, E. Evans, Fleischauer, Fluharty, Folk, Graves, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moore, Moye, Pethtel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rowe, Sponaule, Storch, Upson, Ward and Williams.

Absent and Not Voting: Ellington, Kelly and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 263) passed.

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

On this question, the yeas and nays were taken (**Roll No. 18**), and there were—yeas 70, nays 24, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Campbell, Caputo, Diserio, Eldridge, E. Evans, Fleischauer, Fluharty, Folk, Hartman, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lynch, R. Miller, Pyles, Robinson, Rodighiero, Sponaule and Williams.

Absent and Not Voting: Brewer, Ellington, Ferro, Kelly and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 263) takes effect from its passage.

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

**Com. Sub. for H. B. 2483**, Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any

juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday; 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. 19**), and there were—yeas 91, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Brewer, Ellington, Ferro, Kelly, Kessinger, C. Romine and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2483) 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. 4035**, Creating a legislative coalition to study and report to the Legislature on palliative care; 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. 20**), and there were—yeas 91, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Brewer, Ellington, A. Evans, Ferro, Kelly, Kessinger, C. Romine and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4035) 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. 4135**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; 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. 21**), and there were—yeas 89, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Brewer, Ellington, A. Evans, Ferro, Kelly, Kessinger, Queen, Robinson, C. Romine and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4135) passed.

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

On this question, the yeas and nays were taken (**Roll No. 22**), and there were—yeas 91, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Brewer, Ellington, A. Evans, Ferro, Kelly, Kessinger, C. Romine and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4135) 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.

**H. B. 4146**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; 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. 23**), and there were—yeas 91, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Brewer, Ellington, A. Evans, Ferro, Kelly, Kessinger, C. Romine and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4146) passed.

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

On this question, the yeas and nays were taken (**Roll No. 24**), and there were—yeas 91, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Brewer, Ellington, A. Evans, Ferro, Kelly, Kessinger, C. Romine and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4146) 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. 4169**, Requiring certain establishments and facilities to post human trafficking assistance notices; 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. 25**), and there were—yeas 88, nays 3, absent and not voting 8, with the nays and absent and not voting being as follows:

Nays: Foster, McGeehan and Wilson.

Absent and Not Voting: Brewer, Ellington, A. Evans, Ferro, Kelly, Kessinger, C. Romine and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4169) 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. 4174**, Designating the placement of nonpartisan judicial offices on the primary election ballot; on third reading, coming up in regular order, was read a third time.

### **Speaker Pro Tempore Overington in the Chair**

Mr. Speaker, Mr. Armstead, arose from his seat and requested to be excused from voting on the passage of H. B. 4174 under the provisions of House Rule 49.

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

### **Mr. Speaker, Mr. Armstead, in the Chair**

Delegate Miley requested to be excused from voting on the passage of H. B. 4174 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. 26**), and there were—yeas 89, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Brewer, Ellington, A. Evans, Ferro, Kelly, Kessinger, Love, C. Romine, R. Romine and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4174) 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. 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 reported by the Clerk.

Delegate Shott asked and obtained unanimous consent that the bill be recommitted to the Committee on the Judiciary.

#### **Second Reading**

**Com. Sub. for H. B. 2546**, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4144**, Relating to the elimination of film tax credits; on second reading, coming up in regular order, was, on motion of Delegate Cowles, laid on the table.

**H. B. 4183**, Relating generally to standardized testing requirements for nonpublic schools; 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. 2799**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit,

And,

**H. B. 4010**, Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs.

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 a committee report.

### **Committee Reports**

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. 4006**, Revising the processes through which professional development is delivered for those who provide public education,

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

**Com. Sub. for H. B. 4006** – “A Bill to repeal §10-5-2a of the Code of West Virginia, 1931, as amended; to repeal §18-2I-3 of said code; to repeal §18A-3-2d of said code; to repeal §18A-3A-1, §18A-3A-2, §18A-3A-2b, §18A-3A-3 and §18A-3A-5 of said code; to repeal §18B-11-4 and §18B-11-6 of said code; to amend and reenact §4-13-2 of said code; to amend and reenact §5-26A-3 of said code; to amend and reenact §5B-2C-6 of said code; to amend and reenact §5F-1-2 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §18-2I-1, §18-2I-2 and §18-2I-4 of said code; to amend and reenact §18-10A-1, §18-10A-2, §18-10A-3, §18-10A-6a and §18-10A-12 of said code; to amend and reenact §18-10K-2, §18-10K-5 and §18-10K-6 of said code; to amend and reenact §18-30-4 of said code; to amend and reenact §18A-2-9 and §18A-2-12 of said code; to amend and reenact §18A-3-1, §18A-3-1d, §18A-3-2c and §18A-3-8 of said code; to amend and reenact §18A-3C-1, §18A-3C-2 and §18A-3C-3 of said code; to amend and reenact §18B-1B-2 of said code; to amend and reenact §18B-

3D-2 of said code; to amend and reenact §18B-16-5 and §18B-16-8 of said code; to amend and reenact §18B-18B-1 of said code; and to amend and reenact §29-24-3 and §29-24-5 of said code, all relating to revising the processes through which professional development is delivered for those who provide public education in this state, including improvement of the focus on school-level continuous improvement processes led by the principal, generally; eliminating administrative offices, duplicative programs and obsolete provisions; repealing provisions related to creation and duties of distance learning coordinating council; repealing provisions related to annual state board professional development master plan; repealing provisions related to beginning principal internships; repealing provisions related to center for professional development and principals academy curriculum; repealing provisions related to center for development professional development project; repealing provisions related to principals academy establishment, mission, required attendance and employment of coordinator; repealing provisions related to pilot program of delivering educational services via distance learning; repealing provisions related to creation of depositories for assistive devices and services at two colleges or universities; repealing provisions creating the National Institute For Teaching Excellence and its governing board; modifying membership of Sesquicentennial of the American Civil War Commission; modifying membership of Commission for National and Community Service; removing Department of Education and the Arts as option to provide technical support to the Academy of Science and Technology in preparation of annual report; eliminating Department of Education and the Arts as executive department headed by secretary; transferring Division of Culture and History and Division of Rehabilitation Services to Department of Commerce; making the Educational Broadcasting Authority and Library Commission each an independent agency within executive branch; correcting names of agencies; eliminating salary of Secretary of Education and the Arts; modifying the scope and goals of the system for coordination and delivery of professional development to be instituted by State Board of Education; modifying legislative findings with respect to professional development; eliminating requirement for State

Board of Education master plan for professional development; requiring State Board of Education rule to include process for aggregating school and system strategic plan information to assist design and delivery of professional development; replacing references to the secretary and the Department of Education and the Arts in rehabilitation and vocational services related statutes; modifying membership of Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board; transferring fund administration to Department of Commerce; modifying membership of College Prepaid Tuition and Savings Program Board; including instructional leadership among the responsibilities of principals and requiring course work in instructional leadership and related topics as prerequisite for administrative certification; moving from a precertification requirement to a pre-employment requirement that principals, assistant principals and administrators complete education and training in evaluation skills; deleting provisions proscribing limitations on certain rights and privileges of principals and assistant principals as teachers; removing requirements for interaction between State Board Of Education and Center for Professional Development regarding performance evaluations; removing proscription of issuance or renewal of certain administrative certificate; removing requirement for State Board Of Education consultation with Secretary of Education and Arts and Chancellor for Higher Education prior to exercise of authority over education; adding within standards for education of professional educators requirement providing for the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United States of America; eliminating references to regional education service agencies; removing requirement for State Board of Education to consult with Secretary of Education and the Arts and the Chancellor of Higher Education; removing provisions related to required training and professional development of principals through principals academy; adding instructional leadership and management techniques to required minimum standards for rule governing training of principals; removing language relating to waivers, ineligibility, progress tracking and expenses relating to training of principals; requiring county professional staff

development councils to base proposals for staff development on analysis of individual and collective need indicated in school's strategic plans; incorporating development of certain teachers, principals, assistant principals, vocational administrators and others in the provisions for a comprehensive system to improve teaching and learning; making legislative finding that professional development resources must be focused rather than increased; removing obsolete provisions related to phased implementation of provisions for professional personnel evaluations; eliminating requirement for five percent of evaluations to be based on state summative assessment and increasing percent based on evidence of student learning by five percent; incorporating principals into the comprehensive system of support for improved professional performance; requiring deficiencies identified through personnel evaluations to be incorporated in strategic plans for continuous improvement; removing language requiring posting and other provisions relating to employment; restricting certain appropriations for certain activities; modifying membership and selection process for members of Higher Education Policy Commission; modifying membership of Workforce Development Initiative Program Advisory Committee; updating agency references and removing Secretary of Education and the Arts with respect to rural health initiative; modifying membership of Science and Research Council; transferring certain references and responsibilities to Technology-Related Assistance Revolving Loan Fund For Individuals With Disabilities Board to Secretary of Commerce; directing the adoption and promulgation of rules and guidelines; and making consequential changes incident to the elimination of agencies or programs or the modification of duties, responsibilities and functions,"

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 Ellington, Ferro, Kelly and White.

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- All Members during the debate today regarding S. B. 263
- Delegate Graves on yesterday regarding S. B. 263
- Delegate Barrett during the debate regarding Com. Sub. for H. B. 4169
- Delegate Pushkin during Remarks by Members
- Delegate Hornbuckle during Remarks by Members

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

- Delegate Espinosa for H. B. 4024
- Delegates Thompson and Hornbuckle for H. B. 3061
- Delegate Phillips for H. B. 4012
- Delegate Zatezalo for H. B. 4010
- Delegates Boggs, Eldridge, Graves, Lynch, Martin, Maynard, Paynter, Pyles, Rohrbach and Sypolt for H. B. 2848

At 1:48 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 29, 2018.



---

Monday, January 29, 2018

**TWENTIETH 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, January 26, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person,

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

**Com. Sub. for H. B. 3020** - "A Bill to amend and reenact §20-7-9 of the Code of West Virginia, 1931, as amended, relating to criminal penalties for the offense of hunting, trapping or fishing on the lands of another person; criminal penalties for the offense of entering on to posted lands; criminal penalties for the offense of destroying posted land signs; and setting those criminal penalties for such offenses to be equivalent to those of the offense of criminal trespass, including for conviction of subsequent offenses of the same,"

**H. B. 4233**, Relating generally to fraudulent transfers,

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

**Com. Sub. for H. B. 4233** - “A Bill to amend and reenact §40-1A-1, §40-1A-2, §40-1A-4, §40-1A-5, §40-1A-6, and §40-1A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §40-1A-13, §40-1A-14, and §40-1A-15, all relating generally to fraudulent transfers and voidable transactions; establishing that a presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probable than its existence; providing that a creditor making a claim for relief has the burden of proving the elements of the claim for relief by a preponderance of the evidence; setting forth rules regarding the defenses, liability and protection of transferees; establishing the governing law; providing for the application to series organizations; providing for the limiting, modifying or superseding of the federal Electronic Signatures in Global and National Commerce Act; and adding and modifying definitions and headings,”

And,

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

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

**Com. Sub. for H. B. 4242** - “A Bill to amend and reenact §50-4-8 of the Code of West Virginia, 1931, as amended, relating to clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court; and providing an exception for landlord-tenant actions,”

With the recommendation that the committee substitutes each do pass.

### **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. 67** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to pension benefits exempt from state income taxation; and including Division of Natural Resources police officers into the class of law-enforcement officers exempted”; 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 and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 116** - “A Bill to amend and reenact §17B-7-5 and §17B-7-9 of the Code of West Virginia, 1931, as amended, all relating to the Second Chance Driver’s License Program; providing that court’s accounting of amounts due for crime victim restitution be separately identified; providing that any moneys for restitution that are not submitted in the accounting by the court may not be waived by the participant’s completion of the program; and providing that amounts of court costs collected under the Second Chance Driver’s License Program attributable to crime victim restitution are not subject to the five percent offset for use by the Director of the Division of Justice and Community Services in the administration of the program”; 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

**S. B. 143** - “A Bill to amend and reenact §20-2-19 of the Code of West Virginia, 1931, as amended, relating to marking traps with a Division of Natural Resources identification number”; 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. 311** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9p, relating to specifying exemption from the consumers sales and service tax and use tax for purchases of certain services and tangible personal property sold for the repair, remodeling, and maintenance of certain specified aircraft; defining a term; and specifying method for claiming exemption”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 351** - “A Bill to amend and reenact §3-1-19 of the Code of West Virginia, 1931, as amended, relating to ballot commissioners; and permitting ballot commissioners to serve while candidates for certain offices”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. C. R. 4** - “Requesting the Division of Highways to name bridge number 20-64-53.02 (20A842), locally known as the I-64 Kanawha River Bridge/South Charleston-Dunbar Bridge, carrying Eastbound Interstate 64 over the Kanawha River in Kanawha County, West Virginia, the ‘West Virginia Army National Guard Sergeant Glenn F. Lough, P. E., Memorial Bridge’.”

Whereas, Glenn F. Lough was born on June 20, 1970, in Lewis County, West Virginia, the son of Mr. Nelson Lough and Mrs. Joyce Moneypenny Lough; and

Whereas, Glenn F. Lough graduated from Lewis County High School, from West Virginia Institute of Technology with a Bachelor of Science degree in Civil Engineering, and from Liberty University with a Master of Arts degree in Religion; and

Whereas, Glenn F. Lough was a veteran of the 1<sup>st</sup> Brigade of the 119<sup>th</sup> Engineering Battalion of the West Virginia Army National Guard of Buckhannon; and

Whereas, Glenn F. Lough served as pastor for several churches in the Weston area and as an Associate Pastor of Good Shepherd Baptist Church in Putnam County; and

Whereas, Glenn F. Lough served as a highway engineer for the West Virginia Division of Highways for 25 years, a career which began in District 7 in Weston, transferred to the Planning Division in Charleston, and ended as the bridge repair engineer in the Engineering Division; and

Whereas, Glenn F. Lough worked at all times in a thorough and diligent manner, managing his time in a way that allowed him to design repairs for as many bridges as possible. He put the best interest of the employees working in his unit above his own, and he was a shining example of a public servant who we should all seek to emulate; and

Whereas, Glenn F. Lough saved the state and its citizens countless dollars with his innovative use of heat straightening on damaged bridges across the state. His work with heat straightening allowed bridge beams that had been hit to be repaired rather than replaced, and it kept those bridges functional and safe for the citizens of West Virginia; and

Whereas, Glenn F. Lough was willing at all times to serve other state agencies and engineered projects for the State Rail Authority, saving the state additional time and money; and

Whereas, Glenn F. Lough touched lives everywhere he went and was always willing to lend a hand to anyone in need; and

Whereas, Glenn F. Lough's lasting impact remains on many bridges and with many people throughout the state, both people he knew and those who will never know his name; and

Whereas, Glenn F. Lough died in the line of duty at the age of 47 as the result of a vehicle collision on Interstate 79 on June 27, 2017, while traveling back to Charleston from the site of several bridges for which he was designing repairs, leaving behind a wife and two daughters, who miss him dearly; and

Whereas, It is fitting that a proper memorial be established for this man who served the State of West Virginia until the very last moment of his life; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-64-53.02 (20A842), locally known as the I-64 Kanawha River Bridge/South Charleston-Dunbar Bridge, carrying Eastbound Interstate 64 over the Kanawha River in Kanawha County, West Virginia, the "West Virginia Army National Guard Sergeant Glenn F. Lough, P. E., Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "West Virginia Army National Guard Sergeant Glenn F. Lough, P. E., Memorial Bridge"; and, be it

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

### **Resolutions Introduced**

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

**H. C. R. 34** - "Requesting the Division of Highways to name a portion of Route 7/1, Dog Fork Road, beginning at MP 0.00 and

ending at MP 0.25, in Boone County, the ‘U. S. Army PFC Glenn S. Perdue, U. S. Army TEC 5 Charley H. Perdue and U. S. Army Air Corps SGT Carl C. Perdue Memorial Road’.”

Whereas, Private First Class Glenn Perdue, Technician 5th Grade Charley Perdue and Sergeant Carl Perdue were brothers born in Boone County, and who served in the U. S. Army in Europe at the same time during World War II; and

Whereas, Private Glenn Perdue was born on June 15, 1917, and died on December 9, 1999; and

Whereas, Private Glenn Perdue entered the U. S. Army on April 8, 1942, and was honorably discharged on October 30, 1945; and

Whereas, Private Glenn Perdue married Mary Stollings Perdue and had four children, Roger, John, Judy and Steve, five grandchildren and three great-grandchildren; and

Whereas, Private Glenn Perdue was owner and operator of Perdue Grocery, worked at the Logan Planning Mill and the Boone County Commission. He was also a member of VFW Post 5578 and the 512<sup>th</sup> Military Police Battalion Reunion; and

Whereas, Private Glenn Perdue served in the 512<sup>th</sup> Military Police Battalion and was part of the following battles and campaigns: Normandy Northern France, Ardennes, Rhineland and Central Europe; and

Whereas, Private Glenn Perdue received the American Theater Service Ribbon, the European African Middle Eastern Service Ribbon, the Good Conduct Medal, the Meritorious Unit Award and Victory Ribbon. Private Perdue also qualified as a Marksman 03, M-1 Rifle and Rifle Carbine; and

Whereas, Technician 5<sup>th</sup> Grade Charley Perdue was born on August 29, 1919, and died on August 16, 1988; and

Whereas, Technician 5<sup>th</sup> Grade Charley Perdue was married to Marie Burton Perdue, now deceased; and

Whereas, Technician 5<sup>th</sup> Grade Charley Perdue entered the U. S. Army on October 8, 1941, and was honorably discharged on November 28, 1945; and

Whereas, Technician 5<sup>th</sup> Grade Charley Perdue served in Reconnaissance Company, 2<sup>nd</sup> Armored Regiment, and was part of the following battles and campaigns: Ardennes, Rhineland and Central Europe; and

Whereas, Technician 5<sup>th</sup> Grade Charley Perdue received the American Defense Service Medal, the American Theater Service Ribbon, the European African Middle Eastern Service Ribbon, the Good Conduct Medal with Clasp and the World War II Victory Ribbon. He also was qualified as a Marksman M-1 Rifle, Sharpshooter LMG and Sharpshooter Carbine; and

Whereas, After the service, Technician 5<sup>th</sup> Grade Charley Perdue was a school bus driver for Boone County schools and a member of VFW Post 5578; and

Whereas, Sergeant Carl Perdue was born on May 13, 1921, and died on September 3, 1986; and

Whereas, Sergeant Carl Perdue entered the U. S. Army on August 18, 1942, and was honorably discharged on October 29, 1945; and

Whereas, Sergeant Carl Perdue served with the Army Air Force Unit and was awarded the European African Middle Eastern Ribbon, the Distinguished Unit Badge and the Good Conduct Medal; and

Whereas, After the service, Sergeant Carl Perdue worked with the Mootz Sunbeam Bakery and Frito Lay; and

Whereas, It is a fitting and well-deserved tribute that a portion of the road where the Perdue family farm once stood be named for these three brothers who so honorably and faithfully served their country, state and community during World War II; therefore, be it

*Resolved by the Legislature of West Virginia:*



That the Division of Highways is hereby requested to name a portion of Route 7/1, Dog Fork Road, beginning at MP 0.00 and ending at MP 0.25, in Boone County, the “U. S. Army PFC Glenn S. Perdue, U. S. Army TEC 5 Charley H. Perdue and U. S. Army Air Corps SGT Carl C. Perdue Memorial Road”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying that road as the “U. S. Army PFC Glenn S. Perdue, U. S. Army TEC 5 Charley H. Perdue and U. S. Army Air Corps SGT Carl C. Perdue Memorial Road”; and, be it

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

### **Bills Introduced**

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

**By Delegates Fast, R. Miller, Hanshaw, Shott, Eldridge, Robinson, Lovejoy, Lane, Williams, Isner and Foster:**

**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, §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 and §62-12-15 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-4-6, §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 to the powers and authority of the newly created Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety; 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; defining terms; and requiring rule-making”; to the Committee on the Judiciary then Finance.

**By Delegates Espinosa, Howell, Hamrick, Householder, Cowles and Nelson:**

**H. B. 4339** - “A Bill to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11, of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-4 and §5A-6-8 of said code; and to amend said code by adding thereto two new sections, designated §5A-6-4d and §5A-6-4e; all relating to dissolving the

Information Services and Communications Division; authorizing the Chief Technology Officer to provide training and other services and to assess fees for services provided; requiring the Chief Technology Officer to oversee telecommunications services to state spending units; requiring the Chief Technology Officer to supervise and maintain the central mailing office; directing the deposit of any moneys received for services; creating a special revenue account for administration of telecommunications services; authorizing the Chief Technology Officer to review and pay uncontested amounts due for telecommunications services; providing a process for state spending units to contest amounts due; authorizing the Chief Technology Officer to invoice spending units for amounts paid on behalf of the spending unit; authorizing the Secretary of the Department of Administration to make a final decision on contested amounts due; authorizing the secretary to direct the transfer of funds into the special revenue account for unpaid telecommunications services; authorizing the secretary to assess a penalty with notice on spending units for unpaid amounts for telecommunications services; authorizing a special fund to receive moneys for services provided by the agency; and authorizing the Chief Technology Officer to grant waivers for certain services required by statute”; to the Committee on Government Organization then Finance.

**By Delegates Phillips, Lane, Kelly, Sypolt, Westfall, Marcum, Statler, Maynard, Sobonya, Pack and Foster:**

**H. B. 4340** - “A Bill to repeal §22A-2-14, §22A-2-28, §22A-2-30, §22A-2-31, §22A-2-32, §22A-2-33, §22A-2-34, §22A-2-35, §22A-2-41, §22A-2-50, §22A-2-51, §22A-2-52, and §22A-2-73 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2A-5, §5B-2A-6, §5B-2A-8, and §5B-2A-9 of said code; to amend and reenact §11-13BB-3, §11-13BB-4, and §11-13BB-14 of said code; to amend and reenact §22-3-9 and §22-3-20 of said code; and to amend and reenact §22-11-7a of said code; to amend and reenact §22A-1-2, §22A-1-3, §22A-1-4, §22A-1-6, §22A-1-14, §22A-1-15, §22A-1-21, and §22A-1-22 of said code; to amend said code by adding thereto two new sections, designated §22A-1-42 and §22A-1-43; to amend and reenact §22A-2-2, §22A-2-3, §22A-2-4, §22A-2-4a, §22A-2-5, §22A-2-6, §22A-2-11, §22A-2-

13, §22A-2-16, §22A-2-20, §22A-2-24, §22A-2-25, §22A-2-26, §22A-2-27, §22A-2-29, §22A-2-36, §22A-2-37, §22A-2-38, §22A-2-39, §22A-2-40, §22A-2-42, §22A-2-43, §22A-2-43a, §22A-2-44, §22A-2-45, §22A-2-46, §22A-2-47, §22A-2-48, §22A-2-49, §22A-2-53, §22A-2-53a, §22A-2-53b, §22A-2-53c, §22A-2-55, §22A-2-55a, §22A-2-56, §22A-2-57, §22A-2-58, §22A-2-59, §22A-2-60, §22A-2-61, §22A-2-62, §22A-2-63, §22A-2-64, §22A-2-66, §22A-2-70, §22A-2-72, §22A-2-74, §22A-2-75, and §22A-2-78 of said code; and to amend said code by adding thereto a new section, designated §22A-2-80; all relating to the powers and duties of the Office of Coalfield Community Development, including a community impact review; determining the community assets that may be developed, and determining the land and infrastructure needs in the general area of the surface mining operations; amending the “List of approved innovative mine safety technology” by providing that detection devices, cameras and underground safety shelters and the refurbishing thereof shall qualify and be on the list whether required or not under the West Virginia Innovative Mine Safety Technology Tax Credit Act, list of approved innovative mine safety technology under that tax credit act; providing that the tax credit terminate December 31, 2025; permit application requirements and contents under the Surface Coal Mining and Reclamation Act; providing that a copy of an applicant’s public notice information to be distributed by the director to the public on the division’s internet-based public notice mailing list; and when a certification is granted under the Water Pollution Control Act; relating generally to miners’ health, safety and training; administration and enforcement; and mine rescue teams; providing that the Office of Miners’ Health, Safety and Training staff mine rescue teams; removing definitions relating to “electrical”; underground safety compliance visits and education of coal mines; additional duties of inspectors; director to propose rules relating to safety compliance assistance visits and enforcement of state mine certifications and Individual Penalty Assessments (IPAs); civil and criminal penalties for violations; procedure and exceptions to charges of discrimination; providing that all procedures previously followed are subject to standards established by the U.S. Mine Safety & Health Administration; and providing that by August 31, 2018,

existing state rules or regulations be revised to reflect the changes in this bill”; to the Committee on Energy then the Judiciary.

**By Delegates Marcum, Thompson, Rodighiero, R. Miller, Isner, Moye, Hicks, Eldridge, E. Evans, Diserio and Lynch:**

**H. B. 4341** - “A Bill to amend and reenact §11-13A-3a and §11-13A-5a of the Code of West Virginia, 1931, as amended, all relating to dedicating 33 percent of state tax on natural gas or oil to Public Employees Insurance Agency; dedicating 33 percent of the county and municipality share to fund PEIA; creating the PEIA Fund”; to the Committee on Energy then Finance.

**By Delegates Westfall, Statler, White, Maynard and Hartman:**

**H. B. 4342** - “A Bill to amend and reenact §33-20-4 of the Code of West Virginia, 1931, as amended, relating to commercial insurance rates; and designating specific insurance coverages which are exempt from rate filing requirements under this article”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Frich, Westfall, White, Upson, Lovejoy, Robinson and A. Evans:**

**H. B. 4343** - “A Bill to amend and reenact §31A-4-20 of the Code of West Virginia, 1931, as amended, relating to the delivery of financial statements to bank shareholders at or prior to the annual meeting of shareholders”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Lane, Byrd, Rowan, Hamilton, E. Evans, Longstreth, R. Miller, Canestraro and Pushkin:**

**H. B. 4344** - “A Bill to amend and reenact §11-19-1 and §11-19-2 of the Code of West Virginia, 1931, as amended, all relating to the tax on soft drinks; modifying the tax on soft drinks to apply to sodas containing sugar sweeteners; increasing the tax to 2 cents per ounce on certain sodas; redistributing revenue to include funding for the Public Employees Insurance Agency and certain schools at West Virginia University; modifying definitions; and defining new terms”; to the Committee on Health and Human Resources then Finance.

**By Delegates Moore, Pushkin, Upson, Hill, Paynter, Dean, White, Folk, Lane, Walters and McGeehan:**

**H. B. 4345** - “A Bill to amend and reenact §16A-6-13 of the Code of West Virginia, 1931, as amended, relating to limitations on permits for growers, processors and dispensaries of medical cannabis; increasing the number of permits that the bureau may issue for growers, processors and dispensaries of medical cannabis; permitting a grower to be a processor and a processor to be a grower; allowing growers and processors to be dispensaries; and permitting dispensaries to be growers and processors”; to the Committee on the Judiciary then Finance.

**By Delegates Sponaugle, Hartman, Lynch, Williams, Barrett, Boggs, Miley, Bates, Moye, Canestraro and Isner:**

**H. B. 4346** - “A Bill to repeal §5-16-5 and § 5-16-5a of the Code of West Virginia, 1931, as amended, to amend and reenact §5-16-2, §5-16-4, §5-16-7 and §5-16-26, and to amend and reenact §18-9A-24, all relating to repealing the Public Employees Insurance Agency Finance Board; and designating the changes in this bill the ‘PEIA the Buck Stops Here Act’”; to the Committee on Government Organization then Finance.

## **House Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2546**, Allowing replacement costs of employer provided property to be deducted from an employee’s final paycheck if the property is not returned; 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. 27**), and there were—yeas 61, nays 35, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquina, Love, Lovejoy, Marcum, McGeehan, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Wagner, Ward and Williams.

Absent and Not Voting: Isner, Longstreth and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2546) 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. 4183**, Relating generally to standardized testing requirements for nonpublic schools; 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. 28**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Isner, Longstreth and Storch

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4183) 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**

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

**Com. Sub. for H. B. 2799**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit,

And,

**H. B. 4010**, Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs.

### **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. 2831**, Relating to the reconstitution of the Driver's Licensing Advisory Board,

And,

**Com. Sub. for H. B. 4006**, Revising the processes through which professional development is delivered for those who provide public education.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegate Caputo during Remarks by Members in the Appendix to the Journal.

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

- Delegates Fluharty and Summers for H. B. 2612
- Delegates A. Evans and R. Romine for H. B. 4344

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

- Delegate Paynter for H. B. 2572
- Delegate Fleischauer for H. B. 3017
- Delegate Westfall for H. B. 4168

At 11:48 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 30, 2018.



---

Tuesday, January 30, 2018

**TWENTY-FIRST DAY**

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

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

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

The Clerk proceeded to read the Journal of Monday, January 29, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2612**, Repealing section relating to unattended motor vehicles and penalties,

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

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

Your Committee on the Judiciary has had under consideration:

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

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

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

And,

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

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

**Com. Sub. for H. B. 4199** - “A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse, defining terms, authorizing an AMAP to administer medication in nursing home, providing certain exemptions from chapter thirty licensing requirements, establishing requirements for training curricula and competency evaluation procedures, establishing procedures by which an AMAP must administer medication, requiring nursing homes using an AMAP to establish an administrative monitoring system, permitting a registered professional nurse to withdraw authorization for an AMAP to administer medications in certain circumstances, allowing certain fees to be collected, providing limits on administration of medication by an AMAP, providing that use of an AMAO in nursing homes is permissive, and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting,”

With the recommendation that the committee substitutes each do pass.

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 29<sup>th</sup> day of January, 2018, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**S. B. 263**, Eliminating film tax credits.

### **Messages from the Executive**

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

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 7** - “A Bill to amend and reenact §21-5-1 and §21-5-12 of the Code of West Virginia, 1931, as amended, all relating to claims under the Wage Payment and Collection Act; defining the term ‘wages’; providing that no action may be brought for collection of accrued fringe benefits until written notice is provided by the employee, or his or her representative, to the employer; providing written notice requirements; providing mailing requirements; providing the employer an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for employer to remit payment as specified in the accepted cure offer; providing that a claim may be brought for failure of the employer to timely effect the accepted cure offer; providing that the statute of limitations shall be tolled; providing that the written notice is a jurisdictional prerequisite for

accrued fringe benefit claims; providing an effective date; providing that the notice requirement is not applicable to claims exclusively for unpaid wages; requiring employers to notify their employees of the notice requirement; providing means of notice to employees; requiring the commissioner to issue rules to the extent necessary to effectuate employee notice; and providing that plaintiff is not entitled to liquidated damages or costs and attorneys' fees under certain circumstances"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

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

A message from the Senate, by

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

**S. B. 280** - “A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing emergency management and operations’ vehicles operated by airports to use red flashing warning lights”; which was referred to the Committee on Roads and Transportation then the Judiciary.

### **Resolutions Introduced**

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

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

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

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

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

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

in the Battalion... A memorial service for George was held in the Battalion Chapel and was attended by the officers and men of the Battalion”; and

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

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

*Resolved by the Legislature of West Virginia:*

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

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “USMC LCpl George W. Henry, Jr. Memorial Bridge”; and, be it

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Resolved by the Legislature of West Virginia:*

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

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Betty Jo Delong Memorial Bridge”; and, be it

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

### **Motions**

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

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

### **Bills Introduced**

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

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

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



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

**By Delegates Hanshaw and Shott:**

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

**By Delegates Hanshaw, Lovejoy, Shott and Summers:**

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

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

**H. B. 4350** - "A Bill to amend and reenact §47-1A-2 of the Code of West Virginia, 1931, as amended, relating to eliminating

the regulation of upholstery; and modifying and eliminating certain definitions”; to the Committee on Government Organization.

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

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

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

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

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

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

**By Delegate Canestraro:**

**H. B. 4354** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-3f, relating to reallocating and dedicating up to \$30 million of the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin; providing for distribution of the moneys to the districts of the Division of Highways by the State Treasurer; establishing amounts each natural gas and oil-producing Division of Highways district and counties within a

district are to receive; requiring moneys be used solely for the secondary roads; providing duties of State Tax Commissioner and Division of Highways; requiring reports of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; providing an effective date; and authorizing legislative and emergency rules”; to the Committee on Energy then Finance.

**By Delegates Wagner and Pethtel:**

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

**By Delegates Canestraro, Storch, Pethtel, Boggs and Fluharty:**

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

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

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

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

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

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

**H. B. 4359** - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to the removal of animals left unattended in motor vehicles; defining terms, setting forth conditions to rescue and retrieve an animal in danger in an unattended vehicle; providing for written notice to the owner of the motor vehicle; providing for payment of fees and costs associated with the maintenance, care and medical treatment of an animal; limiting search of a motor vehicle during rescue; providing for seizure of items found in certain circumstances; providing for civil and criminal immunity to persons, their employees or agents who retrieve an animal; and providing for criminal penalties”; to the Committee on the Judiciary then Finance.

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

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

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

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

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

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

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

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

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

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

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

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

**By Delegates Ellington, Householder and Summers:**

**H. B. 4366** - “A Bill to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating to the approval of additional beds for intermediate care facilities; authorizing the Secretary of the Department of Health and Human Resources to designate where the beds may be located; providing that eligibility will be determined on a case-by-case basis; providing that all other relevant regulatory laws apply; and providing that additional beds may be developed”; to the Committee on Health and Human Resources then the Judiciary.

## **House Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2799**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor’s work permit; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 29**), and there were—yeas 91, nays 4, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Eldridge, Iaquina, Love and Marcum.

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

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2799) passed.

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

**H. B. 4010**, Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs; on third reading, coming up in regular order, was read a third time.

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

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

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

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

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4010) passed.

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

### Second Reading

**Com. Sub. for H. B. 2831**, Relating to the reconstitution of the Driver's Licensing Advisory Board; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4006**, Revising the processes through which professional development is delivered for those who provide public education; on second reading, coming up in regular order, was read a second time.

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

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

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

The amendment was then adopted.

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

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

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

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

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethtel, Pushkin,



Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

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

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

The bill was ordered to engrossment and third reading.

### **First Reading**

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

**Com. Sub. for H. B. 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person,

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

And,

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

### **Leaves of Absence**

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

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Eldridge on yesterday during Remarks by Members
- Delegate Deem during Remarks by Members
- Delegates Fast, Fleischauer and Pushkin for H. B. 4010
- Delegate Maynard during Remarks by Members
- Delegate Hornbuckle during Remarks by Members
- Delegate Nelson during Remarks by Members

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

- Delegate Frich for H. B. 2612
- Delegate Fast for H. B. 2997
- Delegate Campbell for H. B. 3023
- Delegate Ward for H. B. 4287

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

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

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

---

Wednesday, January 31, 2018

**TWENTY-SECOND DAY**

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

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

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

The Clerk proceeded to read the Journal of Tuesday, January 30, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 4197**, Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 4197) was referred to the Committee on Health and Human Resources.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**H. B. 4099**, Division of Highways, rule relating to disposal, lease and management of real property and appurtenant structures and relocation assistance,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4099) was referred to the Committee on the Judiciary.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**H. B. 2694**, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas,

And,

**H. B. 4022**, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft,

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 (H. B. 2694 and H. B. 4022) were each referred to the Committee on Finance.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

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

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 9) was referred to the Committee on Rules.

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. 4251**, Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors,

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

**Com. Sub. for H. B. 4251** - "A Bill to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended, relating to permitting employees of higher education institutions outside of this state to be appointed to a board of governors of a state institution of higher education,"

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. 2809**, Relating to basic state aid to public education,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2809) was referred to the Committee on Finance.

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. 4220**, Relating generally to grounds for revocation of a teaching certificate,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4220) was referred to the Committee on the Judiciary.

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. 3061**, Encouraging mastery-based education through the Innovation In Schools program,

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. 3061) to the Committee on Finance.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4166) was referred to the Committee on Finance.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4107**, Division of Natural Resources, rule relating to hunting, fishing and other outfitters and guides,

**H. B. 4108**, Division of Natural Resources, rule relating to controlling the public land corporation's sale, lease, exchange or transfer of land or minerals,

**H. B. 4109**, Division of Natural Resources, rule relating to general hunting,

**H. B. 4110**, Division of Natural Resources, rule relating to special migratory game bird hunting,

**H. B. 4111**, Division of Natural Resources, rule relating to miscellaneous permits and licenses,

And,

**H. B. 4112**, Division of Natural Resources, rule relating to wildlife disease management,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4107, H. B. 4108, H. B. 4109, H. B. 4110, H. B. 4111 and H. B. 4112) were each referred to the Committee on the Judiciary.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4185**, Awarding service weapons to special natural resources police officers upon retirement,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4185) was referred to the Committee on the Judiciary.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources 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 the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4235) was referred to the Committee on Finance.

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. 4162**, Granting authority to the State Conservation Committee to contract for flood response,



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

**Com. Sub. for H. B. 4162** - “A Bill to amend and reenact §19-21A-4 of the Code of West Virginia, 1931, as amended, relating to the duties and powers conferred upon the State Conservation Committee; granting authority to the State Conservation Committee to contract for services directly related to natural disaster recovery and stream restoration related to flooding, on an as needed basis; permitting the State Conservation Committee to comply with present and future federal aid statutes and regulations including execution of contracts or agreements with programs of the United States government and its proper departments, bureaus or agencies relating to natural disaster response, recovery or stream restoration related to flooding; permitting the State Conservation Committee to promulgate emergency and legislative rules to effectuate the provisions as amended during the 2018 regular session of the Legislature; and removing references to outdated and incorrect code citations,”

**H. B. 2655**, Defining and establishing the crime of cyberbullying,

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

**Com. Sub. for H. B. 2655** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3C-14c, relating to defining and establishing the crime of cyberbullying; defining terms; providing exceptions; and establishing a criminal penalty,”

**H. B. 2662**, Prohibiting the waste of game animals, game birds or game fish,

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

**Com. Sub. for H. B. 2662** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i, relating to and prohibiting the waste of game

animals, game birds or game fish and creating a misdemeanor with criminal penalties for the violation thereof,”

And,

**H. B. 2696**, Relating to crossbow hunting,

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

**Com. Sub. for H. B. 2696** - “A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s and §20-2-42v of the Code of West Virginia, 1931, as amended, all relating to crossbow hunting; clarifying that the use of crossbows with Class A hunting and trapping license during big game seasons requires additional licenses, stamps or permits (with exception of buck firearms seasons); permitting crossbow hunting with Class RB and Class RRB licenses; permitting crossbow hunting with Class UU licenses; and permitting crossbow hunting with Class BG stamp,”

With the recommendation that the committee substitutes each 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:

**H. B. 4125**, Department of Health and Human Resources, rule relating to West Virginia clearance for access: registry and employment screening,

**H. B. 4128**, Department of Health and Human Resources, rule relating to food establishments,

And,

**H. B. 4130**, Health Care Authority, rule relating to financial disclosure,

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 the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4125, H. B. 4128 and H. B. 4130) were each referred to the Committee on the Judiciary.

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. 4120**, Department of Health and Human Resources, rule relating to informal and relative family child care home registration requirements,

**H. B. 4122**, Department of Health and Human Resources, rule relating to family child care home registration requirements,

**H. B. 4123**, Department of Health and Human Resources, rule relating to family child care facility licensing requirements,

**H. B. 4124**, Department of Health and Human Resources, rule relating to child care centers licensing,

**H. B. 4126**, Department of Health and Human Resources, rule relating to emergency medical services,

**H. B. 4127**, Department of Health and Human Resources, rule relating to public water systems,

**H. B. 4129**, Department of Health and Human Resources, rule relating to hospital licensure,

And,

**H. B. 4133**, Department of Health and Human Resources, rule relating to out-of-school-time child care center licensing requirements,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4120, H. B. 4122, H. B. 4123, H. B. 4124, H. B. 4126, H. B. 4127, H. B. 4129 and H. B. 4133) were each referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

**H. B. 4268**, Co-tenancy Modernization and Majority Protection Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4268) was referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

**H. B. 4074**, Department of Environmental Protection, rule relating to standards of performance for new stationary sources,

**H. B. 4084**, Department of Environmental Protection, rule relating to underground storage tanks,

**H. B. 4088**, Department of Environmental Protection, rule relating to control of air pollution from combustion of solid waste,

**H. B. 4090**, Department of Environmental Protection, rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities,

**H. B. 4091**, Department of Environmental Protection, rule relating to emission standards for hazardous air pollutants,

**H. B. 4092**, Department of Environmental Protection, rule relating to ambient air quality standards,

And,

**H. B. 4106**, Office of Miners' Health Safety and Training, rule relating to operating diesel equipment in underground mines,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4074, H. B. 4084, H. B. 4088, H. B. 4090, H. B. 4091, H. B. 4092 and H. B. 4106) were each referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 4089**, Department of Environmental Protection, rule relating to control of air pollution from municipal solid waste landfills,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4089) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2743**, Requiring the release of an unemancipated minor's medical records for drug testing,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2743) was referred to the Committee on the Judiciary.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 4093**, Department of Environmental Protection, rule relating to hazardous waste management system,

**H. B. 4094**, Department of Environmental Protection, rule relating to voluntary remediation and redevelopment,

**H. B. 4113**, Division of Labor, rule relating to registration of weighing and measuring devices used by businesses in commercial transactions,

**H. B. 4114**, Division of Labor, rule relating to registration of service persons and service agencies,

**H. B. 4115**, Division of Labor, rule relating to employer wage bonds,

**H. B. 4116**, Division of Labor, rule relating to Elevator Safety Act,

**H. B. 4117**, Division of Labor, rule relating to amusement rides and amusement attractions safety act,

**H. B. 4118**, Division of Labor, rule relating to bedding and upholstered furniture,

And,

**H. B. 4119**, Division of Labor, rule relating to zipline and canopy tour responsibility act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4093, H. B. 4094, H. B. 4113, H. B. 4114, H. B. 4115, H. B. 4116, H. B. 4117, H. B. 4118 and H. B. 4119) were each referred to the Committee on the Judiciary.

### **Messages from the Senate**

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. 163** - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating generally to authorizing the Department of Environmental Protection to promulgate certain legislative rules as filed, as modified, and as amended and to repeal certain legislative and procedural rules; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground storage tanks; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air

quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment; directing the Department of Environmental Protection to repeal a legislative rule relating to state construction grants program rule; and directing the Department of Environmental Protection to repeal a procedural rule relating to Freedom of Information Act requests”; 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. 165** - “A Bill to amend and reenact §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as amended, relating generally to authorizing various health agencies to promulgate certain legislative rules as filed, modified, and amended by the legislature; authorizing various health agencies to repeal certain legislative rules; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access: registry and employment screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state; authorizing the Department of



Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance; directing the Department of Health and Human Resources to repeal a legislative rule relating to regulation of opioid treatment programs; authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosure; and repealing a Health Care Authority legislative rule relating to certificate of need”; 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 July 1, 2018, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 284** - “A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; establishing Advanced Career Education (ACE) programs and pathways; providing that certain individuals who have completed a secondary education program in a public, private, or

home school shall be considered adults enrolled in regular secondary programs for funding purposes; requiring community and technical colleges establish partnerships with career technical education centers, county boards of education, or both that provide for ACE programs; providing requirements for ACE programs and pathways; requiring the Board of Education and the West Virginia Council for Community and Technical College Education promulgate joint guidelines; requiring the Division of Vocational Education and the council maintain and annually report certain information; providing that community and technical colleges and career technical education centers shall participate in one or more ACE partnership in order to receive certain funding; establishing the WV Invests Grant Program; defining terms; authorizing the council to award WV Invests Grants under certain terms and conditions; requiring the council to report certain information on the WV Invests Grant Program; requiring the council to propose legislative rules; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; and establishing the WV Invests Fund”; which was referred to the Committee on Education 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. 285** - “A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code 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, and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4, and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; providing for reimbursement by authority for natural resources police officers; adding Division of Natural Resources police officers to class of law-enforcement officers whose pension benefits are exempt from state income taxation; modifying the amount and timing of subsistence payments to natural resource police officers; setting

forth findings and definitions; providing for creation of regional recreation authorities as joint development entities formed by a prescribed number of contiguous counties; providing for establishment of new trail systems for off-highway recreational vehicle use; providing for board to govern regional recreation authorities; providing for the appointment and terms of board members; providing for quorum, executive director, and expenses of board; providing for financial review and oversight of regional recreation authorities; establishing powers and duties of regional recreation authority boards; establishing powers of regional recreation authorities; prohibiting certain conduct in regional recreation areas; providing civil and criminal penalties; limiting liability of certain landowners; establishing requirements for bidding and purchasing; prohibiting contracts that pose conflicts of interests; providing civil remedies for unlawful purchasing contracts; and incorporating references to new code sections and regional recreation authorities and areas into the ATV Responsibility Act”; 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

**S. B. 338** - “A Bill to amend and reenact §11-21-74 of the Code of West Virginia, 1931, as amended, relating generally to employer withholding taxes; changing due date for employers to file annual reconciliation and withholding statements with Tax Commissioner to January 31; requiring certain employers to file withholding return information electronically with the Tax Commissioner; and deleting obsolete language”; which was referred to the Committee on Finance.

### **Resolutions Introduced**

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

**By Delegates Cowles, Folk, Frich, Westfall, Maynard, Pack, Criss, Ellington, Dean, Nelson and Butler:**

**H. J. R. 109** - “Proposing an amendment to the Constitution of the State of West Virginia amending section fifty-one, article VI thereof, relating to authorizing legislative review of the judiciary budget; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

**Bills Introduced**

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

**By Delegates Westfall, Frich and Ellington:**

**H. B. 4004** - “A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend said code by adding thereto a new section, designated §3-5-6e; to amend and reenact §3-5-7 and §3-5-13 of said code; to amend and reenact §3-10-3 and §3-10-3a of said code; to amend and reenact §6-5-1 of said code; to amend said code by adding thereto a new article, designated §51-1B-1, §51-1B-2, §51-1B-3, §51-1B-4, §51-1B-5, §51-1B-6, §51-1B-7, §51-1B-8, §51-1B-9, §51-1B-10, §51-1B-11 and §51-1B-12; and to amend and reenact §58-5-1 of said code, all relating to creating a new court to be known as West Virginia Intermediate Court of Appeals; requiring election of Judges of the Intermediate Court of Appeals be on nonpartisan basis; requiring elections be on a division basis when more than one judge is to be elected; providing for timing and frequency of election; providing for commencement of terms of office; establishing ballot design and printing; providing that elections be held on same date as primary election; requiring nonpartisan ballots; establishing filing announcement of candidacies, including timing, location and necessary information; providing for order of appearance of offices on the ballot; establishing ballot content; providing procedures for filling of vacancies; providing occasions for special elections to be held to fill vacancies; requiring Intermediate Court of Appeals be operational by July 1, 2019; establishing northern and southern districts; providing three judges for each district; establishing

qualifications for judges; establishing court jurisdiction; providing for deflective review; providing West Virginia Supreme Court of Appeals will either keep an appeal or transfer it to Intermediate Court; designating the clerk of the Supreme Court as the clerk of the Intermediate Court of Appeals; providing that certain appeals to be reviewed as a matter of right and those matters in which the appeals are discretionary; providing appeals in certain administrative cases are discretionary; authorizing appeals from Intermediate Court to Supreme Court; authorizing Governor make initial appointments by July 1, 2018; creating staggered terms; providing for elections for ten-year terms after initial appointments; authorizing a Chief Judge; authorizing staff for court and judges; providing for compensation and expenses of judges and staff; providing for temporary assignment of circuit court judges; authorizing Supreme Court to provide facilities, furniture, fixtures and equipment for Intermediate Court; establishing precedential effect of Intermediate Court orders and decisions; providing budget of Intermediate Court be part of Supreme Court budget; and providing for severability”; to the Committee on the Judiciary then Finance.

**By Delegates Criss, Walters, Frich, Westfall, Pack, Ambler, Maynard, Atkinson, Ellington, Rowan and Mr. Speaker (Mr. Armstead):**

**H. B. 4017** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting percentages of social security benefits from personal income tax for certain taxpayers beginning after specified date; and increasing to one hundred percent the percentage of social security benefits to which exemption applies for those certain taxpayers over three-year period”; to the Committee on Finance.

**By Delegates Moore, Westfall, Frich, Ellington and Cowles:**

**H. B. 4367** - “A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to admissibility of certain evidence in a civil action for damages; and allowing the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence and failure to mitigate damages”; to the Committee on the Judiciary.

**By Delegates Westfall, Frich and Lane:**

**H. B. 4368** - “A Bill to amend and reenact §21-5-3 of the Code of West Virginia, 1931, as amended, relating to voluntary assignments of wages by state employees who have been overpaid; removing exemption from wages; and requiring written acknowledgement and waiver as part of a voluntary authorization or order”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Sobonya, C. Miller, C. Romine, Frich, Rowan and Ward:**

**H. B. 4369** - “A Bill to amend and reenact §21-3A-2 of the Code of West Virginia, 1931, as amended, relating to making the Division of Corrections and the Division of Health, and their respective workplaces, subject to the Occupational Safety and Health Act”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Sobonya, C. Miller, C. Romine, Frich, Butler, Rowan, Ward and Householder:**

**H. B. 4370** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-23, relating to requiring the West Virginia Supreme Court of Appeals to maintain a searchable, criminal database containing copies of all arrests and convictions by all the courts in the state”; to the Committee on the Judiciary then Finance.

**By Delegates Sobonya, C. Miller, C. Romine, Frich, Overington, Butler, Rowan and Ward:**

**H. B. 4371** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-15, relating to prohibiting school employees from counseling, referring, transporting, or assisting any student to obtain an abortion; providing that a violation of the section is a misdemeanor and; providing that nothing in the section may be construed as approving of abortion”; to the Committee on Education then the Judiciary.

**By Delegates Sobonya, C. Miller, C. Romine, Frich, Butler, Summers, Rowan, Ward and Householder:**

**H. B. 4372** - “A Bill to amend and reenact §30-5-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-25a, all relating generally to requiring the Board of Pharmacy to review, investigate, and make appropriate referrals of reports of suspicious orders of controlled substances; authorizing the board to investigate suspicious orders by controlled substances registrants and to conduct hearings on the denial, suspension or revocation of registrations; directing the board to maintain a log of reports of suspicious orders; requiring reports to be reviewed by the Attorney General; and directing reports of suspicious orders to be referred to agencies and authorities with appropriate jurisdiction”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Jennings, Martin, Wagner, Rowan, E. Evans and R. Romine:**

**H. B. 4373** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance abuse treatment; requiring facilities for outpatient substance abuse treatment; and requiring the hiring of adequate professional classified staff; and replacing an outdated reference in said code to ‘Pinecrest Hospital’ with the correct name of ‘Jackie Withrow Hospital’”; to the Committee on Health and Human Resources then Finance.

**By Delegates Sobonya, Butler, Ward and Rowan:**

**H. B. 4374** - “A Bill to amend and reenact §4-2-6 of the Code of West Virginia, 1931, as amended, relating to providing a mechanism for the independent evaluation of revenue estimates by West Virginia and Marshall Universities’ business colleges”; to the Committee on Education then Finance.

**By Delegates Sobonya, Butler, Rowan, Ward and Householder:**

**H. B. 4375** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-14, relating generally to benefits provided by the Department of Health and Human Resources; requiring benefit access devices to have a photograph of the person to whom a device was issued; permitting a benefit access device to be used by another authorized individual on the device holder’s behalf; defining terms; and providing for rule-making”; to the Committee on the Judiciary.

**House Calendar**

**Third Reading**

**Com. Sub. for H. B. 2831**, Relating to the reconstitution of the Driver’s Licensing Advisory Board; 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. 32**), and there were—yeas 95, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Canestraro, Capito, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2831) 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. 4006**, Revising the processes through which professional development is delivered for those who provide public education; 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. 33**), and there were, including pairs—yeas 60, nays 36, absent and not voting 3, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was announced by the Clerk:

Paired:

Yea: C. Miller      Nay: Caputo

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

Absent and Not Voting: Canestraro, Capito and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4006) passed.

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 34**), and there were, including pairs—yeas 61, nays 35, absent and not voting 3, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: C. Miller      Nay: Caputo

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

Absent and Not Voting: Canestraro, Capito and White.

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the Speaker declared the motion rejected.

*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. 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Shott, and by unanimous consent, the bill was recommitted to the Committee on the Judiciary.

**Com. Sub. for H. B. 4233**, Relating generally to fraudulent transfers; 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. 4242**, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hanshaw, the bill was amended on page one, section eight, lines five and six, by striking out the words “Any action for wrongful occupation of residential rental property or unlawful detainer may be removed to circuit court upon payment of the circuit court filing fee by any party” and the period, and

inserting in lieu thereof a colon and the following proviso: “*Provided*, That at any time before trial in any action for wrongful occupation or unlawful detainer involving \$2,500 or more any party may, upon payment of the circuit court filing fee, cause such action to be removed to circuit court.”

The bill was then 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:

**H. B. 2612**, Repealing section relating to unattended motor vehicles and penalties,

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

And,

**Com. Sub. for H. B. 4199**, Permitting a nursing home to use trained individuals to administer medication.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Canestraro, Capito, C. Miller and White.

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Hamrick during Remarks by Members
- Delegate Kessinger during Remarks by Members
- Delegate R. Miller during Remarks by Members

Delegate Fleischauer filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2534.

Delegate Nelson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2955.

At 1:14 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 1, 2018.

---

Thursday, February 1, 2018

**TWENTY-THIRD DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 31, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4200**, Relating generally to the state's spending units,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4200) was referred to the Committee on Finance.

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. 4156**, Establishing the qualifications of full and part time nursing school faculty members,

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

**Com. Sub. for H. B. 4156** – “A Bill to amend and reenact §30-7-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-7-5a, all relating to school of nursing faculty requirements; establishing the qualifications of full and part time nursing school faculty members; granting exceptions; and defining a term,”

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. 2693**, Relating to state ownership of wildlife,

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

**Com. Sub. for H. B. 2693** – “A Bill to amend and reenact §20-2-3 of the Code of West Virginia, 1931, as amended, relating to state ownership of wildlife,”

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. 4230**, Relating to credit for reinsurance,

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

**Com. Sub. for H. B. 4230** - “A Bill to amend and reenact §33-4-15a of the Code of West Virginia, 1931, as amended, relating to credit for reinsurance; purpose; establishing requirements for domestic insurers to be allowed a credit; requirements for reinsurers;

establishing where assets that provide security to fund United States obligations are to be maintained by a non-United States insurer or reinsurer; providing for the filing and valuation of claims, and the distribution of assets of an insolvent non-United States insurer or reinsurer; providing for an asset or reduction from liability for reinsurance ceded by a domestic insurer when certain requirements are not met; defining a qualified United States financial institution; providing authority to the Insurance Commissioner to promulgate legislative and emergency rules; effective date.”

And,

**H. B. 4329**, Requiring pawnbrokers to providing certain information to law-enforcement agencies,

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

**Com. Sub. for H. B. 4329** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating to requiring pawnbrokers to providing certain information to law-enforcement agencies; specifying pawnbrokers requirement to transmit pawn and purchase information electronically to a third-party database; defining terms; providing reportable data through third-party database; providing that pawnbrokers are responsible for establishing and maintaining the database; providing that law-enforcement agencies may be charged for access to the database; providing who may access reportable data through the database; and specifying pawnbroker requirements.”

With the recommendation that the committee substitutes each do pass.

### 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. 46** - “A Bill to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended, relating to permitting pharmacists to inform customers about lower cost alternatives to prescribed drugs”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 71** - “A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to defining the term ‘veteran’ as that term pertains to veteran-owned businesses”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 184** - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating generally to authorizing and directing the Division of Highways to promulgate certain legislative rules as filed, as modified, and as amended, and repealing a rule; authorizing the Division of Highways to promulgate a legislative rule relating to the disposal, lease, and management of real property and appurtenant structures, and relocation assistance; directing the Division of Highways to promulgate a legislative rule relating to employment procedures; and repealing the Division of Highways legislative rule relating to waste tire remediation/environmental clean-up”; 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. 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; 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”; 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. 242** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-38; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3zz; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring health insurance providers to provide coverage for long-term antibiotic therapy for a patient with Lyme disease”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 327** - “A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the crime of extortion; and providing that extorting anything of value, including sexual contact and sexual intercourse, or an image of an intimate body part qualifies as extortion and subjects a person to a criminal penalty”; 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

**S. B. 385** - “A Bill supplementing and amending by decreasing existing appropriations and adding new appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2018, organization 0608, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2018, organization 0621, by supplementing, amending, adding, and decreasing the appropriations for the fiscal year ending June 30, 2018”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 388** - “A Bill supplementing and amending by decreasing and increasing existing appropriations and adding a new appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2018, organization 0209, and to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2018, organization 0221, by

supplementing, amending, decreasing, and increasing existing appropriations and adding a new appropriation for the fiscal year ending June 30, 2018”; which was referred to the Committee on Finance.

### **Resolutions Introduced**

Delegate Bates offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 37** - “Amending Joint Rules of the Senate and House of Delegates.”

*Resolved by the Legislature of West Virginia:*

That the joint rules of the Senate and House of Delegates be amended by adding thereto a new rule 31, to read as follows:

#### **Failure to Enact the Budget by Fiftieth Day.**

31. Beginning on the fiftieth day of each regular session, no bill may be advanced on the floor of either house until a budget has been enacted by the Legislature and presented to the Governor.

Upon enactment of the Budget Bill, no bill may be considered that will cause fiscal impact to the fiscal year addressed by the Budget Bill without a companion supplemental bill being concurrently advanced. During consideration of any bill that does not have a companion supplemental bill, upon a point of order raised by any member, the Chair shall rule on whether the bill will have fiscal impact on the enacted Budget Bill. Upon a ruling of the Chair that a fiscal impact will occur, the bill shall by order of the Chair, be either tabled or referred to the Committee on Finance. Further consideration of the bill is precluded without a companion supplemental bill also being concurrently considered by the house to amend the enacted Budget Bill to reflect the fiscal impact of the bill. If, upon referral, the Finance Committee reports to its respective house that the legislation mitigates the effect attributable to an increase the costs of the legislation, or has no fiscal impact, then the bill may be returned to its previous place on the body’s active calendar. Alternatively, if there is a fiscal impact, then a

companion supplemental bill to address the fiscal impact must be concurrently advanced with the bill. The bill may only be further considered by either house if the companion supplemental bill has been concurrently advanced to accommodate the fiscal impact to the enacted Budget Bill.

At any time, if the Governor vetoes an enacted budget bill, the provisions of this rule shall not apply for the remainder of that regular session.

Unless reauthorized, the provisions of this rule expire on January 1, 2020.

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

**H. C. R. 38** - "Requesting the Division of Highways to name bridge number 30-3/5-16.65 (30A020), locally known as Lowney Singing Bridge, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the 'U. S. Army SGT Benny Fleming Memorial Bridge'."

Whereas, Sergeant Fleming was born on June 9, 1948, to Goodlow and Lora Evans Fleming of Wilsondale and passed away August 30, 2013; and

Whereas, Sergeant Fleming was a lifelong resident of Mingo County and it was there that he raised a family and made a living as a coal miner. Throughout his life, he overcame many obstacles, all while maintaining a great attitude. This made him the man he would eventually become; and

Whereas, As a young boy, Sergeant Fleming spent his days exploring the very countryside he would eventually call home. He attended Lowney Grade School near his family home, and graduated from Lenore High School in 1966. That same year, he enlisted in the U. S. Army. In the five years he served, he was promoted to the level of Army Sergeant E-5, served in Vietnam, and eventually received an honorable discharge. After returning

home, he worked for the West Virginia Department of Highways; and

Whereas, Sergeant Fleming began working underground in the coal mines in the early to mid-1970s, when the danger of working underground was at its highest. He worked for Dehue Mines in Logan until they closed, and then went to work at Rawl Sales Rocky Hollow for nearly 15 years until he suddenly became sick while on vacation with his family. He was diagnosed with transverse myelitis. After spending months in the hospital, and at a rehabilitation center, he was left paralyzed from the waist down, and confined to a wheelchair; and

Whereas, When faced with an obstacle such as this, most people would have given up, but not Sergeant Fleming. He had to learn how to use his hands again, and how to sit up again. He learned how to cook, clean, do laundry, and be self-sufficient. Eventually, he would mow his own grass, and the grass of his sister, just to keep busy. He also became active in helping facilities become handicapped accessible. It was very important to him to be able to get in and out of places without having to ask for assistance; and

Whereas, Sergeant Fleming had two daughters, Machelles and Teresa. He loved them dearly. They married and had children of their own. Machelles had his first grandchild, Jarrid, in 1991. This gave Benny something to get stronger for, and something to look forward to. Jarrid was his whole world. He would spend weekends with Benny, and he would feed him, bathe him, and change his diaper, all while being confined to a wheelchair; and

Whereas, Five years later, Machelles had Sergeant Fleming's second grandchild, Seann Cameron. He and Benny spent their time fishing, riding four wheelers, and Benny would point out deer and bear tracks to his grandson. Some weekends, Benny would keep both boys. That was when he was at his happiest; and

Whereas, In August of 1998, Teresa had Sergeant Fleming's third grandchild, a boy named Carson. Just as he did with the grandsons before him, Sergeant Fleming loved to spend time with

him, watching him play basketball and talk about trains. He too would spend the night with Benny, and he would see to it that he was well taken care of; and

Whereas, Because of his grandkids, the last years of Sergeant Fleming's life were his happiest. In 2002, he was the official scorekeeper for his grandson Jarrid's baseball team, and never missed a game. He traveled to the away games, as well as the home games, and treated Jarrid's teammates as if they were his own. He would buy the kids drinks, hotdogs, and candy at the games, and they loved him as if he were their own grandpa. He also spent time with his companion and life partner, Cathy Perry. They were at their happiest when spending time outdoors and sharing memories; and

Whereas, In his last few years, Sergeant Fleming began reflecting on his life. He began compiling notes and started the process of writing a short story about the life and times of growing up in the 1950s. He titled it "Growing Up Lowney". It tells the story of when he was young, and going to Lowney Grade School near his childhood home. He goes into great detail, and tells everything he can remember of growing up in that area of Mingo County. He typed the story himself, and surprised his children and grandchildren each with a copy. The seven-page story is Benny's legacy. It is a small glimpse into the type of man that he was. Although confined to a wheelchair for the last 25 years of his life, Benny overcame many obstacles with the love and support of his family. He overcame them to become a loving father, extraordinary grandfather, and outstanding member of the community, all with a smile on his face; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Sergeant Fleming. With his short story titled "Growing Up Lowney", and the bridge known as the Lowney Singing Bridge, the irony is clear. It would be a testament to the strong, loving family man that was taken from us way too soon; therefore, be it

*Resolved by the West Virginia Legislature:*

That the Division of Highways is hereby requested to name bridge number 30-3/5-16.65 (30A020), locally known as Lowney Singing Bridge, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the “U. S. Army SGT Benny Fleming Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “U. S. Army SGT Benny Fleming Memorial Bridge”; and, be it

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

Delegates Miley, Ambler, Anderson, Barrett, Bates, Brewer, Byrd, Campbell, Canestraro, Caputo, Cooper, Criss, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Ferro, Hornbuckle, Iaquina, Isner, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, R. Miller, Moye, Paynter, Pethtel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, R. Romine, Rowe, Sobonya, Sponaule, Statler, Storch, Summers, Thompson, Upson, Ward, Williams and Wilson offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 39** - “Requesting the Joint Committee on Government and Finance to study the sustainability of the state’s current system of higher education and how the state can better support the public institutions of higher education.”

Whereas, West Virginia is moving through a dramatic transformation during which fundamental regulatory and supply and demand changes have sufficiently altered the trajectory of the state’s coal and natural gas sectors. The state is facing significant budgetary challenges and a current path that is not sustainable; and

Whereas, The best way to further the state’s priorities is not to rely on decades-old models that seek to preserve the status quo, but

instead, lies in questioning whether our current way of doing business is sustainable and in identifying new solutions; and

Whereas, It is essential that the leaders of the state reinvent the manner in which the state conducts business in order to meet certain goals, including the goal of maintaining productive institutions of higher education that educate the workforce of tomorrow and continue to be economic engines that help to drive the state's economy; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is requested to study and review the sustainability of the state's current system of higher education and how the state can better support the public institutions of higher education; and, be it

*Further Resolved*, That in conducting the study, the Committee review the following issues related to success of the institutions. How to increase retention and graduation rates; how to maintain affordable tuition; how to increase access to institutions; how to promote economic achievement through education; and, be it

*Further Resolved*, That in conducting the study, the Committee review the following issues related to efficiency of institutional oversight: The amount of time institutions spend on multiple levels of approvals and reporting activities to the State; the amount of time institutions spend interacting with the State Treasurer's and Auditor's offices; and whether the Higher Education Policy Commission should be a coordinating or second-step governing body; and, be it

*Further Resolved*, That in conducting the study, the Committee review the following issues related to institutional funding: Whether all 18 of the state's four-year and two-year institutions are viable as currently constituted; how the institutions should be transformed if they are not currently viable; whether the institutions should share administrative expenses; and the effectiveness of the governing boards at each institution; and, be it



*Further Resolved*, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session 2019, on its findings, conclusions and recommendations together with drafts of any legislation to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

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

**H. C. R. 40** - "Requesting the Division of Highways to name bridge number 41-1-12.89 (41A006), locally known as 'Artie Bridge', carrying County Route 1 over Clear Fork in Raleigh County the 'U. S. Air Force SMSgt Billie E. "Bunky" Hodge Bridge'."

Whereas, Billie Hodge was born in the town of Artie in Raleigh County in 1939; and

Whereas, Billie Hodge attended Clear Fork High School where he graduated valedictorian of his class while serving as President of the National Honor Society at Clear Fork; and

Whereas, Upon graduation from high school, Billie Hodge enlisted in the United States Air Force where he served in various duty locations, including Korea, Guam and Taiwan. He also served in various locations in the United States, including Nevada in the 1980s where he participated in the implementation of the U.S. military's stealth aircraft technology; and

Whereas, Billie Hodge retired from the Air Force after serving therein for 26 years as a Senior Master Sergeant and moved his family back to his roots in Raleigh County where he demonstrated exceptional civic expression and community-based good works; and

Whereas, Billie Hodge took in scores of foster children over the years who needed a home and loving and tender care, which Billie and his wife were always willing to supply; and

Whereas, Billie Hodge passed away on September 23, 2015; and

Whereas, Billie Hodge left a legacy of good works and community leadership in multiple ways and it is only fitting that a lasting memorial be made to his exceptional life; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 41-1-12.89 (41A006), locally known as “Artie Bridge”, carrying County Route 1 over Clear Fork in Raleigh County the “U. S. Air Force SMSgt Billie E. ‘Bunky’ Hodge Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge proclaiming the name to be the “U. S. Air Force SMSgt Billie E. ‘Bunky’ Hodge Memorial Bridge”; and, be it

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

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

**By Delegate Bates:**

**H. J. R. 110** - “Proposing an amendment to the Constitution of the State of West Virginia, amending, article IV thereof by adding thereto a new section, designated section thirteen, relating to the arrangement of congressional, senatorial and delegate districts after census by creating a State Apportionment Commission; designating for appointment, terms of office, duties of and eligibility for commissioners; establishing process for commission to develop plans; providing that State Apportionment Commission must submit redistricting plans to each house; providing that each

house may reject its plan by a two-thirds vote of the members elected; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

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

**H. B. 4376** - “A Bill expiring funds to the balance of the Department of Health and Human Resources, Division of Health – Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, in the amount of \$2,953,990 from the Department of Health and Human Resource, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resource, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2018, organization 0506, to the Department of Health and Human Resource, Division of Health – Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, and to the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax, Medicaid State Share Fund, fund 5090, fiscal year 2018, organization 0511, by supplementing and amending chapter one, Acts of the Legislature, 1st extraordinary session, 2017, known as the budget bill”; to the Committee on Finance.

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

**H. B. 4377** - “A Bill making a supplementary appropriation from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, to

the Department of Health and Human Resources, Division of Human Services, fund 5365, fiscal year 2018, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4378** - "A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Bureau of Senior Services - Lottery Senior Citizens Fund, fund 5405, fiscal year 2018, organization 0508, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4379** - "A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2018, organization 0803, for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4380** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Agriculture, Fund 8736, fiscal year 2018, Organization 1400, and to the Department of Agriculture – State Conservation Committee, Fund 8783, fiscal year 2018, Organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018"; to the Committee on Finance.

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

**H. B. 4381** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June

30, 2018, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2018, organization 0402, and to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2018, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018”; to the Committee on Finance.

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

**H. B. 4382** - “A Bill supplementing and amending by decreasing and increasing existing appropriations and adding a new appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2018, organization 0209, and to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2018, organization 0221 by supplementing, amending, decreasing and increasing existing appropriations and adding a new appropriation for the fiscal year ending June 30, 2018”; to the Committee on Finance.

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

**H. B. 4383** - “A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2018, organization 0506, and to the Bureau of Senior Services, fund 0420, fiscal year 2018, organization 0508 by supplementing, amending, increasing and decreasing the appropriations for the fiscal year ending June 30, 2018”; to the Committee on Finance.

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

**H. B. 4384** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Transportation, Division of Public Transit, fund 8745, fiscal year 2018, organization 0805, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018”; to the Committee on Finance.

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

**H. B. 4385** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2018, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018”; to the Committee on Finance.

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

**H. B. 4386** - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2018, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018”; to the Committee on Finance.

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

**H. B. 4387** - “A Bill supplementing and amending by decreasing existing appropriations and adding new appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Military Affairs and

Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2018, organization 0608, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2018, organization 0621 by supplementing, amending, adding, and decreasing the appropriations for the fiscal year ending June 30, 2018”; to the Committee on Finance.

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

**H. B. 4388** - “A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2018, Organization 0471, and to the Higher Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2018, Organization 0471, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018”; to the Committee on Finance.

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

**H. B. 4389** - “A Bill expiring funds to the balance of the West Virginia Enterprise Resource Planning Board - Enterprise Resource Planning System Fund, fund 9080, fiscal year 2018, organization 0947, in the amount of \$1,133,000 from the Auditor’s Office – Securities Regulation Fund, fund 1225, fiscal year 2018, organization 1200, and in the amount of \$1,133,000 from the Treasurer’s Office, Banking Services Expense Fund, fund 1322, fiscal year 2018, organization 1300 for the fiscal year ending June 30, 2018”; to the Committee on Finance.

**By Delegates Ellington, Hamrick and Summers:**

**H. B. 4390** - “A Bill to amend and reenact §30-30-16 and §30-30-18 of the Code of West Virginia, 1931, as amended, all relating to provisionally licensed social workers with the Department of Health and Human Resources; eliminating special requirements for department provisionally licensed social workers; requiring amendment of a legislative rule of the Board of Social Work;

repealing a rule of the department; clarifying an individual's voluntary pursuit of provisional license; grandfathering those department employees with a provisional license; and exempting from licensure persons employed as children and adult services workers with the department except for certain senior and supervisory staff"; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Ellington, Foster, Householder, McGeehan, Rohrbach, Sobonya, Summers and Sypolt:**

**H. B. 4391** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, §9-3-7, relating to requiring the Department of Health and Human Resources to phase in a statewide program to implement work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP); to limit SNAP recipients to three months of benefits in any 36-month period unless the recipient is working or participating in a work, educational, or volunteer program for at least 20 hours a week; and requiring discontinuance of a federal waiver"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ellington, Hanshaw, Householder, Shott and Summers:**

**H. B. 4392** - "A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to Medicaid subrogation liens of the Department of Health and Human Resources; harmonizing subrogation law with recent changes to federal laws by removing restrictions on amounts subject to recovery by the department; adding certain insurance coverage as subject to subrogation; removing all provisions relating to allocation for medical expenses in a judgment or settlement; and setting effective date"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ward, Howell, Hollen, Paynter, Frich, Phillips, Martin, Kelly, Butler, Fast and Dean:**

**H. B. 4393** - "A Bill to amend and reenact §61-6-22 of the Code of West Virginia, 1931, as amended, relating to increasing penalty for wearing a mask while committing a crime; providing



for a minimum sentence of two years”; to the Committee on the Judiciary.

**By Delegates A. Evans, Hartman, Hamilton and R. Romine:**

**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; clarifying civil and criminal penalties for failure to remove flammable material, failure to create a safety strip, or permitting fire to escape; and creating a prescribed burn program”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Pushkin, Rowe, Dean, Fleischauer, Lane, Robinson, Byrd, Longstreth and Love:**

**H. B. 4395** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to permitting certain felons to work in licensed behavioral health facilities; setting conditions and limitations; and requiring rule-making”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Espinosa, Moore, McGeehan, Westfall, Householder, Storch and Ambler:**

**H. B. 4396** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22D-1, §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-5, §29-22D-6, §29-22D-7, §29-22D-8, §29-22D-9, §29-22D-10, §29-22D-11, §29-22D-12, §29-22D-13, §29-22D-14, §29-22D-15, §29-22D-16, §29-22D-17, §29-22D-18, §29-22D-19, §29-22D-20, §29-22D-21, §29-22D-22, §29-22D-23, §29-22D-24, and §29-22D-25 of said code, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery Sports Wagering activities; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule making authority; limiting sports wagering to existing racetrack casinos and the casino in a historic resort hotel; establishing license requirements and

prohibitions; adopting house rules and the posting of the same; defining duties of an operator conducting sports wagering; requiring the posting of betting limits; adopting sports wagering agreements with other governments; prohibiting unauthorized sports wagering in this state; creating the West Virginia Lottery Sports Wagering Fund; authorizing the collection of license fees; authorizing the West Virginia Lottery to collect an administrative allowance from gross sports wagering receipts; authorizing the West Virginia Lottery to levy and collect a tax in the amount of 10 percent of adjusted gross sports wagering receipts; defining how moneys deposited in the West Virginia Lottery Sports Wagering Fund shall be distributed; establishing the role of law enforcement; imposing civil and criminal penalties; establishing crimes; providing for the forfeiture of property for certain violations; preempting this article from state and local law; establishing exemption from federal law; and allowing for the shipment of gambling devices used for sports wagering”; to the Committee on the Judiciary then Finance.

**By Delegate Bates:**

**H. B. 4397** - “A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting pay of members of the Legislature when a budget bill has not been passed during a regular session”; to the Committee on the Judiciary then Finance.

**By Delegates Thompson, Marcum, Hicks, Rodighiero and Eldridge:**

**H. B. 4398** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-41, relating to specifying the grade point average required for student participation in interscholastic athletics at the high school level”; to the Committee on Education.

**By Delegates Lovejoy, Canestraro, R. Miller, Fluharty, Hornbuckle, Robinson, Sponaule, Barrett, Byrd, Williams and Isner:**

**H. B. 4399** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2 and §1-7-3, all relating to net neutrality for state government;

providing legislative findings; defining terms; requiring the state to utilize net neutral internet services and associated activities; and providing exceptions thereto”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Westfall:**

**H. B. 4400** - “A Bill to repeal §33-20F-6 of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-20F-3, §33-20F-5, and §33-20F-9 of said code, all relating to the West Virginia Physicians Mutual Insurance Company; removing language that is no longer relevant to the operation of the company as a private mutual insurance company; and adding language to accommodate policies written to physicians outside the State of West Virginia”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Ambler, Sobonya, Westfall, Frich, Cooper, Foster, Householder, Bates and Barrett:**

**H. B. 4401** - “A Bill to amend and reenact §47-1-21 of the Code of West Virginia, 1931, as amended, relating to the registration of business; removing a requirement that the Division of Labor charge an annual device registration fee; and removing a provision related to the fees that are collected pursuant to this section”; to the Committee on Industry and Labor then Finance.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 4233**, Relating generally to fraudulent transfers; 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. 35**), and there were—yeas 99, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4233) 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. 4242**, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court; 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. 36**), and there were—yeas 98, nays 1, absent and not voting none, with the nays being as follows:

Nays: Fast.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4242) 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

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

**H. B. 2612**, Repealing section relating to unattended motor vehicles and penalties,

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

And,

**Com. Sub. for H. B. 4199**, Permitting a nursing home to use trained individuals to administer medication.

### 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. 2655**, Defining and establishing the crime of cyberbullying,

**Com. Sub. for H. B. 2662**, Prohibiting the waste of game animals, game birds or game fish,

**Com. Sub. for H. B. 2696**, Relating to crossbow hunting,

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

And,

**Com. Sub. for H. B. 4251**, Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors.

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Caputo during Remarks by Members
- Delegate E. Evans during Remarks by Members
- Delegate Eldridge during Remarks by Members
- Delegate Marcum during Remarks by Members
- Delegate Fast during Remarks by Members

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

- Delegate Hamrick for H. B. 4313
- Delegate Phillips for H. B. 4401

At 12:13 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 2, 2018.



---

Friday, February 2, 2018

**TWENTY-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 Thursday, February 1, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Hill, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

**H. B. 2591**, Small Business Tax Credit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2591) was referred to the Committee on Finance.

Delegate Rowan, Chair of the Committee on Senior Citizen Issues, submitted the following report, which was received:

Your Committee on Senior Citizen Issues has had under consideration:

**H. B. 4279**, Relating to adult protective services system,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 4279) was referred to the Committee on Health and Human Resources.

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

Your Committee on Energy has had under consideration:

**H. B. 4085**, Department of Environmental Protection, rule relating to West Virginia surface mining reclamation,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4085) was referred to the Committee on the Judiciary.

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. 2654**, Expanding county commissions' ability to dispose of county or district property,

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

**Com. Sub. for H. B. 2654** - "A Bill to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding county commissions' ability to dispose of county or district property; adding the ability of county commissions to dispose of such property to an authority, commission, instrumentality, or agency established by act of the State of West Virginia or any of its political subdivisions; noting that such sales are not required to be made considering the property's present commercial or market value; setting a minimum value for such



sales; revising the requirement that property conveyed to volunteer fire department or volunteer ambulance service, or to an authority, commission, instrumentality, or agency, reverts back to county commission following termination of use; and, to provide that such reversionary right may be disclaimed in a deed by the county commission,”

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 further consideration:

**H. B. 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person,

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

**Com. Sub. for H. B. 3020** - “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, and §20-7-9 of the Code of West Virginia, 1931, as amended, relating to unlawful acts in natural resources law generally; unlawful methods of hunting and fishing and other unlawful acts; catching, taking, killing or attempting to catch, take or kill any fish by any means within two hundred feet of agency personnel stocking fish into public waters; creating a misdemeanor for violations thereof; and providing for criminal penalties for such violations; criminal penalties for the offense of hunting, trapping or fishing on the lands of another person; criminal penalties for the offense of entering on to posted lands; criminal penalties for the offense of destroying posted land signs; setting those criminal penalties for such offenses to be equivalent to those of the offense of criminal trespass, including for conviction of subsequent offenses of the same; and making technical changes,”

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. 4359**, Relating to the removal of animals left unattended in motor vehicles,

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

**Com. Sub. for H. B. 4359** - "A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to the removal of animals left unattended in motor vehicles; defining terms, setting forth conditions to rescue and retrieve an animal in danger in an unattended vehicle; providing for written notice to the owner of the motor vehicle; providing for payment of fees and costs associated with the maintenance, care and medical treatment of an animal; limiting search of a motor vehicle during rescue; providing for seizure of items found in certain circumstances; providing for civil and criminal immunity to persons, their employees or agents who retrieve an animal; and providing for criminal penalties,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

At the request of Delegate Cowles, and by unanimous consent, second reference of the bill (Com. Sub. for H. B. 4359) to the Committee on Finance was dispensed with.

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. 4275**, Relating to the law-enforcement authority of the director and officers of the division of protective services,

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

**Com. Sub. for H. B. 4275** – “A Bill to amend and reenact §15-2D-2 and §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to the law-enforcement authority of the director and officers of the division of protective services; exempting certain safety and security information from disclosure under the West Virginia Freedom of Information Act; and clarifying that agencies installing electronic security systems designed to connect with the division’s command center must be approved prior to installation,”

With the recommendation that the committee substitute do pass.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4186**, Relating generally to guaranteed asset protection waivers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4186) was referred to the Committee on the Judiciary.

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. 4178**, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies,

And reports the same back with the recommendation that it 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:

**H. B. 4175**, Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment,

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

**Com. Sub. for H. B. 4175** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to requiring payment for health care services,”

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:

**H. B. 4304**, Creating the Board of Nursing,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4304) was referred to the Committee on Government Organization.

Delegate Ellington, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

**H. B. 4336**, Updating the schedule of controlled substances,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4336) was referred to the Committee on the Judiciary.

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. 4027**, Creating an education permit for allopathic physician resident,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 4027) was referred to the Committee on Health and Human Resources.

### **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. 336** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-2-12a, relating generally to application forms

prescribed by the Commissioner of the West Virginia Division of Motor Vehicles; providing that the commissioner shall prescribe and provide suitable forms of application which provide certain applicants the ability to make a contribution to the West Virginia Department of Veterans Assistance; providing that the contributions be added, as appropriate, to the regular fee charged; providing that contributions be used exclusively for stated purposes; providing that the department shall determine the total amount collected and report the amount to the State Treasurer; providing that the State Treasurer shall transfer the amount collected to the West Virginia Department of Veterans Assistance; providing that the West Virginia Department of Veterans Assistance shall reimburse the division for the actual costs incurred by the division in administering the requirements of this section”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then Finance.

### **Motions**

Delegate Sponaule submitted a written motion, pursuant to House Rule 82, that **H. B. 2211**, Providing teacher pay raises, be discharged from the Committee on Education.

Delegate Cowles moved that the motion be tabled.

On this question, the yeas and nays were taken (**Roll No. 37**), and there were—yeas 58, nays 38, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson and Williams.

Absent and Not Voting: Capito, Ellington and Isner.

So, a majority of the members present and voting having voted in the affirmative, the motion to discharge was laid on the table.

### **Bills Introduced**

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

**By Delegates Espinosa, Statler, Moye, Hornbuckle, Kelly, Rodighiero, Blair, Householder, Higginbotham, Dean and Campbell:**

**H. B. 4402** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §18-2-41, relating to the education and prevention of sexual abuse of children; mandating that children in grades K-12 receive sexual abuse education at least once during the academic year beginning July 1, 2019; requiring the State Board of Education to promulgate legislative rules to facilitate this process and develop resources by December 31, 2018; providing a list of minimum content for said legislative rules; requiring that the state board promulgate legislative rules for sexual abuse education and prevention training of public school employees by December 31, 2018; providing for an emergency rule, if necessary; providing a list of minimum content for said legislative rules; providing that said training be administered every two years; and providing additional requirements of said training”; to the Committee on Education then the Judiciary.

**By Delegates Marcum, Eldridge, Dean, Folk, McGeehan, Westfall, Hicks, Phillips, Kelly, E. Evans and Lynch:**

**H. B. 4403** - “A Bill to amend and reenact §29-5A-1, §29-5A-1a, §29-5A-2, §29-5A-3, §29-5A-3a, §29-5A-3b, §29-5A-6, §29-5A-7, §29-5A-8, §29-5A-13, §29-5A-14, §29-5A-15, §29-5A-16, §29-5A-17, §29-5A-20, §29-5A-23 and §29-5A-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-5A-25b, all relating generally to the State Athletic Commission; increasing the number of commission members; requiring that one member be a licensed promoter; setting forth additional duties and responsibilities of the commission; eliminating certain responsibilities of promoters; providing that surplus funds of the commission may be appropriated elsewhere by the Legislature; limiting certain pay rates; eliminating certain sparring matches; providing that

promoters may appeal decisions by the commission to a circuit court; extending the time period certain organizations have to file reports; permitting semiprofessionals to pay a yearly license fee instead of on an event-by-event basis; subjecting certain individuals to the state's ethics act; and requiring rulemaking"; to the Committee on Government Organization then Finance.

**By Delegates Eldridge, Love, Lynch, Maynard, Paynter, Phillips, Lane, White, Marcum, R. Miller and Rodighiero:**

**H. B. 4404** - "A Bill to amend and reenact §20-2-5h of the Code of West Virginia, 1931, as amended, relating to requiring that five percent of the permits to hunt elk be issued to West Virginia residents who are honorably discharged veterans of the armed forces of the United States of America"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Cooper, Ambler, Iaquina, Hollen, Pack, Rowan, Wagner, Lynch and Butler:**

**H. B. 4405** - "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to permitting vehicles displaying disabled veterans special registration plates to park in places where persons with mobility impairments may park"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

**By Delegates Espinosa, Barrett, Upson, Moore and Folk:**

**H. B. 4406** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; providing for source market fees; providing for the distribution of those fees from wagers made by West Virginia account holders, for distribution of those fees from wagers made by account holders located within and outside 50 miles of a licensed horse racing association and for distribution of those fees from wagers made by account holders located within 50 miles of two or more licensed horse racing associations; providing for regulatory authority in the Racing Commission over advance deposit wagering; providing for the assessment and imposition of regulatory fees and taxes on advance deposit wagering licensees' wagering in West Virginia and for the distribution of the fees and taxes; prohibiting advance



deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee or as otherwise provided by law; providing for criminal penalties for accepting or attempting to accept advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; authorizing rulemaking; and defining terms”; to the Committee on the Judiciary then Finance.

**By Delegates Espinosa, Statler, Kelly, Blair, Higginbotham, Atkinson, Walters and Mr. Speaker (Mr. Armstead):**

**H. B. 4407** - “A Bill to amend and reenact §18A-3-1f of the Code of West Virginia, 1931, as amended, relating to eligibility for alternative program teacher certificate; and removing eligibility requirement to have academic major or occupational area the same as or similar to subject matter being hired to teach”; to the Committee on Education.

**By Delegates Westfall, Householder, Espinosa, Barrett, Moore, Lane and Byrd:**

**H. B. 4408** - “A Bill to amend and reenact §29-22B-503, §29-22B-504, §29-22B-903, and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating generally to limited video lottery; allowing operators to be retailers at up to 10 licensed locations with certain exceptions; increasing the maximum wager permitted per limited video lottery game; removing restrictions on bill denominations accepted by limited video lottery terminals; and fixing the state’s share of gross terminal income at 50 percent on July 1, 2018”; to the Committee on the Judiciary then Finance.

**By Delegates Westfall, Householder, Barrett, Moore, Lane and Byrd:**

**H. B. 4409** - “A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to removing restrictions on where certain traditional lottery games may be played”; to the Committee on the Judiciary then Finance.

**By Delegates Moore, Westfall, Lane and White:**

**H. B. 4410** - “A Bill to amend and reenact §29-22B-1107 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids”; to the Committee on the Judiciary.

**By Delegates Moore, Westfall and Lane:**

**H. B. 4411** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-10-1a, relating to the requirements of the Real Estate Division for members of the Board of Public Works; exempting certain members of the Board of Public Works from the requirements of the Real Estate Division; requiring maintenance of records relating to real property owned or leased; requiring annual disclosure of certain records to the Real Estate Division; and clarifying information to be kept and disclosed”; to the Committee on Government Organization then Finance.

**By Delegates Fluharty, Sponaugle, Pushkin, Caputo and Barrett:**

**H. B. 4412** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22D-1, §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-5, §29-22D-6, §29-22D-7, §29-22D-8, §29-22D-9, §29-22D-10, §29-22D-11, §29-22D-12, §29-22D-13, §29-22D-14, §29-22D-15, §29-22D-16, §29-22D-17, §29-22D-18, §29-22D-19, §29-22D-20, §29-22D-21, §29-22D-22, §29-22D-23, §29-22D-24, and §29-22D-25, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery Sports Wagering activities; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; limiting sports wagering to existing racetrack casinos and the casino in a historic resort hotel; establishing license requirements and prohibitions; adopting house rules and the posting of the same; defining duties of an operator conducting sports wagering; requiring the posting of betting limits; adopting sports wagering agreements with other governments; prohibiting unauthorized

sports wagering in this state; creating the West Virginia Lottery Sports Wagering Fund; authorizing the collection of license fees; authorizing the West Virginia Lottery to collect an administrative allowance from gross sports wagering receipts; authorizing the West Virginia Lottery to levy and collect a tax in the amount of 10 percent of adjusted gross sports wagering receipts; defining how moneys deposited in the West Virginia Lottery Sports Wagering Fund shall be distributed; establishing the role of law enforcement; imposing civil and criminal penalties; establishing crimes; providing for the forfeiture of property for certain violations; preempting this article from state and local law; establishing exemption from federal law; and allowing for the shipment of gambling devices used for sports wagering”; to the Committee on the Judiciary then Finance.

**By Delegates Rodighiero, Ellington, Summers, Westfall, Fleischauer, Frich, Marcum, Rohrbach, Sobonya, Hicks and Thompson:**

**H. B. 4413** - “A Bill to amend and reenact §30-3E-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3E-9a, all relating to physician assistants; and permitting a physician assistant to practice independent of a collaborating physician if certain conditions are met”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Foster, Hanshaw, Harshbarger and Zatezalo:**

**H. B. 4414** - “A Bill to amend and reenact §22-5-12 of the Code of West Virginia, 1931, as amended; relating to requiring the Director of Environmental Resources to bill the holder of a permit to operate a source of air pollutants for the renewal of that permit 30 days before the permit is set to expire”; to the Committee on the Judiciary.

**By Delegates Kessinger, Phillips, Lane, Hill, Overington, Blair, Howell, Sobonya and Espinosa:**

**H. B. 4415** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, all relating to creating The Protect Our Right to Unite Act; providing its purpose and intent; providing for

the protection of privacy of association; authorizing enforcement by state or citizen action; providing for damages and attorneys fees; and defining terms”; to the Committee on the Judiciary.

**By Delegates Hamrick and Howell:**

**H. B. 4416** - “A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of annual and incremental salary increases for eligible employees from \$60 to \$100”; to the Committee on Finance.

**By Delegates Ellington, Foster, Householder, Rohrbach and Sypolt:**

**H. B. 4417** - “A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-7-2, §9-7-5, and §9-7-6 of said code; to amend said code by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, §9-8-12, and §9-8-13; and to amend and reenact §61-3-54 of said code, all relating to investigations, inspections, evaluations, and review conducted by the Department of Health and Human Resources to prevent fraud and abuse; dis-enrolling providers who commit fraud and requiring repayment; defining fraud as it relates to Medicaid; authorizing penalties against providers for failure to keep medical records for a specific time period; authorizing a civil cause of action for fraud when a person or entity knew or should have known a claim to be false; enlarging the statute of limitations to file health care fraud civil actions; defining terms relating to public assistance fraud; providing for an asset test for SNAP benefits which authorizes the access of information of various federal, state, and miscellaneous sources; requiring cooperation with the Bureau for Child Support Enforcement; requiring a design or establishment of a computerized income, asset, and identity verification system for each public assistance program administered by the Department of Health and Human Resources; allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state, and miscellaneous sources for eligibility verification; requiring identity authentication as a condition to receive public assistance; authorizing the department to study the feasibility of

requiring photos on EBT cards; prohibiting payment of public assistance benefits in specified instances; setting forth notice requirements and right to a hearing; requiring referrals for fraud, misrepresentation, and inadequate documentation; authorizing referrals of suspected cases of fraud for criminal prosecution; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; providing for rulemaking; and providing a penalty for taking the identity of another person for the purpose of gaining employment”; to the Committee on Health and Human Resources then the Judiciary.

## House Calendar

### Third Reading

**H. B. 2612**, Repealing section relating to unattended motor vehicles and penalties; 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. 38**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Ellington and Isner.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2612) 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. 4138**, Requiring certain public or private schools and daycare centers to install carbon monoxide detectors; 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. 39**), and there were—yeas 95, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Capito, Ellington and Isner.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4138) 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. 4199**, Permitting a nursing home to use trained individuals to administer medication; on third reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

### Second Reading

**Com. Sub. for H. B. 2655**, Defining and establishing the crime of cyberbullying; 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. 2662**, Prohibiting the waste of game animals, game birds or game fish; on second reading, coming up in regular order, was read a second time.

Delegate Fast moved to amend the bill on page one, section five-i, lines one and two, by striking out the words "A person may not waste a game animal, game bird or game fish (hereinafter referred to as 'game') that has been wounded, killed or taken while hunting or fishing and the period," and inserting in lieu thereof the words "A person shall be assessed the amounts set forth in W.Va. §20-2-5a(a) 1-12 for the waste of game animals, game birds, or

game fishes (hereinafter referred to as ‘game’) that have been unlawfully wounded, killed or taken while hunting or fishing.”

And,

On page one, section five-i, line seventeen, by striking out the words “Any person violating the provisions” and inserting in lieu thereof the words “In addition to the monetary penalties set forth in subsection (a), a person convicted of violating said provisions”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 40**), and there were—yeas 19, nays 78, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Butler, Cowles, Deem, Fast, Frich, Graves, Hanshaw, Hollen, Jennings, Kessinger, Martin, Moye, Overington, Pack, C. Romine, Sobonya, Summers, Upson and Ward.

Absent and Not Voting: Ellington and Isner.

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

The bill was ordered to engrossment and third reading.

**Com. Sub. for H. B. 2696**, Relating to crossbow hunting; 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. 4162**, Granting authority to the State Conservation Committee to contract for flood response; 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. 4251**, Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hanshaw, the bill was amended on page four, section one, line ninety-two, after the word “governors”, by inserting the words “within this state”.

On page five, section one, line ninety-eight, after the word “commission”, by inserting a colon and the words “*Provided, That* if an appointee is an employee or board member of an out-of-state higher education institution, there is no apparent conflict of interest caused by the individual serving in both capacities”.

On page five, section one, line one hundred two, after the word “governors”, by inserting the words “within this state”.

And,

On page five, section one, line one hundred ten, after the word “commission”, by inserting a colon and the words “*Provided, That* if an appointee is an employee or board member of an out-of-state higher education institution, there is no apparent conflict of interest caused by the individual serving in both capacities.”

The bill was then 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. 2693**, Relating to state ownership of wildlife,

**Com. Sub. for H. B. 4156**, Establishing the qualifications of full and part time nursing school faculty members,

**Com. Sub. for H. B. 4230**, Relating to credit for reinsurance,

And,

**Com. Sub. for H. B. 4329**, Requiring pawnbrokers to providing certain information to law-enforcement agencies.



### **Leaves of Absence**

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

### **Remarks by Members**

#### **Speaker Pro Tempore Overington in the Chair**

Mr. Speaker, Mr. Armstead, arose from his seat and addressed the House regarding the issue of pay raises for teachers.

#### **Mr. Speaker, Mr. Armstead, in the Chair**

Pursuant to House Rule 61, Delegate Sponaugle moved to take from the table the motion to discharge H. B. 2211.

On this question, the yeas and nays were taken (**Roll No. 41**), and there were—yeas 37, nays 51, absent and not voting 11, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Capito, Ellington, A. Evans, Householder, Howell, Isner, Longstreth, Rohrbach, R. Romine, Walters and Westfall.

So, a majority of the members present and voting not having voted in the affirmative, the motion to take from the table the motion to discharge H. B. 2211 was rejected.

### **Miscellaneous Business**

Delegate Capito noted to the Clerk that he was absent today when the votes were taken on Roll Nos. 38 and 39, and that had he been present, he would have voted “Yea” thereon.

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

- Delegates Eldridge, Fleischauer, Lovejoy, Lynch, Maynard, Pethtel and Rohrbach for H. B. 4279
- Delegate Frich for H. B. 4332
- Delegate Fleischauer for H. B. 4359
- Delegates Capito, Criss, Frich, Hardman, Lane, Upson, Walters and White for H. B. 4400

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 Love regarding the amendment offered to Com. Sub. for H. B. 2662
- Delegate Miley during Remarks by Members
- Delegate Caputo during Remarks by Members
- Delegate Brewer during Remarks by Members
- Delegate Pethtel during Remarks by Members
- Delegate Diserio during Remarks by Members
- Mr. Speaker, Mr. Armstead during Remarks by Members
- Delegate Folk during Remarks by Members
- Delegate Pushkin during Remarks by Members
- Delegate Eldridge during Remarks by Members
- Delegate Ferro during Remarks by Members
- Delegate Sponaugle during Remarks by Members
- Delegate C. Miller during Remarks by Members

- Delegate E. Evans during Remarks by Members
- Delegate Campbell during Remarks by Members

At 1:15 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 5, 2018.



---

Monday, February 5, 2018

**TWENTY-SEVENTH 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 2, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4350**, Eliminating the regulation of upholstery,

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

**Com. Sub. for H. B. 4350** – “A Bill to repeal §47-1A-1, §47-1A-2, §47-1A-3, §47-1A-4, §47-1A-5, §47-1A-6, §47-1A-7, §47-1A-8, §47-1A-9, §47-1A-10, §47-1A-11, §47-1A-12, §47-1A-13, §47-1A-14, §47-1A-15, §47-1A-17 and §47-1A-18 of the Code of West Virginia, 1931, as amended, all relating to repealing the regulation and control of bedding and upholstery businesses,”

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4154**, Establishing the 2018 Regulatory Reform Act,

And,

**H. B. 4317**, West Virginia Contractor Licensing Act,

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 the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4154 and H. B. 4317) were each referred to the Committee on the Judiciary.

Delegate Frich, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4285**, Relating to the West Virginia Safe Mortgage Licensing Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4285) was referred to the Committee on Finance.

Delegate Frich, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4343**, Relating to the delivery of financial statements to bank shareholders,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4343) was referred to the Committee on the Judiciary.

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. 4332**, Relating to home peritoneal renal dialysis,

And reports the same back with the recommendation that they each do pass, and with the recommendation that second reference of the bill to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (H. B. 4332) to the Committee on the Judiciary was abrogated.

### **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. 10** - "A Bill to amend and reenact §8-19-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §8-19-2a and §8-19-2b; and to amend and reenact §24-2-1, §24-2-2, §24-2-3, and §24-2-4b of said code, all relating generally to the jurisdiction of the Public Service Commission; excluding the setting and adjustment of rates, fees, and charges of municipal power systems from the jurisdiction of the Public Service Commission; providing

for a right of appeal by customers; and clarifying the commission's jurisdiction as modified by chapters 161 and 209, Acts of the Legislature, regular session, 2017, over Internet protocol-enabled service, voice-over Internet protocol-enabled service, storm water services by a public service district, political subdivisions providing separate or combined water and/or sewer services, and certain telephone company transactions"; 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. 258** - "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; license to carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs required to get a license to carry deadly weapons"; which was referred to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 267** - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing certain state employees' salaries; increasing the annual salaries of members of the West Virginia State Police; increasing the annual salaries of public school teachers; and increasing the annual salaries of school service personnel"; which was referred to the Committee on Finance.

A message from the Senate, by

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



**Com. Sub. for S. B. 268** - “A Bill to amend and reenact §19-12A-1a, §19-12A-5, and §19-12A-6 of the Code of West Virginia, 1931, as amended, all relating to eliminating the requirement that the Division of Corrections and the Bureau for Public Health purchase commodities produced on institutional farms from the Department of Agriculture”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

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. 324** - “A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to removing restrictions on where certain traditional lottery games may be played”; 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

**S. B. 345** - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and authorizing the Director of the Division of Natural Resources to establish procedures and a fee schedule for individuals applying for limited permit hunts”; 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. 350** - “A Bill to amend and reenact §29-22A-5 of the Code of West Virginia, 1931, as amended, relating to eliminating the obsolete requirement that the Lottery Commission file all racetrack video lottery game rules with the Secretary of State”;

which was referred to the Committee on Government Organization 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. 357** - “A Bill to amend and reenact §29-22B-503, §29-22B-504, §29-22B-903, and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating generally to limited video lottery; allowing operators to be retailers at up to 10 licensed locations with certain exceptions; increasing the maximum wager permitted per limited video lottery game; removing restrictions on bill denominations accepted by limited video lottery terminals; and fixing the state’s share of gross terminal income at 50 percent on July 1, 2018”; 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

**S. B. 384** - “A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2018, organization 0506, and to the Bureau of Senior Services, fund 0420, fiscal year 2018, organization 0508, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 386** - “A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2018, organization 0471, and to the Higher Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2018, organization 0471, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. C. R. 3** - “Requesting Division of Highways to name bridge number 17-50/59-0.01 (17A227), locally known as Northview Overpass, carrying County Route 50/59 over U. S. Route 50 in Harrison County, West Virginia, the ‘USMC PFC Michael Angiulli Memorial Bridge’.”

Whereas, Michael “Mike” Angiulli was born in North View in Harrison County, West Virginia, on September 1, 1924. He was the son of the late John and Mary Agnes Checchia Angiulli; and

Whereas, In 1942, he received his high school diploma from Victory High School; and

Whereas, Mike was married to Roanna Gay Snyder and had five children: John Michael Angiulli, Michael “Mike” Angiulli, Mary Ann Preston, Cheryl Angiulli, and Kenneth Snyder; and

Whereas, In 1943, Mike joined the United States Marine Corps and began serving in E Company, 9<sup>th</sup> Marine Regiment, 3<sup>rd</sup> Marine Division. During his time with the Marine Corps, he attained the rank of Private First Class. Throughout his time serving in World

War II, he took part in three beach landings - Guam, Bougainville, and Iwo Jima in the Pacific; and

Whereas, In 1945, upon returning from World War II, Mike became a Clarksburg firefighter and later retired due to an injury; and

Whereas, In 1957, he and a small group formed the North View Athletic Club (NVAC) and at one time had three playgrounds in North View. Mike was awarded the Clarksburg Man of the Year Award in 1958 and remained active in the NVAC his entire life; and

Whereas, In the early 1980's, Mike built one of the first signs entering the North View community with the help of Roger Diaz; and

Whereas, In the 1990's, Mike worked with Pete Iquinto and Liberty Baseball. Mike was given the name the Grass Doctor by Pete; and

Whereas, During the 1990's and early 2000's, Mike made notebooks of World War II which he gave to area high schools and colleges, and he also gave talks about World War II; and

Whereas, Mike became ill in 2006 and was cared for by his family until he entered the West Virginia Veterans Nursing Facility in 2012; and

Whereas, Mike passed away on Thursday, July 23, 2015, at the Louis A. Johnson Veterans Administration Hospital in Clarksburg; and

Whereas, Mr. Angiulli was preceded in death by his wife, Roanna Gay Snyder Angiulli, on February 14, 2004, and son, Kenneth Snyder; and

Whereas, It is fitting that an enduring memorial be established to commemorate his service to his community and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-50/59-0.01 (17A227), locally known as Northview Overpass, carrying County Route 50/59 over U. S. Route 50 in Harrison County, West Virginia, the “USMC PFC Michael Angiulli Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “USMC PFC Michael Angiulli Memorial Bridge”; and, be it

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

### **Resolutions Introduced**

Delegates Pushkin, Barrett, Diserio, E. Evans, Hornbuckle, McGeehan, Paynter, Pyles and Robinson offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

**H. R. 4** - “Relating to empowering the House Committee on the Judiciary to investigate allegations of impeachable offenses against West Virginia Supreme Court Justice Allen H. Loughry II.”

Whereas, By his own admission, Justice Loughry has utilized state property at his private residence, including property donated to the state and property purchased and owned by the state; and

Whereas, A desk which was part of the original furnishings of the State Capitol, which was selected by the architect for use by state officials in the State Capitol was at his private residence until removed based on public awareness of the desk’s location; and

Whereas, Another such item, a leather couch, delivered and removed from his residence utilizing state employees and a state vehicle was for his personal use, as no subsequent assertion has been made of what public use the couch was being utilized for; and

Whereas, Although originally asserted by Justice Loughry that the couch was a gift from a prior Supreme Court justice, subsequently Justice Loughry revised his assertion and then stated that the couch was “abandoned property” although it had been in the possession of the Supreme Court for eight years, and was not abandoned and was in fact donated for use by the Court, and was state property; and

Whereas, Justice Loughry initially alleged the use of this property was pursuant to “Court Policy” although court personnel subsequently stated no such policy exists; and

Whereas, The attempts by Justice Loughry to explain his actions were admissions of wrongdoing and his subsequent recharacterization of his actions brings into question his motives and the veracity of his comments; and

Whereas, Justice Loughry’s actions may be in violation of several state laws, specifically the West Virginia Governmental Ethics Act, which prohibits the use of public office for private gain and utilizing state employees, state vehicles and state furniture for private use; West Virginia state law relating to the disposition of surplus state property by improper possession of state-owned furniture; and possession of state property at a personal residence being grand larceny pursuant to West Virginia law; and

Whereas, Although Justice Loughry asserts that he was conducting public activities at his home, sufficient evidence exists that the use of this state property was of a personal nature and his intentional and fraudulent acts to cover up his actions reflect that he had knowledge that his actions were improper; and

Whereas, Justice Loughry’s actions are in conflict with the Code of Judicial Conduct for West Virginia that subverted the judicial system as his actions undermine the integrity of the judiciary, failed to avoid the appearance of impropriety, the improper supervision of judicial employees by directing their participating in this nonemployment-related scheme, all constitute violations of the Code of Judicial Conduct; and

Whereas, Justice Loughry's actions have caused an erosion of public trust in the judiciary; his intentional utilization of falsehoods to misrepresent his actions subverts the very essence of the integrity of the judicial system, and cast doubts upon his fitness for a judicial position established upon unbiased veracity and incorruptibility; and

Whereas, An investigation is in order by the West Virginia Legislature to determine whether sufficient evidence exists that Justice Loughery is guilty of maladministration, corruption, incompetency, gross immorality, a high crime or misdemeanor, and an inquiry is proper as to whether these actions are sufficient to require the Legislature to take impeachment actions to cause his removal; therefore, be it

*Resolved by the House of Delegates:*

That the House Committee on the Judiciary be, and is by this resolution, empowered to investigate or cause to be investigated, any allegations or charges raised herein or identified by its investigation, and make findings of fact based upon such investigations and hearings; and to report to the House of Delegates its findings of facts and any recommendations which the Committee on the Judiciary may deem proper; and if the recommendation of the committee be to impeach Justice Allen H. Loughery II, to present to the House of Delegates a resolution of impeachment and articles of impeachment; and, be it

*Further Resolved*, That in carrying out its duties pursuant to this resolution, the House Committee on the Judiciary is authorized:

(1) To examine witnesses, to send for persons and papers, documents and other physical evidence, to order the attendance of any witness, or the production of any paper, document and other physical evidence, and to exercise all other powers described under the provisions of §4-1-5 of the Code of West Virginia; and

(2) To issue summonses, subpoenas and subpoenas duces tecum and to enforce obedience to its summonses and subpoenas

in accordance with the provisions of §4-1-5 of the Code of West Virginia or by invoking the aid of the courts of this state; and

(3) To determine whether all or any portion of a meeting or hearing should be held in an executive session, pursuant to the provisions of House Rule eighty-three; and, be it

*Further Resolved*, That in carrying out his duties pursuant to this resolution, the Chairman of the Committee on the Judiciary is authorized:

(1) To establish or define rules of procedure for the conduct of meetings or hearings held pursuant to this resolution; and

(2) To employ, with the prior approval of the Speaker of the House, a court reporter or stenographer and such other professional or clerical employees as may be reasonably required; and

(3) To designate a subcommittee or subcommittees of the Committee on the Judiciary to assist the Chairman or the Committee in performing his or her its duties pursuant to this resolution; and

(4) To determine the time and place of all meetings or hearings of the Committee and its designated subcommittees; and, be it

*Further Resolved*, That the Committee on the Judiciary, during its inquiry, may entertain such procedural and dispositive motions as may be made in the case of any other bill or resolution referred to that committee, or, in making its recommendations, if any, pursuant to this resolution, may include:

(1) A recommendation that the Honorable Allen H. Loughry II, Justice of the West Virginia Supreme Court, not be impeached; or

(2) A recommendation that the Honorable Allen H. Loughry II be impeached for maladministration, corruption, incompetence, gross immorality, neglect of duty, or any high crime or misdemeanor, as provided for in Section 9, Article IV of the West Virginia Constitution, and that the Honorable Allen Loughery be



removed and disqualified from office, and that the House of Delegates adopt a resolution of impeachment and formal articles of impeachment as prepared by the Committee on the Judiciary, and deliver the same to the Senate in accordance with the procedures of the House of Delegates, for consideration by the Senate according to rules of procedure and state law.

Delegates Higginbotham, Espinosa, Kelly, Atkinson, Wilson, Statler, Rohrbach, Cooper, Westfall, Hamrick and Kessinger offered the following resolution, which was read by its title and referred to the Committee on Education:

**H. C. R. 41** - “Establishing the Virtual Library Study Commission to conduct a study regarding development of a statewide virtual library and to submit a written report of findings and recommendations to the House Education Committee and the Senate Education Committee not later than March 1, 2019.”

Whereas, A number of states in the United States have established statewide virtual libraries composed of high-quality electronic resources and online services; and

Whereas, Public libraries, elementary and secondary school libraries, and the academic libraries of postsecondary education institutions have some resources available online, but not all resources are available to all groups nor to all counties in the state, thus creating an inequality of opportunity; and

Whereas, The availability of greater educational resources online provides the opportunity to lower costs for students and the public in purchasing educational materials; and

Whereas, Many college students face textbook costs of more than \$1,000 per year, making education less affordable; open educational resources, representing the development of shared online accessible textbook collections, can bring educational costs down considerably while making efficient use of tax dollars; and

Whereas, A robust statewide virtual library would provide the opportunity for all West Virginia residents to access reliable online

resources and allow research to be more than simply a web search of sources with unknown reliability; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature of West Virginia does hereby establish the Virtual Library Study Commission to conduct a study and make recommendations regarding the establishment of a statewide virtual library in West Virginia; and, be it

*Further Resolved,* That the commission shall have the following members:

- (1) The chair of the House Education Committee, or designee;
- (2) The chair of the Senate Education Committee, or designee;
- (3) The State Superintendent of Schools, or designee;
- (4) The Chancellor for Higher Education, or designee;
- (5) The Governor, or designee;

(6) One member of the West Virginia Library Association selected by the president of the association; and

(7) The chair of the West Virginia Library Commission, or designee; and, be it

*Further Resolved,* That the commission shall meet as necessary and submit a written report of findings and conclusions, including any recommendations for legislation relative to establishing a statewide virtual library, to the House Education Committee and the Senate Education Committee not later than March 1, 2019; and, be it

*Further Resolved,* That members of the commission shall serve without compensation; and, be it

*Further Resolved,* That the Governor or his designee shall be responsible for designating staff to assist the commission in performing its duties and, by August 1, 2018, convening the

commission for its first meeting, at which the commission shall adopt rules of procedure, a work schedule, and any additional measures that it deems necessary for the timely performance of its duties; and, be it

*Further Resolved*, That the commission shall terminate on June 30, 2019; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Governor, who shall be responsible for transmitting a copy to each person who is to serve on the commission or designate someone to serve in his or her place and to the president of each association from which commission members are being selected.

Delegates Robinson, Ambler, Anderson, Atkinson, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Dean, Deem, Diserio, Eldridge, Ellington, Hamrick, Hanshaw, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Howell, Iaquinta, Isner, Jennings, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, McGeehan, Miley, R. Miller, Moore, Moye, Nelson, Overington, Pack, Paynter, Pethtel, Phillips, Pushkin, Pyles, Queen, Rodighiero, Rohrbach, R. Romine, Rowan, Rowe, Shott, Sobonya, Sponaugle, Statler, Storch, Sypolt, Thompson, Wagner, Walters, Ward, Westfall, Williams, Wilson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

**H. C. R. 42** - “Requesting the Joint Committee on Government and Finance study methods to incentivize and advise middle and high school students to participate in career and technical education programs.”

Whereas, Eighty-one percent of high school dropouts report that real-world learning opportunities would have kept them in high school; and

Whereas, Career and technical education programs prepare students to be college and career ready by providing core academic, technical, and employability skills; and

Whereas, High-quality career and technical education programs ensure that coursework is aligned with rigorous academic standards and specific skills needed in specialized career pathways are addressed; and

Whereas, Eighty-one percent of students taking a college preparatory academic curriculum with rigorous career and technical education courses met college and career readiness goals; and

Whereas, The level of academic achievement students attain by eighth grade has a more significant impact on their college and career readiness than any other academic factor; and

Whereas, Neighboring states Ohio and Virginia have middle school level career and technical training programs and Pennsylvania, Maryland, and Kentucky have high school level career and technical training programs; and

Whereas, According to the West Virginia Higher Education Policy Commission, in 2012, only 56.4 percent of high school students pursued higher education pathways; and

Whereas, According to the Association for Career and Technical Education, the graduation rate for CTE students is a staggering ninety-three percent; and

Whereas, Eighty percent of secondary CTE graduates who pursued post-secondary education had earned a credential or were still enrolled after two years; and

Whereas, According to the National Center for Education Statistics, in 2009, CTE post-secondary graduates had an employment rate in their field of study of 79.7 percent; and

Whereas, Given the importance of career and technical education programs in fostering college and career readiness, it is

essential that middle and high school students are informed and prepared to take advantage of career and technical education programs in their schools and communities; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study methods to incentivize and advise middle and high school students to participate in career and technical education programs; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct a study, prepare reports and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Martin, Butler, Dean, A. Evans, Folk, Hamilton, Higginbotham, Hill, Jennings, Kessinger, Pack, C. Romine, R. Romine, Rowan, Storch and Sypolt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 43** - "Requesting the Division of Highways to name bridge number 21-1-4.66 (21A003), locally known as Horse Run Rib Arch Bridge, carrying County Route 1 over Freeman's Creek in Lewis County Freeman's Creek in Weston, Lewis County, the 'U. S. Navy BT 2 Wade Eugene Lee Burnside Memorial Bridge'."

Whereas, Wade Eugene Lee Burnside born on August 15, 1929, and passed on April 18, 2012. He lived his entire life in Lewis County on the family farm of his great grandfather John Lew Burnside, which is still owned by family. While living on the farm, he raised cattle, sheep, hogs, and other farm animals. He tended many crops including buckwheat and sugar cane; and

Whereas, Wade Eugene Lee Burnside enlisted in the U. S. Navy in 1949 and served during the Korean conflict on the USS Robert A. Owens, a Navy destroyer, where they chased Russian submarines. While serving on the Robert A. Owens, he served as a Boiler Technician 2. He served in the U. S. Navy until 1953. He further used these skills upon discharge when he worked for Equitable Gas Company working on the boilers at Reed Station in Lewis County where he served as station engineer. Although he did not serve as a firefighter, he recognized the importance of a community department and was instrumental in establishing the Jackson's Mill Volunteer Fire Department in 1971. Two of his grandsons became members of the department when they were old enough. He also recognized the importance of being able to compete as an athlete and for several years was a participant in the torch run for the Special Olympics in WV, donating his time and RV to transport the runners carrying the torch; and

Whereas, It is fitting that an enduring memorial be established to commemorate Wade Eugene Lee Burnside and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 21-1-4.66 (21A003), locally known as Horse Run Rib Arch Bridge, carrying County Route 1 over Freeman's Creek in Lewis County Freeman's Creek in Weston, Lewis County, the "U. S. Navy BT 2 Wade Eugene Lee Burnside Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the 'U. S. Navy BT 2 Wade Eugene Lee Memorial Bridge'; and, be it

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

Delegates Eldridge, Rodighiero, R. Miller, Marcum, Phillips, Maynard and Love offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 44** - "Requesting the Division of Highways to name bridge number 23-7-3.44 (23A374), locally known as New Gore Fork Bridge, carrying County Route 7 over Gore Fork Creek in Logan County, the 'U. S. Army PFC Clayton Collins Memorial Bridge'."

Whereas, Clayton Collins of Pecks Mill, Logan County, West Virginia, was born March 24, 1942; and

Whereas, PFC Clayton Collins, as a U. S. Army armor reconnaissance specialist, was a member of C Troop, 1<sup>st</sup> Squadron, 4<sup>th</sup> Cavalry, 1<sup>st</sup> Infantry Division; and

Whereas, PFC Clayton Collins died at the age of 23 on November 5, 1965, during hostile action in South Vietnam; and

Whereas, It is proper to dedicate a fitting memorial to this young soldier who gave his life for his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-7-3.44 (23A374), locally known as New Gore Fork Bridge, carrying County Route 7 over Gore Fork Creek in Logan County, the "U. S. Army PFC Clayton Collins Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U. S. Army PFC Clayton Collins Memorial Bridge"; and, be it

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

Delegates Lovejoy, Rohrbach, Sobonya, C. Romine, Hornbuckle, C. Miller, Hicks, Thompson, Byrd and Cowles

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

**H. C. R. 45** - "Requesting the Division of Highways to name bridge number 06-64-20.19 (38.42106) (-82.2522), carrying Interstate 64 over Blue Sulphur Road in Cabell County, West Virginia, the 'U. S. Air Force Reserves 2<sup>nd</sup> Lieutenant Richard E. Tyson Memorial Bridge'."

Whereas, Richard E. Tyson was born on October 1, 1926, in Parkersburg, Wood County, West Virginia, to John L. and Edith Dickson Tyson Helmick; and

Whereas, Richard E. Tyson served his country in World War II in the U. S. Army Air Corps and as Second Lieutenant in the U. S. Air Force Reserves from 1949 to 1953; and

Whereas, Richard E. Tyson married Norma Rose Delligatti on October 18, 1952, in Fairmont, West Virginia, with whom he raised a son, David Richard Tyson, of Huntington, West Virginia and daughter, Patricia Tyson Gebhard, of Pittsburgh, Pennsylvania; and

Whereas, Richard E. Tyson earned a bachelor's degree from Indiana University in 1949 and Juris Doctorate from West Virginia University in 1952; and

Whereas, Richard E. Tyson held a long tenure of public service, including service as Assistant City Attorney for Huntington from 1953 to 1954, Municipal Court Judge in Huntington from 1957 to 1963, Special Master, United States District Court for the Southern District of West Virginia in 1968, Assistant Prosecuting Attorney of Cabell County from 1971 to 1972 and from 1974 to 1982, Divorce Commissioner, Circuit Court of Cabell County in 1984, Chairman of the Board of Review for the West Virginia Department of Employment Security and Fiduciary Commissioner for Cabell County from 1982 to 2012; and

Whereas, Throughout more than half a century of public service, Richard E. Tyson also served the legal needs of his community in West Virginia's state and federal courts through his



private law practice, culminating in the formation of the law firm of Tyson and Tyson in 1981 with his son, David Richard Tyson; and

Whereas, Richard E. Tyson further served his community as Secretary and member of the St. Mary's Hospital School of Nursing's Lay Advisory Board, Trustee of the Hospital Service, Inc., Director of the Boys Club of Huntington, member of the Marshall University Foundation, Inc., Department Judge Advocate of the American Legion, Member of the Executive Committee of the WVU Alumni Association and President of its Huntington Chapter, and as a member of the American Society of Hospital Attorneys, Catholic Hospital Attorney Association, American Society of Law and Medicine and President of the Cabell County Bar Association; and

Whereas, After an impactful life of service to his nation, state, and community, Richard E. Tyson passed away on February 28, 2015, in Huntington, West Virginia, leaving behind his beloved bride of 62 years, Norma, his children David and Patricia, and three very special granddaughters and their spouses, Annie and Jeff Massey, Laura and Luke Harvilla, and Julie and Kelly Robinson; and

Whereas, Naming bridge number 06-64-20.19 (38.42106) (-82.2522), carrying Interstate 64 over Blue Sulphur Road in Cabell County, West Virginia, the "U. S. Air Force Reserves 2<sup>nd</sup> Lieutenant Richard E. Tyson Memorial Bridge" is an appropriate recognition of Richard E. Tyson's lifelong contributions to his country, state, community and Cabell County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 06-64-20.19, carrying Interstate 64 over Blue Sulphur Road in Cabell County, West Virginia, the "U. S. Air Force Reserves 2<sup>nd</sup> Lieutenant Richard E. Tyson Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs at both ends identifying the bridge as the “U. S. Air Force Reserves 2<sup>nd</sup> Lieutenant Richard E. Tyson Memorial Bridge”; and, be it

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

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

**H. C. R. 46** - “Requesting the Division of Highways name bridge number 23-16/49-0.02 (23A234), locally known as Ellis Lumber Bridge, carrying County Route 16/49 over Buffalo Creek in Logan County, the ‘U. S. Army, Private First Class Charles Thurman “Buddy” Ellis Memorial Bridge’.”

Whereas, Charles Thurman “Buddy” Ellis was born November 14, 1924, at Sunbeam, a son of the late Floyd and Catherine Ellis; and

Whereas, He attended Logan County schools until the 8<sup>th</sup> grade; and

Whereas, He joined the United States Army on June 10, 1943, where he served on the beaches of Normandy during WWII. He loved to tell stories about the war and how it was in Normandy that he learned to drive. He returned home on February 16, 1946; and

Whereas, When he returned home he began driving a truck for Ideal Cleaners. It was there that he met his wife, Juanita, whom he married on February 15, 1947. After some time, he began selling merchandise, along with delivering dry-cleaning on his delivery truck. He and Juanita founded Ellis Clothing in the 1950s, which sold clothing, housewares and general merchandise. In 1972, the decision was made to focus on hardware and building supplies. They bought property in Crown and erected a new store. Ellis Supply prospered and continues to serve our area today, with locations in Crown and Oceana; and

Whereas, He joined the church along with his wife, Juanita on November 20, 1949, and helped build the current Man Church of the Nazarene. Buddy believed that you should be in church any time the door is open and that supporting the church should be a priority. Throughout his 68 years of church membership, Buddy served in many offices and capacities including as a lifelong trustee on the church board where he had served for over 60 years. He sang with the choir, salted the parking lot and kept the candy basket stocked with peppermints. He served as a former Sunday school teacher, former Sunday school superintendent, former church treasurer, and former church bus driver. Leading people to Jesus was his passion in life. He transported countless people to church over the years and never had a conversation that didn't include his testimony or a church invitation; and

Whereas, Charles Thurman "Buddy" Ellis, 92 of Man, joined his beloved wife, Juanita in Heaven on Thursday, April 20, 2017; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army, Private First Class Charles Thurman "Buddy" Ellis and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-16/49-0.02(23A234), locally known as Ellis Lumber Bridge, carrying County Route 16/49 over Buffalo Creek in Logan County, the "U. S. Army Private First Class Charles Thurman 'Buddy' Ellis Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army Private First Class Charles Thurman 'Buddy' Ellis Memorial Bridge"; and, be it

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

### **Bills Introduced**

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

**By Delegates Fleischauer, Rohrbach, Fluharty, Lovejoy, Williams, Sponaugle, Campbell, Pyles, Hornbuckle, Storch and Queen:**

**H. B. 4418** - “A Bill to amend and reenact §46A-2-122 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-6-101, §46A-6-102 and §46A-6-109 of said code, all relating to the Consumer Credit and Protection Act; and declaring that its provisions apply to residential leases, landlords, tenants and residential rental fees a landlord may charge in a general lease of residential real property”; to the Committee on the Judiciary.

**By Delegates Howell, Maynard, Ward, Ambler, Cooper, Zatezalo, Graves, Sobonya, Frich, Criss and Kessinger:**

**H. B. 4419** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, §61-11-27 and §61-11-28, all relating to securing the borders against persons who may be in the country unlawfully; providing enhanced penalty for committing a felony while not a lawful immigrant or resident of the United States, and providing for reporting to United States Homeland Security persons arrested for whom the arresting officer has probable cause to believe the person may not be lawfully in the country”; to the Committee on the Judiciary.

**By Delegate Sobonya:**

**H. B. 4420** - “A Bill to repeal §8-1-5a of the Code of West Virginia, 1931, as amended, relating to the Municipal Home Rule Pilot Program and the Municipal Home Rule Board, terminating the Municipal Home Rule Pilot Program effective July 1, 2018”; to the Committee on Government Organization then the Judiciary.

**By Delegates Howell, Hamrick, Ward, Ambler, Zatezalo, Graves, Upson, McGeehan, Storch, Criss and R. Miller:**

**H. B. 4421** - “A Bill to repeal §29-25-24 of the Code of West Virginia, 1931, as amended, relating to the repeal of the section of said code that restricts who can participate in gaming at an

authorized gaming facility”; to the Committee on the Judiciary then Finance.

**By Delegates Frich, Walters, Westfall, Upson, Householder, Statler, Ambler, A. Evans, C. Miller and Anderson:**

**H. B. 4422** - “A Bill to amend and reenact §35-5-4 of the Code of West Virginia, 1931, relating to permitting permanent endowment funds of cemeteries to invest their principal in government bonds, and corporate bonds that have been rated A or above”; to the Committee on the Judiciary then Finance.

**By Delegates Householder, Foster, Kessinger, Butler, Westfall, Walters, Howell, Zatezalo, Hill and Overington:**

**H. B. 4423** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3 and §21-5A-4, all relating to prohibiting political subdivisions from enacting any ordinance, regulation, local policy, local resolution or other legal requirements regulating certain areas of the employer-employee relationship and the sale or marketing of consumer merchandise; establishing a short title; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies or local regulations; and providing for exceptions and applicability”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Miley, Mr. Speaker (Mr. Armstead), Shott, Fleischauer, Lane, Rowe, Hanshaw, Boggs, Hamilton and Caputo:**

**H. B. 4424** - “A Bill to amend and reenact §6B-1-3 of the Code of West Virginia, 1931, as amended, relating to providing that the Ethics Act applies to certain persons providing services without pay to state elected officials”; to the Committee on the Judiciary.

**By Delegate Love:**

**H. B. 4425** - “A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-11-6 of said code; and to amend and reenact §62-1D-8 of said code, all relating to crimes involving acts of violence; making it a crime for a spouse, parent, stepparent, grandparent, sibling, half

sibling, child, stepchild or grandchild, whether related by blood or marriage, of a person under investigation to impede or obstruct a law-enforcement officer by knowingly and willfully making a materially false statement in the conduct of an investigation of a felony when the offense that is being investigated involves an act of violence; allowing certain family members to be prosecuted as an accessory after the fact if they aid or assist a principal felon, or accessory before the fact, to avoid or escape from prosecution or punishment when offense that is being investigated involves an act of violence; and allowing orders authorizing the interception of wire, oral or electronic communications when the prosecuting attorney or special prosecutor has shown reasonable cause to believe the interception would provide evidence of the commission of any crime of violence”; to the Committee on the Judiciary.

**By Delegates Harshbarger, Kelly, Westfall, Butler, Paynter, Hanshaw, Sobonya and Foster:**

**H. B. 4426** - “A Bill to amend and reenact § 22-11-6 of the Code of West Virginia, 1931, as amended, relating to the Department of Environmental Protection; standards of water quality and effluent limitations; establishing net permit limits; procedures for setting benchmarks and permit limits for storm water discharges; setting a time for submittal of discharge monitoring reports; and limiting reasons for major modification of permits”; to the Committee on the Judiciary.

**By Delegates Lane, Kelly, Zatezalo, Criss, Anderson, Fleischauer, Boggs, Caputo and Williams:**

**H. B. 4427** - “A Bill to amend and reenact §17-6-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-29-13 of said code; and to amend said code by adding thereto a new section, designated §17A-2-26; all relating to requiring federal fingerprint background checks for transportation network company drivers and taxi drivers; providing that the background check reports for transportation network company drivers be shared with the Division of Motor Vehicles; providing that the background check reports for taxi cab drivers be shared with the Public Service Commission; requiring complaints against transportation network companies or their drivers be investigated by the Division of Motor

Vehicles; and requiring rulemaking”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Foster, Cowles, Upson, Householder, Moore, Walters and Butler:**

**H. B. 4428** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3 and §21-1E-4; and to amend said code by adding thereto a new article designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to requiring the Division of Labor and occupational and licensing boards to recognize career technical training acquired in public schools and apprenticeships completed with employers; establishing a short title, and providing exceptions and applicability”; to the Committee on Education.

**By Delegates Lovejoy, R. Miller, Hollen, Hornbuckle, Canestraro, Rohrbach, Sobonya, Isner, Williams, Summers and Robinson:**

**H. B. 4429** - “A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers’ compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Rowe, Miley, Hornbuckle, Robinson, Lovejoy, Pushkin, Fleischauer, Lane, Cooper, Rowan and Wagner:**

**H. B. 4430** - “A Bill to amend and reenact §18C-1-1, §18C-1-3 and §18C-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18C-7A-1, §18C-7A-2, §18C-7A-3, §18C-7A-4, §18C-7A-5, §18C-7A-6, §18C-7A-7, and §18C-7A-8, all relating to creation of a merit-based scholarship program for tuition and fee payments for certain students attending state community and technical college education programs”; to the Committee on Education then Finance.

**By Delegates Statler, Miley, Caputo, Fleischauer, Pethtel, Williams, Pyles, Summers, Frich, Ward and Hamrick:**

**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”; to the Committee on Government Organization then the Judiciary.

**By Delegates Statler, Anderson and Harshbarger:**

**H. B. 4432** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-2A-5, relating to requiring fifty percent of state vehicles use compressed natural gas, liquified natural gas or propane by December 31, 2025”; to the Committee on Government Organization then Finance.

**By Delegates Nelson, Boggs, Ambler, Anderson, Frich, Hamilton, C. Miller, Walters, Longstreth, Pethtel and Sponaugle:**

**H. B. 4433** - “A Bill recognizing and declaring certain claims against an agency of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; to the Committee on Finance.

**By Delegates Shott and Hanshaw:**

**H. B. 4434** - “A Bill to amend and reenact §3-5-23 of the Code of West Virginia, 1931, as amended; to clarify provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement, preventing candidates from a



political party from using the provisions of the section to seek candidacy for office”; to the Committee on the Judiciary.

**By Delegates Lane, Westfall, Higginbotham, Moore, Storch, Blair, Walters, Hornbuckle, Byrd, Fleischauer and Pushkin:**

**H. B. 4435** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5, and §47-12-6, all relating to the Youth Mental Health Protection Act; providing for legislative findings; setting out a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for discipline of providers for a violation”; to the Committee on Health and Human Resources then the Judiciary.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2655**, Defining and establishing the crime of cyberbullying; 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. 42**), and there were—yeas 94, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Brewer, Canestraro, Ellington 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. 2655) 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. 2662**, Prohibiting the waste of game animals, game birds or game fish; 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. 43**), and there were—yeas 56, nays 39, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Blair, Butler, Caputo, E. Evans, Fast, Ferro, Fluharty, Folk, Frich, Hamrick, Hanshaw, Hartman, Howell, Isner, Jennings, Kelly, Kessinger, Love, Lovejoy, Lynch, Martin, McGeehan, Miley, Moore, Moye, Pethtel, Pyles, Robinson, Rowe, Sobonya, Sponaugle, Statler, Storch, Summers, Thompson, Wagner and Ward.

Absent and Not Voting: Brewer, Canestraro, Ellington and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2662) 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. 2696**, Relating to crossbow hunting; 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. 44**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Brewer, Canestraro and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2696) 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. 4162**, Granting authority to the State Conservation Committee to contract for flood response; 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. 45**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Brewer, Canestraro and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4162) 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. 4199**, Permitting a nursing home to use trained individuals to administer medication; on third reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

**Com. Sub. for H. B. 4251**, Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors; on third reading, coming up in regular order, was read a third time.

Delegate Marcum requested to be excused from voting on the passage of Com. Sub. for H. B. 4251 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. 46**), and there were—yeas 95, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Pyles.

Absent and Not Voting: Brewer, Canestraro and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4251) 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. 2693**, Relating to state ownership of wildlife; 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. 4156**, Establishing the qualifications of full and part time nursing school faculty members; on second reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

**Com. Sub. for H. B. 4230**, Relating to credit for reinsurance; 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. 4329**, Requiring pawnbrokers to providing certain information to law-enforcement agencies; on second reading, coming up in regular order, was read a second time.

Delegate Martin moved to amend the bill on page one, section two-a, line four, after the word “authority” and the period, by inserting the following proviso: “*Provided further*, That pawnbrokers are not required to transmit pawn and purchase

transaction information of firearms to an electronic database. Notwithstanding any provision of this code to the contrary, pawnbrokers shall comply with subsection (d), section (2) of this article.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 47**), and there were—yeas 14, nays 81, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Blair, Butler, Fast, Folk, Frich, Gearheart, Hill, Kelly, Kessinger, Martin, McGeehan, Paynter, Thompson and Wilson.

Absent and Not Voting: Brewer, Canestraro, Ellington and C. Romine.

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

The bill was then 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. 2654**, Expanding county commissions’ ability to dispose of county or district property,

**Com. Sub. for H. B. 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person,

**Com. Sub. for H. B. 4175**, Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment,

**H. B. 4178**, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies,

**Com. Sub. for H. B. 4275**, Relating to the law-enforcement authority of the director and officers of the division of protective services,

And,

**Com. Sub. for H. B. 4359**, Relating to the removal of animals left unattended in motor vehicles.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Brewer, Canestraro and Ellington.

### **Miscellaneous Business**

Delegate Wilson announced that he was absent today when the vote was taken on Com. Sub. for H. B. 2662, and that had he been present, he would have voted “Nay” thereon.

Delegate C. Romine noted to the Clerk that he was absent today when the vote was taken on Roll No. 47, and that had he been present, he would have voted “Nay” thereon.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate R. Miller during the debate regarding the amendment to Com. Sub. for H. B. 4329.
- Delegate Love during the debate on Com. Sub. for H. B. 2662
- Delegate Upson during the debate on Com. Sub. for H. B. 2655

Delegate Pack filed a form with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 4349.

At 1:25 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 6, 2018.

---

Tuesday, February 6, 2018

**TWENTY-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 Monday, February 5, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Delegate Cowles asked and obtained unanimous consent to proceed to consideration of Com. Sub. for H. B. 4329.

**Com. Sub. for H. B. 4329**, Requiring pawnbrokers to providing certain information to law-enforcement agencies; on third reading, was reported by the Clerk.

On motion of Delegate Cowles, the bill was recommitted to the Committee on the Judiciary.

**Committee Reports**

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**Com. Sub. for S. C. R. 4**, WV Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for S. C. R. 4) was referred to the Committee on Rules.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**H. B. 2008**, Relating to the Dealer Recovery Program,

And,

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

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 (H. B. 2008 and H. B. 2983) were each referred to the Committee on Finance.

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. 4276**, Allowing magistrates to grant work release privileges,

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

**Com. Sub. for H. B. 4276** – “A Bill to amend and reenact §62-11A-1 of the Code of West Virginia, 1931, as amended, relating to allowing magistrates to grant work release privileges,”



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. 4410**, Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids,

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4016) was referred to the Committee on Finance.

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. 4186**, Relating generally to guaranteed asset protection waivers,

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

**Com. Sub. for H. B. 4186** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating generally to guaranteed asset protection waivers; providing short title, purpose, legislative intent, and applicability of section; defining certain terms; specifying requirements for offering guaranteed asset protection waivers; requiring contractual liability or other insurance policies on guaranteed asset protection waivers in certain circumstances; requiring certain disclosures; providing for cancellation or non-cancellation; specifying requirements upon cancellation in certain circumstances; exempting certain requirements in commercial transactions; excluding waivers from consumer sales and service tax; and, providing an effective date,”

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4140**, Transferring of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4140) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4025**, Permitting reciprocity for licensure as a pharmacy technician,

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

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4236**, Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division,

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

**Com. Sub. for H. B. 4236** - “A Bill to amend and reenact §5A-10-9 of the Code of West Virginia, 1931, as amended, relating to requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division; removing the exemption of certain agencies from reporting property holdings to the Real Estate Division; clarifying the information to be reported annually by agencies; and requiring an annual report by the Real Estate Division to the Governor and Legislature,”

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4023**, Relating to the regulation of dialysis technicians,

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

**Com. Sub. for H. B. 4023** - “A Bill to repeal §30-7C-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7C-3 of said code, all relating to the regulation of dialysis technicians; establishing temporary permit time-frames; clarifying that permit holder is eligible to renew his or her permit; and repealing an advisory council,”

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4348**, Relating to the powers and duties of the Public Land Corporation,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4348) was referred to the Committee on Finance.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4020**, Making technical corrections in the code when referencing chapter 49.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.  
ARTICLE 4. PROSECUTING ATTORNEY, REWARDS AND  
LEGAL ADVICE.**

**§7-4-4. Prosecutor’s advisory council; victim advocates;  
participation in multidisciplinary planning process.**

~~There is hereby created~~ The prosecutor’s advisory council composed of elected prosecuting attorneys of each county of the state or a designated member of their staff is continued. The prosecutor’s

advisory council ~~shall conduct an initial meeting of all members not later than September 1, 1994, and shall meet not less than one time each year. At the initial meeting and annually thereafter,~~ Annually, the council shall elect from among its membership a chairman of the council who shall set the agenda for the council's meetings and shall appoint necessary committees and direct the work of the council in carrying out its duties under the provisions of this section.

The council shall provide advice, assistance, training, and leadership to the offices of the various county prosecuting attorneys of this state in criminal and civil cases which involve child abuse or neglect or sexual assault or sexual abuse of children. The council shall also provide advice and assistance to the secretary of the Department of Health and Human Resources in the implementation of a multidisciplinary planning process as set forth in ~~article five-d, chapter forty-nine~~ §49-4-401 through §49-4-413 of this code.

The council may seek funds and programs to provide each prosecuting attorney's office with a staff person to assist children who are crime victims to obtain services and assistance from other agencies and programs in the community. Prosecuting attorneys shall be reimbursed by their respective county commissions for necessary expenses actually incurred when attending meetings of the council.

The council may apply for and receive funds from any grant program of any agency or institution in the United States, public or private, to be used for carrying out the purposes of this section.

#### **§7-4-5. Multidisciplinary investigative teams.**

~~On or before January 1, 1995,~~ The prosecuting attorney of each county in the state shall ~~establish~~ maintain a multidisciplinary investigative team, in accordance with the provisions of ~~section three, article five-d, chapter forty-nine~~ §49-4-402 of this code.

### **ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.**

#### **§7-7-2. Establishment of county in-service training programs; further additional duties for prosecuting attorney in any county in excess of 200,000.**

(a) There ~~is~~ are hereby established county in-service training programs as hereinafter set forth.

(b) The Attorney General ~~is hereby authorized and directed to establish such~~ may establish any in-service training programs ~~as in his or her opinion that~~ will do most to assist the prosecuting attorneys in the performance of their duties. The Attorney General is authorized to accept any federal aid which may be made available or any financial assistance which may be available from any private nonprofit organization for the purposes of this section. The prosecuting attorney in any county having a population in excess of 200,000 shall also discharge the additional duties imposed upon him or her by the provisions of ~~section thirteen a, article five, chapter forty nine~~ §49-4-503 of this code.

(c) The State Auditor ~~is hereby authorized and directed to establish such~~ may establish any in-service training programs for county commissioners, county clerks, sheriffs, and their assistants and employees ~~as in his or her opinion that~~ will do most to modernize and improve the services of their respective offices. The State Auditor in conjunction with the West Virginia Supreme Court of Appeals ~~is authorized and directed to such~~ shall establish in-service training programs for circuit clerks and their assistants and employees. The State Tax Commissioner is authorized and directed to establish such in-service training programs for assessors and their assistants and employees. The State Tax Commissioner, State Auditor, and the West Virginia Supreme Court of Appeals are authorized to accept any federal aid which may be made available or any financial assistance which may be available from any private nonprofit organization for the purpose of this article.

(d) Each of the county officials mentioned in this section, and, at his or her option, one or more of his or her assistants, deputies, and employees, shall participate in the programs established under this section.

(e) The county commission ~~is authorized and directed to expend funds for the purpose of reimbursing such~~ shall reimburse officials and employees for the actual amount expended by them

for food, lodging, and registration while in attendance at authorized training for the purpose of this section.

## **ARTICLE 10. HUMANE OFFICERS.**

### **§7-10-2. Duty of humane officers; reporting requirement when abuse or neglect of individuals suspected; prohibition against interference with humane officers; penalties.**

(a) ~~It is the duty of~~ Humane officers ~~to~~ shall prevent the perpetration or continuance of any act of cruelty upon any animal and ~~to~~ investigate and, upon probable cause, ~~to~~ cause the arrest and assist in the prosecution of any person engaging in such cruel and forbidden practices. Upon reasonable cause, and, as provided by law, such officers have the right to access and ~~inspection of~~ inspect records and property ~~as may be~~ reasonably necessary to any investigation.

(b) Whenever a humane officer, pursuant to an investigation of animal cruelty, forms a reasonable suspicion that a minor child, or incapacitated or elderly person, is the victim of abuse or neglect or has a suspicion of domestic violence, he or she shall report the suspicion and the ~~grounds therefor~~ for the suspicion. In the event of suspected child abuse or neglect, the humane officer shall report to the local child protective services agency of the Department of Health and Human Resources in accordance with the provisions of ~~section five, article six a, chapter forty nine~~ §49-2-809 of this code. In the event of suspected abuse or neglect of an incapacitated or elderly person, he or she shall report to the department's local adult protective services agency in accordance with the provisions of §9-6-11 of this code. In the event of suspected domestic violence, he or she shall report to the State Police in accordance with the provisions of §48-27-101 *et seq.* of this code.

(c) Any person who interferes with, obstructs or resists any humane officer in the discharge of his or her duty is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500 or confined in jail not more than 30 days, or both fined and confined. Any penalties imposed for a violation of this subsection shall be imposed in addition to any

penalties the person incurs for cruel or inhumane treatment of any animal.

## **CHAPTER 15. PUBLIC SAFETY.**

### **ARTICLE 11. THE CHILD PROTECTION ACT OF 2006.**

#### **§15-11-2. Legislative findings.**

(a) The purpose of ‘The Child Protection Act of 2006’ is to put in place a series of programs, criminal law revisions, and other reforms to provide and promote the ability of the children of this state to live their lives without being exposed and subjected to neglect and physical and sexual abuse. The targeted increases in terms of incarceration, enhanced treatment, post-release supervision, and new approaches toward the state’s child protection system will, in the aggregate, strengthen government’s ability to address this most serious problem. The Legislature finds that the broad reaching measures encompassed in this Act will provide for greater intervention among and punishment and monitoring of individuals who create a risk to our children’s safety and well-being.

(b) The Legislature further finds that the following reforms implemented as part of this Act will provide protections to the children of this state and are all important to eliminate risks to children and are essential elements of ‘The Child Protection Act of 2006’:

(1) Creating a special unit in the State Police specializing in the investigation of child abuse and neglect — §15-2-15 of this code;

(2) Modifying the Sex Offender Registration Act to ensure more effective registration, identification, and monitoring of persons convicted of sexual offenses — §15-12-1 *et seq.* of this code;

(3) Establishing the Child Abuse and Neglect Registry, requiring the registry to disclose information to certain state and local officials — §15-13-1 *et seq.* of this code;



(4) Providing for coded driver's licenses and nondriver identification cards to more easily identify sexually violent predators — §17B-2-3 of this code;

(5) Prohibiting contractors and service providers convicted of certain offenses from accessing school grounds and providing for the release of criminal history information by the central abuse registry to county school boards — §18-5-15c of this code;

(6) Establishing a task force to study the feasibility of constructing separate correctional facilities for the incarceration and treatment of sex offenders — §25-1-22 of this code;

(7) Requiring the State Police and the Department of Health and Human Resources to maintain statewide child abuse and neglect statistical ~~indexes~~ indices of all convictions and allegations, respectively — §15-2-15 and ~~section eleven, article six a, chapter forty-nine~~ §49-2-813 of this code;

(8) Providing for increased terms of incarceration for first degree sexual assault and first degree sexual abuse committed against children under the age of 12 — §61-8B-3 and §61-8B-7 of this code;

(9) Eliminating eligibility of certain sex offenders for probation, home incarceration, and alternative sentences and providing for enhanced terms of incarceration for certain subsequent sex offenses committed by recidivist sex offenders — §61-8B-9a and §61-8B-9b of this code;

(10) Providing for polygraph examinations for certain sex offenders on probation, parole, or supervised release — §62-11D-1 *et seq.* of this code;

(11) Providing for electronic monitoring of certain sex offenders on probation, parole, and supervised release — §62-11D-1 *et seq.* of this code;

(12) Establishing a task force to develop measures aimed at managing sexually violent predators released from confinement — §62-11E-1 *et seq.* of this code;

(13) Making psychiatric evaluations a condition of probation eligibility for certain sex offenders — §62-12-2 of this code;

(14) Authorizing the Department of Health and Human Resources to establish qualifications for sex offender treatment programs and counselors — §62-12-2 and §62-12-26 of this code;

(15) Providing for extended supervision of certain offenders and supervised release requirements for sexually violent offenders — §62-12-26 of this code; and

(16) Providing for prerelease risk assessments of certain sex offenders — §62-12-27 of this code.

(c) In addition, the Legislature finds that those enhanced terms of incarceration and post-conviction measures provided for in this Act which impact certain offenders convicted of sexual offenses against adults are necessary and appropriate to protect children from neglect and physical and sexual abuse given that: (1) Clinical research indicates that a substantial percentage of sexual offenders ‘cross over’ among age groups in selecting their victims; (2) many of the risk factors prevalent among sex offenders that ‘cross over’ (e.g., substance abuse, lack of empathy toward victim, inability to control inappropriate impulses, childhood abuse) also are prevalent among perpetrators of child abuse and neglect; and (3) enhanced terms of incarceration, post-conviction supervision, monitoring, and treatment measures will enable the criminal justice system to identify and address those ‘cross over’ offenders before they can victimize additional children.

## **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

### **§15-2-15. State Police Child Abuse and Neglect Investigations Unit.**

(a) The superintendent shall ~~establish~~ maintain a special unit of the State Police called the Child Abuse and Neglect Investigations Unit. The purpose of the unit is to focus on identifying, investigating, and prosecuting criminal child abuse and neglect cases, in coordination with Child Protective Services, established pursuant to ~~section nine, article six a, chapter forty nine~~ §49-2-802

of this code. The unit shall assist other State Police members with child abuse or neglect investigations as well as the Division of Child Protective Services. The unit may provide training, technical expertise, and coordination of services for other law-enforcement agencies, Child Protective Services caseworkers, prosecuting attorneys, and multidisciplinary teams established pursuant to the provisions of ~~section two, article five d, chapter forty nine~~ §49-4-402 of this code, to identify, investigate, report, and prosecute criminal child abuse and criminal child neglect cases. However, nothing in this section may be construed to mean that the unit will assume the duties or investigations of other State Police members or other law-enforcement officers.

(b) The unit ~~will comprise~~ shall consist, at a minimum, six members of the State Police. The superintendent shall assign a unit director and ~~shall assign five regional members regionally~~, to be dedicated and trained to assist county Child Protective Services Offices and caseworkers in investigating and coordinating with other law-enforcement personnel, cases of suspected child abuse or neglect. Cases to be investigated include allegations received pursuant to ~~§49-6A-2~~ §49-2-803 of this code, and any other credible child abuse or neglect allegations.

(c) The unit director's duties include:

(1) Overseeing State Police members assigned to the unit;

(2) Coordinating activities of the unit with Child Protection Services;

(3) Assisting Child Protective Services in developing and refining protocols for improving identification and prosecution of suspected criminal acts of child abuse or neglect; and

(4) Assuring that all other directives and responsibilities of the unit are fulfilled.

(d) The unit shall maintain a statewide statistical index on child abuse and neglect convictions resulting from convictions for violations of §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4 and §61-8D-4a of this code, to monitor the timely and proper

investigation and disposition of child abuse or neglect cases. The statistical data index maintained by the unit shall not contain information of a specific nature that would identify individual cases or persons.

(e) On or before December 31, of each year, the unit director shall submit an annual report to the Joint Committee on Government and Finance. The annual report is to include the statistical index required under the provisions of subsection (d) of this section, and may include recommendations for statutory or program reforms that will assist the unit and further promote the goals of the unit. The report may not contain information of a specific nature that would identify individual cases or persons.

(f) Every state law-enforcement agency of this state shall periodically provide statistical information regarding child abuse and neglect cases investigated and prosecuted by that law-enforcement agency to the unit.

(g) The superintendent may propose rules for legislative approval or procedural rules as necessary to effectuate the provisions of this section in accordance with the provisions of §29A-3-1 *et seq.* of this code. The superintendent shall provide forms to law-enforcement agencies, circuit clerks, and parole officers to facilitate submission of appropriate information necessary to prepare the statistical reports required by this section.

(h) There is ~~hereby established~~ continued a special account in the state Treasury, into which shall be deposited any gifts, grants or donations made to the unit, and any other funds directed to be deposited into the account by appropriation of the Legislature, and to be expended for the purposes of this section pursuant to appropriation of the Legislature.

## **ARTICLE 2C. CENTRAL ABUSE REGISTRY.**

### **§15-2C-1. Definitions.**

The following ~~words~~ terms when used in this article have meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(a) ‘Central abuse registry’ or ‘registry’ means the registry created by this article which ~~shall contain~~ contains the names of individuals who have been convicted of a felony or a misdemeanor offense constituting abuse, neglect, or misappropriation of the property of a child or an incapacitated adult or an adult receiving behavioral health services.

(b) ‘Child abuse and neglect’ or ‘child abuse or neglect’ means those terms as defined in ~~section three, article one, chapter forty-nine~~ §49-1-201 of this code, and shall include any act with respect to a child which is a crime against the person pursuant to §61-2-1 *et seq.* of this code, any act which is unlawful pursuant to §61-8D-1 *et seq.* of this code and any offense with respect to a child which is enumerated in §15-2C-3 of this code.

(c) ‘Abuse or neglect of an incapacitated adult’ means ‘abuse’, ‘neglect’, and ‘incapacitated adult’ as those terms are defined in §9-6-1 of this code, and shall include any act with respect to an incapacitated adult which is a crime against the person pursuant to §61-2-1 *et seq.* of this code, and any offense with respect to an incapacitated adult which is enumerated in §15-2C-3 of this code.

(d) ‘Adult receiving behavioral health services’ means a person over the age of 18 years who is receiving any behavioral health service from a licensed behavioral health provider or any behavioral health provider whose services are paid for, in whole or in part, by Medicaid or Medicare.

(e) ‘Conviction’ of a felony or a misdemeanor means an adjudication of guilt by a court or jury following a hearing on the merits, or entry of a plea of guilty or *nolo contendere*.

(f) ‘Residential care facility’ means any facility where a child or an incapacitated adult or an adult receiving behavioral health services resides which is subject to registration, licensure, or certification by the Department of Health and Human Resources, and ~~shall include~~ includes nursing homes, personal care homes, residential board and care homes, adult family care homes, group homes, legally unlicensed service providers, residential child care

facilities, family based foster care homes, specialized family care homes, and intermediate care facilities for the mentally retarded.

(g) ‘Misappropriation of property’ means any act which is a crime against property under §61-3-1 *et seq.* of this code with respect to a child in a residential care facility or an incapacitated adult or an adult receiving behavioral health services in a residential care facility or a child or an incapacitated adult or an adult receiving behavioral health services who is a recipient of home care services.

(h) ‘Home care’ or ‘home care services’ means services provided to children or incapacitated adults or adults receiving behavioral health services in the home through a hospice provider, a community care provider, a home health agency, through the Medicaid waiver program, or through any person when that service is reimbursable under the state Medicaid program.

(i) ‘Requester’ means the West Virginia Department of Education, any residential care facility, any state licensed day care center, any qualified entity as defined in this section, or any provider of home care services or an adult receiving behavioral health services, providing to the Central Abuse Registry the name of an individual and other information necessary to identify that individual, and either: (1) Certifying that the individual is being considered for employment or service as a volunteer by the requester or for a contractual relationship with the requester ~~wherein~~ where the individual will provide services to a child or an incapacitated adult or an adult receiving behavioral health services for compensation; or contractors and vendors who have or may have unsupervised access to the child, disabled, or elderly person for whom the qualified entity provides care; or (2) certifying that an allegation of abuse, neglect, or misappropriation of property has been made against the individual.

(j) ‘Qualified entity’ means any business, agency, or organization that provides care, treatment, education, training, instruction, supervision, or recreation for children, the elderly, or individuals with disabilities and is a public, private, or not-for-profit entity within the State of West Virginia and meets the

definition of qualified entity under the federal National Child Protection Act of 1993; P.L. 103-209 as amended by the Volunteers for Children Act; P.L. 105-251.

## **ARTICLE 9. GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTION.**

### **§15-9-3. Ascertaining compliance with applicable standards in juvenile detention and correctional facilities.**

The Governor's Committee on Crime, Delinquency and Correction or its designee shall ascertain the compliance of juvenile detention and juvenile correctional facilities operated by or under contract with the Division of Juvenile Services, created pursuant to ~~section two, article five e, chapter forty nine~~ §49-2-902 of this code, with standards for the structure, physical plant, operation, and maintenance of the facilities, promulgated by the juvenile facility standards commission, pursuant to §31-20-9a of this code: *Provided*, That ~~such~~ the review shall not include educational programs in ~~such~~ the facilities.

## **ARTICLE 11. PAYMENT OF FUNERAL EXPENSES.**

### **§15-11-2. Payment of funeral expenses of law-enforcement, safety, and emergency workers killed in the line of duty.**

(a) The Secretary of Military Affairs and Public Safety shall, upon written request, direct payment from the fund in the form of a draft as provided in this article up to and including an amount not exceeding \$8,000 for the reasonable funeral expenses, including burial expenses, of a law-enforcement, safety, or emergency worker killed on or after January 1, 1999, while carrying out official duties: *Provided*, That ~~no~~ funds shall not be expended for any funeral expense that is otherwise payable pursuant to the provisions of §23-4-1 *et seq.* of this code, as amended, or other benefit programs established by a provision of this code which does not involve employee participation: *Provided, however*, That where other funds for funeral expenses are provided pursuant to the laws of this state, from whatever source, which amount to less than \$8,000, funds provided by the provisions of this section shall be

expended so as to ensure that at least \$8,000 is available for reasonable funeral expenses. The secretary shall direct payment of the funeral expenses upon written request of an employer or head of a volunteer organization, as is appropriate pursuant to this article, certifying that the individual for whom funeral expenses are requested was killed while performing official duties.

(b) The secretary shall supply the draft in the name of the person contracting for the funeral services and, if known, the service provider to the employer or agency head making the request who shall tender the draft to the person who contracted for the services.

(c) For the purposes of this section, ‘law-enforcement, safety, or emergency worker’ means:

(1) Any duly authorized member of a law-enforcement agency who is authorized to maintain public peace and order, prevent and detect crime, make arrests, and enforce the laws of the state or any county or municipality of the state, other than parking ordinances, and including those persons employed as security officers at municipal, county, regional, or state offices, authorities or institutions, although their employers may not be public law-enforcement agencies, employed by the Hatfield-McCoy Regional Recreation Authority, and members of the West Virginia National Guard while engaged in active duty service: *Provided*, That this section does not apply to those persons employed by private security firms or agencies;

(2) Any state, regional, county, or municipal correctional employee;

(3) Any firefighter employed by the state or any political subdivision of the state and any volunteer firefighter performing as a member of a volunteer fire department;

(4) Any ‘emergency medical services personnel’, as defined in §16-4C-3 of this code, employed by or volunteering for any state agency or institution or political subdivision of the state; or



(5) Any probation officer appointed under the provisions of either §62-12-5 or ~~section fifteen, article five, chapter forty-nine §49-4-719~~ of this code.

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 2F. PARENTAL NOTIFICATION OF ABORTIONS PERFORMED ON UNEMANCIPATED MINORS.**

#### **§16-2F-2. Definitions.**

For purposes of this article, unless the context in which used clearly requires otherwise:

As used in this article:

(1) ‘Abortion’ means the use of any instrument, medicine, drug, or any other substance or device with intent to terminate the pregnancy of a female known to be pregnant and with intent to cause the expulsion of a fetus other than by live birth. This article does not prevent the prescription, sale, or transfer of intrauterine contraceptive devices, other contraceptive devices, or other generally medically accepted contraceptive devices, instruments, medicines or drugs for a female who is not known to be pregnant and for whom the contraceptive devices, instruments, medicines or drugs were prescribed by a physician solely for contraceptive purposes and not for the purpose of inducing or causing the termination of a known pregnancy.

(2) ‘Medical emergency’ means the same as that term is defined in §16-2M-2 of this code.

(3) ‘Secretary’ means the Secretary of the West Virginia Department of Health and Human Resources.

(4) ‘Unemancipated minor’ means any person less than 18 years of age who is not, or has not been, married, who is under the care, custody, and control of the person’s parent or parents, guardian, or court of competent jurisdiction pursuant to applicable federal law or as provided in ~~section twenty-seven, article seven, chapter forty-nine §49-4-115~~ of this code.

**ARTICLE 3C. AIDS-RELATED MEDICAL TESTING AND RECORDS CONFIDENTIALITY ACT.**

**§16-3C-1. Definitions.**

When used in this article:

(a) ‘AIDS’ means acquired immunodeficiency syndrome.

(b) ‘Bureau’ means the Bureau for Public Health.

(c) ‘Commissioner’ means the commissioner of the Bureau for Public Health.

(d) ‘Convicted’ includes pleas of guilty and pleas of nolo contendere accepted by the court having jurisdiction of the criminal prosecution, a finding of guilty following a jury trial, or a trial to a court and an adjudicated juvenile offender as defined in ~~sections two and four, article one, chapter forty-nine~~ §49-1-202 of this code.

(e) ‘Department’ means the State Department of Health and Human Resources.

(f) ‘Funeral director’ has the same meaning ascribed to ~~such~~ that term in §30-6-3 of this code.

(g) ‘Funeral establishment’ has the same meaning ascribed to that term in §30-6-3 of this code.

(h) ‘HIV’ means the human immunodeficiency virus identified as the causative agent of AIDS.

(i) ‘HIV-related test’ means a test for the HIV antibody or antigen or any future valid test approved by the bureau, the federal drug administration, or the Centers for Disease Control and Prevention.

(j) ‘Health facility’ means a hospital, nursing home, physician’s office, clinic, blood bank, blood center, sperm bank, laboratory, or other health care institution.

(k) 'Health care provider' means any physician, dentist, nurse, paramedic, psychologist, or other person providing medical, dental, nursing, psychological, or other health care services of any kind.

(l) 'Health Information Exchange' means the electronic movement of health-related information in accord with law and nationally recognized standards.

(m) 'High risk behavior' means behavior by a person including, but not limited to: (i) Unprotected sex with a person who is living with HIV; (ii) unprotected sex in exchange for money or drugs; (iii) unprotected sex with multiple partners; (iv) anonymous unprotected sex; (v) or needle sharing; (vi) diagnosis of a sexually transmitted disease; or (vii) unprotected sex or sharing injecting equipment in a high HIV prevalence setting or with a person who is living with HIV.

(n) 'Medical or emergency responders' means paid or volunteer firefighters, law-enforcement officers, emergency medical technicians, paramedics, or other emergency service personnel, providers, or entities acting within the usual course of their duties; good samaritans and other nonmedical and nonemergency personnel providing assistance in emergencies; funeral directors; health care providers; the commissioner of the Bureau for Public Health; and all of their employees ~~thereof~~ and volunteers ~~associated therewith~~.

(o) 'Patient' or 'test subject' or 'subject of the test' means the person upon whom a an HIV test is performed, or the person who has legal authority to make health care decisions for the test subject.

(p) 'Permitted purpose' is a disclosure permitted by the Health Insurance Portability and Accountability Act of 1996 as amended, or a disclosure consented to or authorized by a patient or test subject.

(q) ‘Person’ includes any natural person, partnership, association, joint venture, trust, public or private corporation, or health facility.

(r) ‘Release of test results’ means a permitted or authorized disclosure of HIV-related test results.

(s) ‘Significant exposure’ means:

(1) Exposure to blood or body fluids through needlestick, instruments, sharps, surgery, or traumatic events; or

(2) Exposure of mucous membranes to visible blood or body fluids, to which universal precautions apply according to the national Centers for Disease Control and Prevention, and laboratory specimens that contain HIV (e.g. suspensions of concentrated virus); or

(3) Exposure of skin to visible blood or body fluids, when the exposed skin is chapped, abraded, or afflicted with dermatitis or the contact is prolonged or involving an extensive area.

(t) ‘Source patient’ means any person whose body fluids have been the source of a significant exposure to a medical or emergency responder.

(u) ‘Targeted testing’ means performing an HIV-related test for sub-populations at higher risk, typically defined on the basis of behavior, clinical, or demographic characteristics.

(v) ‘Victim’ means the person or persons to whom transmission of bodily fluids from the perpetrator of the crimes of sexual abuse, sexual assault, incest, or sexual molestation occurred or was likely to have occurred in the commission of such crimes.

## **ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.**

**§16-9A-3. Use or possession of tobacco or tobacco products, alternative nicotine products or vapor products by persons under the age of 18 years; penalties.**

~~No~~ A person under the age of 18 years shall not have on or about his or her person or premises or use any cigarette, or cigarette paper, or any other paper prepared, manufactured or made for the purpose of smoking any tobacco products, in any form; any pipe, snuff, chewing tobacco, tobacco product, or tobacco-derived product: *Provided*, That minors participating in the inspection of locations where tobacco products or tobacco-derived products are sold or distributed pursuant to §16-9A-7 of this code is not considered to violate the provisions of this section. Any person violating the provisions of this section shall for the first violation be fined \$50 and be required to serve eight hours of community service; for a second violation, the person shall be fined \$100 and be required to serve 16 hours of community service; and for a third and each subsequent violation, the person shall be fined \$200 and be required to serve 24 hours of community service. Notwithstanding the provisions of ~~section two, article five, chapter forty nine~~ §49-4-701 of this code, the magistrate court has concurrent jurisdiction.

## **ARTICLE 30. WEST VIRGINIA HEALTH CARE DECISIONS ACT.**

### **§16-30-3. Definitions.**

For the purposes of this article:

(a) ‘Actual knowledge’ means the possession of information of the person’s wishes communicated to the health care provider orally or in writing by the person, the person’s medical power of attorney representative, the person’s health care surrogate, or other individuals resulting in the health care provider’s personal cognizance of these wishes. Constructive notice and other forms of imputed knowledge are not actual knowledge.

(b) ‘Adult’ means a person who is 18 years of age or older, an emancipated minor who has been established as such pursuant to the provisions of ~~section twenty seven, article seven, chapter forty nine~~ §49-4-115 of this code, or a mature minor.

(c) ‘Advanced nurse practitioner’ means a registered nurse with substantial theoretical knowledge in a specialized area of nursing practice and proficient clinical utilization of the knowledge in implementing the nursing process, and who has met the further requirements of ~~title 19, legislative rules for the~~ West Virginia board of examiners for registered professional nurses, ~~series 7 rule,~~ advanced practice registered nurse, 19CSR 7, who has a mutually agreed upon association in writing with a physician, and has been selected by or assigned to the person and has primary responsibility for treatment and care of the person.

(d) ‘Attending physician’ means the physician selected by or assigned to the person who has primary responsibility for treatment and care of the person and who is a licensed physician. If more than one physician shares that responsibility, any of those physicians may act as the attending physician under this article.

(e) ‘Capable adult’ means an adult who is physically and mentally capable of making health care decisions and who is not considered a protected person pursuant to the provisions of chapter 44A of this code.

(f) ‘Close friend’ means any adult who has exhibited significant care and concern for an incapacitated person who is willing and able to become involved in the incapacitated person’s health care and who has maintained regular contact with the incapacitated person so as to be familiar with his or her activities, health, and religious and moral beliefs.

(g) ‘Death’ means a finding made in accordance with accepted medical standards of either: (1) The irreversible cessation of circulatory and respiratory functions; or (2) the irreversible cessation of all functions of the entire brain, including the brain stem.

(h) ‘Guardian’ means a person appointed by a court pursuant to the provisions of chapter 44A of this code who is responsible for the personal affairs of a protected person and includes a limited guardian or a temporary guardian.

(i) 'Health care decision' means a decision to give, withhold, or withdraw informed consent to any type of health care, including, but not limited to, medical and surgical treatments, including life-prolonging interventions, psychiatric treatment, nursing care, hospitalization, treatment in a nursing home or other facility, home health care, and organ or tissue donation.

(j) 'Health care facility' means a facility commonly known by a wide variety of titles, including, but not limited to, hospital, psychiatric hospital, medical center, ambulatory health care facility, physicians' office and clinic, extended care facility operated in connection with a hospital, nursing home, a hospital extended care facility operated in connection with a rehabilitation center, hospice, home health care, and other facility established to administer health care in its ordinary course of business or practice.

(k) 'Health care provider' means any licensed physician, dentist, nurse, physician's assistant, paramedic, psychologist, or other person providing medical, dental, nursing, psychological or other health care services of any kind.

(l) 'Incapacity' means the inability because of physical or mental impairment to appreciate the nature and implications of a health care decision, to make an informed choice regarding the alternatives presented, and to communicate that choice in an unambiguous manner.

(m) 'Life-prolonging intervention' means any medical procedure or intervention that, when applied to a person, would serve to artificially prolong the dying process or to maintain the person in a persistent vegetative state. Life-prolonging intervention includes, among other things, nutrition and hydration administered intravenously or through a feeding tube. The term 'life-prolonging intervention' does not include the administration of medication or the performance of any other medical procedure considered necessary to provide comfort or to alleviate pain.

(n) 'Living will' means a written, witnessed advance directive governing the withholding or withdrawing of life-prolonging

intervention, voluntarily executed by a person in accordance with the requirements of §16-30-4 of this code.

(o) ‘Mature minor’ means a person, less than 18 years of age, who has been determined by a qualified physician, a qualified psychologist, or an advanced nurse practitioner to have the capacity to make health care decisions.

(p) ‘Medical information’ or ‘medical records’ means and includes without restriction any information recorded in any form of medium that is created or received by a health care provider, health care facility, health plan, public health authority, employer, life insurer, school, or university or health care clearinghouse that relates to the past, present or future physical or mental health of the person, the provision of health care to the person, or the past, present, or future payment for the provision of health care to the person.

(q) ‘Medical power of attorney representative’ or ‘representative’ means a person, 18 years of age or older, appointed by another person to make health care decisions pursuant to the provisions of §16-30-6 of this code or similar act of another state and recognized as valid under the laws of this state.

(r) ‘Parent’ means a person who is another person’s natural or adoptive mother or father or who has been granted parental rights by valid court order and whose parental rights have not been terminated by a court of law.

(s) ‘Persistent vegetative state’ means an irreversible state as diagnosed by the attending physician or a qualified physician in which the person has intact brain stem function but no higher cortical function and has neither self-awareness or awareness of the surroundings in a learned manner.

(t) ‘Person’ means an individual, a corporation, a business trust, a trust, a partnership, an association, a government, a governmental subdivision or agency, or any other legal entity.

(u) ‘Physician orders for scope of treatment (POST) form’ means a standardized form containing orders by a qualified



physician that details a person's life-sustaining wishes as provided by §16-30-25 of this code.

(v) 'Principal' means a person who has executed a living will or medical power of attorney.

(w) 'Protected person' means an adult who, pursuant to the provisions of chapter 44A of this code, has been found by a court, because of mental impairment, to be unable to receive and evaluate information effectively or to respond to people, events, and environments to an extent that the individual lacks the capacity to: (1) Meet the essential requirements for his or her health, care, safety, habilitation, or therapeutic needs without the assistance or protection of a guardian; or (2) manage property or financial affairs to provide for his or her support or for the support of legal dependents without the assistance or protection of a conservator.

(x) 'Qualified physician' means a physician licensed to practice medicine who has personally examined the person.

(y) 'Qualified psychologist' means a psychologist licensed to practice psychology who has personally examined the person.

(z) 'Surrogate decisionmaker' or 'surrogate' means an individual 18 years of age or older who is reasonably available, is willing to make health care decisions on behalf of an incapacitated person, possesses the capacity to make health care decisions, and is identified or selected by the attending physician or advanced nurse practitioner in accordance with the provisions of this article as the person who is to make those decisions in accordance with the provisions of this article.

(aa) 'Terminal condition' means an incurable or irreversible condition as diagnosed by the attending physician or a qualified physician for which the administration of life-prolonging intervention will serve only to prolong the dying process.

## **ARTICLE 47. ALCOHOL AND DRUG OVERDOSE PREVENTION AND CLEMENCY ACT.**

**§16-47-5. Immunity, alternative sentencing and clemency options for a person for whom emergency medical assistance was sought.**

(a) The immunity provisions in §16-47-4(a) of this code extend to the person for whom emergency medical assistance was sought if, ~~subsequent to~~ after receiving emergency medical assistance, the person participates in, complies with, and completes a substance abuse treatment or recovery program approved by the court. Alternatively, a court may consider the following alternative sentencing and clemency options:

(1) Deferred prosecution under §60-6-26 or ~~under~~ §60A-4-407 of this code;

(2) Pretrial diversion under §61-11-22 of this code;

(3) Adjudication in drug court under §62-15-1 *et seq.* of this code or ~~under section two b, article five, chapter forty nine~~ §49-4-703 of this code; or

(4) Any other appropriate form of alternative sentencing or rehabilitation permitted by this code, including, but not limited to:

(A) Probation;

(B) Conditional discharge under §60-6-26 of this code; or

(C) The weekend jail program, the work program or the community service program under §62-11A-1a of this code.

(b) Notwithstanding any other provision of this section to the contrary, a person who may seek immunity or clemency pursuant to subsection (a) of this section and is charged with an offense not exempted by §16-47-4(a) of this code may enter a plea of guilty to an offense exempted by §16-47-4(a) of this code if the person, after consultation with his or her attorney, so desires.

**CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.**

**ARTICLE 5. SERIOUS TRAFFIC OFFENSES.**

**§17C-5-6a. Taking a child into custody; driving a motor vehicle with any amount of blood alcohol.**

(a) A preliminary breath analysis may be administered to a child whenever a law-enforcement official has reasonable cause to believe the child to have been driving a motor vehicle with any amount of alcohol in his or her blood for the purpose of determining the child's blood alcohol content. ~~Such~~ The breath analysis must be administered as soon as possible after the law-enforcement officer arrives at a reasonable belief that the child has been driving a motor vehicle with any amount of alcohol in his or her blood. Any preliminary breath analysis administered pursuant to this subsection must be administered with a device and in a manner approved by the division of health for that purpose. If a preliminary breath analysis is administered, the results shall be used solely for the purpose of guiding the officer in deciding whether the child, at the time of driving the motor vehicle, had an alcohol concentration in his or her blood of .0002 of one percent or more, by weight, and should, therefore, be taken into custody to administer a secondary test in accordance with the provisions of this section.

(b) A child may be taken into custody by a law-enforcement official without a warrant or court order if the official has reasonable grounds to believe the child to have been driving a motor vehicle with any amount of alcohol in his or her blood. If a preliminary breath analysis is administered and the results of the analysis indicate that the child has an alcohol concentration in his or her blood of less than .0002 of one percent, by weight, the child may not be taken into custody unless other grounds exist under ~~subsection (b), section eight, article five, chapter forty nine §49-4-705(b)~~ of this code. Upon taking a child into custody pursuant to the provisions of this section, the official shall take all reasonable steps to cause notification to be made to the child's parent or custodian or, if the parent or custodian cannot be located, to a close relative.

(c) Upon taking a child into custody pursuant to this section, the official shall take the child to a facility where a secondary test of the child's blood or urine may be administered at the direction

of the official or a test of the child's breath may be administered by the official. The law-enforcement agency by which such law-enforcement official is employed shall designate whether the secondary test is a test of either blood, breath, or urine: *Provided*, That if the test ~~so designated~~ is a blood test and the child refuses to submit to the blood test, then the law-enforcement official taking the child into custody shall designate in lieu thereof a breath test to be administered. Notwithstanding the provisions of §17C-5-7 of this code, a refusal to submit to a blood test only shall not result in the revocation of the child's license to operate a motor vehicle in this state. Any child taken into custody pursuant to this section shall be given a written statement advising him or her that a refusal to submit to a secondary test of either blood, breath, or urine, as finally designated by the law-enforcement agency or official in accordance with this subsection, will result in the suspension of his or her license to operate a motor vehicle in this state for a period of at least 30 days or a revocation of the license for a period up to life.

(d) If the law-enforcement official taking the child into custody is employed by a law-enforcement agency which does not have available the testing equipment or facilities necessary to conduct any secondary breath test which may be administered pursuant to the provisions of this section, then the official who took the child into custody may request another qualified person to administer a secondary breath test: *Provided*, That the breath test shall be administered in the presence of the official who took the child into custody. The results of ~~such the~~ such the breath test may be used in evidence to the same extent and in the same manner as if ~~such the~~ such the test had been conducted by the law-enforcement official who took the child into custody. The qualified person administering the breath test must be a member of the West Virginia state police, the sheriff of the county ~~wherein where~~ where the child was taken into custody, or any deputy of ~~such the~~ such the sheriff or a law-enforcement official of another municipality within the county wherein the child was taken into custody. Only the person actually administering the secondary breath test is competent to testify as to the results and the veracity of the test. If the secondary test is a blood test, the test shall be conducted in accordance with the provisions of §17C-5-6 of this code.

(e) After taking the child into custody, if the law-enforcement official has reasonable cause to believe that the act of the child in driving the motor vehicle is such that it would provide grounds for arrest for an offense defined under the provisions of §17C-5-2 of this code if the child were an adult, then the official shall proceed to treat the child in the same manner as any other child taken into custody without a warrant or court order, in accordance with the provisions of §17C-5-8 of this code.

(f) If the results of any secondary test administered pursuant to this section indicate that the child, at the time of driving the motor vehicle, had an alcohol concentration in his or her blood of .0008 of one percent or less, by weight, and if the law-enforcement official does not have reasonable cause to believe that the act of the child in driving the motor vehicle is such that it would provide grounds for arrest for an offense defined under the provisions of §17C-5-2 of this code if the child were an adult, then the official shall release the child: *Provided*, That if the results of any secondary test administered pursuant to this section indicate that the child, at the time of driving the motor vehicle, had an alcohol concentration in his or her blood of .0002 of one percent or more, by weight, the child shall only be released to a parent or custodian, or to some other responsible adult.

## CHAPTER 18. EDUCATION.

### ARTICLE 5. COUNTY BOARD OF EDUCATION.

#### **§18-5-15c. County boards of education; training in prevention of child abuse and neglect and child assault; regulations; funding.**

(a) In recognition of the findings of the Legislature as set forth in ~~section one, article six c, chapter forty nine~~ §49-2-401 of this code, the Legislature further finds that public schools are able to provide a special environment for the training of children, parents, and school personnel in the prevention of child abuse and neglect and child assault and that child abuse and neglect prevention and child assault prevention programs in the public schools are an effective and cost-efficient method of reducing the incidents of

child abuse and neglect, promoting a healthy family environment, and reducing the general vulnerability of children.

(b) County boards of education shall ~~be required~~, to the extent funds are provided, ~~to~~ establish programs for the prevention of child abuse and neglect and child assault. ~~Such~~ The programs shall be provided to ~~pupils~~ students, parents and school personnel as ~~deemed~~ considered appropriate. ~~Such~~ The programs ~~shall be in compliance~~ comply with ~~regulations to be~~ rules developed by the state Board of Education with the advice and assistance of the state Department of Health and Human Resources and the West Virginia State Police: *Provided*, That any ~~such~~ programs which substantially comply with the ~~regulations~~ rules adopted by the board and were in effect prior to the adoption of the ~~regulations~~ rules may be continued.

(c) Funds for implementing the child abuse and neglect prevention and child assault prevention programs may be allocated to the county boards of education from the children's trust fund established pursuant to the provisions of ~~article six e, chapter forty-nine~~ §49-2-401 of this code or appropriated for such purpose by the Legislature.

(d) County boards of education shall request from the state Criminal Identification Bureau the record of any and all criminal convictions relating to child abuse, sex-related offenses, or possession of controlled substances with intent to deliver ~~same~~ the controlled substances or all of its future employees. This request shall be made immediately after the effective date of this section, and thereafter as warranted.

(e) Contractors or service providers or their employees may not make direct, unaccompanied contact with students or access school grounds unaccompanied when students are present if it cannot be verified that the contractors, service providers, or employees have not previously been convicted of a qualifying offense, as defined in §15-12-2 of this code. For the purposes of this section, contractor and service provider shall be limited to any vendor, individual, or entity under contract with a county school board. County school boards may require contractors and service providers to verify the

criminal records of their employees before granting ~~the above-mentioned~~ contact or access. Where prior written consent is obtained, county school boards may obtain information from the Central Abuse Registry regarding contractors, service providers, and their employees for the purposes of this subsection. Where a contractor or service provider gives his or her prior written consent, the county school board also may share information provided by the Central Abuse Registry with other county school boards for the purposes of satisfying the requirements of this subsection. ~~The requirements of this subsection shall not go into effect until July 1, 2007.~~

## **ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

### **§18-8-6a. Incentive for county board participation in circuit court juvenile probation truancy programs.**

A county board that enters into a truancy program agreement with the circuit court of the county that (1) provides for the referral of truant juveniles for supervision by the court's probation office pursuant to ~~section eleven, article five, chapter forty nine~~ §49-4-711 of this code and (2) requires the county board to pay for the costs of the probation officer or officers assigned to supervise truant juveniles, shall be reimbursed for one half of the costs of the probation officer or officers, subject to appropriation of the Legislature for this purpose to the West Virginia Department of Education. For any year in which the funds appropriated are insufficient to cover the reimbursement costs, the county's costs shall be reimbursed pro rata.

## **CHAPTER 18A. SCHOOL PERSONNEL.**

### **ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.**

#### **§18A-5-1d. Return to school through Juvenile Drug Court for certain students.**

(a) When a student is expelled from school pursuant to §18A-5-1a of this code, the county board, county superintendent, or principal for the school from which the student was expelled or the parent, guardian, or custodian may refer the student to a Juvenile

Drug Court, operated pursuant to ~~section two b, article five, chapter forty nine §49-4-703~~ of this code. Upon ~~such~~ referral, the judge assigned to Juvenile Drug Court shall determine whether the student is an appropriate candidate for Juvenile Drug Court.

(b) If the judge determines the student is an appropriate candidate for Juvenile Drug Court, then the court has jurisdiction over the student in the same manner as it has jurisdiction over all other persons in Juvenile Drug Court. ~~Such~~ Jurisdiction over students includes the ability to issue any of the various sanctions available to the Juvenile Drug Court, including temporary detention.

(c)(1) Successful completion of Juvenile Drug Court or certification by the Juvenile Drug Court judge that the student is making satisfactory progress toward successful completion of Juvenile Drug Court warrants consideration for reduction of the expulsion period, pursuant to §18A-5-1a of this code.

(2) The Juvenile Drug Court shall notify the county superintendent of ~~such~~ the completion or certification. The county superintendent shall arrange a meeting with the Juvenile Drug Court treatment team, the court, and the student assistance team of the school from which the student was expelled to discuss the student's history, progress, and potential for improvement.

(3) The student assistance team shall evaluate and recommend whether the student's expulsion period should be reduced, and the student reinstated in school.

(4) The student assistance team's recommendation shall be presented to the superintendent, who shall make the final determination. The superintendent shall prepare a statement detailing reasons for or against school reinstatement and submit the statement to the county board. If the superintendent determines to reduce the expulsion period, he or she shall submit the statement required by §18A-5-1a(i) of this code and place the student in an appropriate school within the district.



(5) A student to be reinstated shall be permitted to return to school no later than the 10th regular school day following notice by the court to the superintendent regarding the student's successful completion or satisfactory progress toward successful completion of Juvenile Drug Court.

## **CHAPTER 28. STATE CORRECTIONAL AND PENAL INSTITUTIONS.**

### **ARTICLE 1. COMMITMENT OF YOUTHFUL MALE OFFENDERS.**

#### **§28-1-2. Commitment; age limits; physical, educational and psychological examinations; admission; transfer and placement.**

(a) Any male youth between the ages of 10 and 18 years may be committed to the custody of the Commissioner of Corrections by a circuit court of this state in the manner prescribed in ~~article five, chapter forty-nine~~ §49-4-701 through §49-4-725 of this code; and further, any male youth who has been adjudged delinquent pursuant to ~~subdivision (1), section four, article one, chapter forty-nine~~ §49-1-202 of this code, who, as a result thereof, was placed on probation and has been found, in a proceeding pursuant to the procedural requirements of ~~article five, chapter forty-nine~~ §49-4-701 through §49-4-725 of this code, to have violated a term of probation, prior to the attainment of his or her 20th birthday, which constitutes a criminal offense, may be committed to the custody of the Commissioner of Corrections as a youthful offender.

(b) Every youth committed ~~hereunder~~ under this article shall, following the dispositional proceeding, be transferred to the place or places designated by the Commissioner of Corrections for complete physical, educational, and psychological examinations, including all appropriate tests, to be completed as soon as possible, the completion of the physical examinations to be within 20 days. ~~Such~~ The youth shall be housed in a manner so as to prevent the spread of infectious disease. Following disposition and prior to transfer to the custody of the Commissioner of Corrections, each youth shall be allowed to visit with his or her relatives, without

being committed to jail for a period of not less than one hour. The cost of the examinations ~~herein in this subsection~~ shall be borne by the committing county. The youth shall be provided all treatment and rehabilitation indicated by ~~such~~ the examinations.

In lieu of the physical examinations and tests provided for ~~herein in this subsection~~, the court may, in the absence of objection, have the county health officer or other local health care facility perform physical and mental examinations and tests, so long as ~~such~~ the examinations and tests are performed prior to the dispositional proceeding. Except as otherwise provided by law, ~~no~~ a child shall not be committed to a jail following a dispositional proceeding solely to await a physical, educational, or mental examination or the results ~~thereof~~ of the exam.

(c) All ~~such~~ examinations shall be private. ~~No~~ A youth who is mentally ill or significantly intellectually disabled shall not be committed to, or retained by, the Commissioner of Corrections, but shall be returned to the committing court for further disposition. ~~No~~ A youth who has a serious infectious disease shall not be retained in the custody of the Commissioner of Corrections, but shall be transferred to an appropriate treatment facility. Detailed medical records shall be kept of every youth.

(d) The results of any ~~such~~ physical, educational, and psychological examinations, together with a copy of the petition, the adjudicatory order, and the dispositional order shall accompany every youth committed to the Commissioner of Corrections, without which ~~such~~ the youth shall not be accepted. The commissioner, or his or her designated representative, shall review the records of each youth committed to assure that ~~no~~ a youth is not illegally detained in an inappropriate facility or custodial situation.

(e) The Commissioner of Corrections ~~shall have the authority to~~ may transfer and place such youth in any of the established centers or homes or halfway programs ~~which shall be established,~~ and in less restrictive settings, whether under his or her jurisdiction or private nonprofit residential facilities, as he or she may ~~deem~~ determine appropriate to promote the rehabilitation of ~~such~~ the youth. To the extent possible, ~~no~~ a youth under the age of 15 shall

not be in regular contact with youths between the ages of 16 and 18.

## **CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

### **ARTICLE 21. PUBLIC DEFENDER SERVICES.**

#### **§29-21-16. Determination of maximum income levels; eligibility guidelines; use of form affidavit; inquiry by court; denial of services; repayment; limitation on remedies against affiant.**

(a) The agency shall establish, and periodically review and update financial guidelines for determining eligibility for legal representation made available under the provisions of this article. The agency shall adopt a financial affidavit form for use by persons seeking legal representation made available under the provisions of this article.

(b) All persons seeking legal representation made available under the provisions of this article shall complete the agency's financial affidavit form, which shall be considered as an application for the provision of publicly funded legal representation.

(c) Any juvenile shall have the right to be effectively represented by counsel at all stages of proceedings brought under the provisions of ~~article five, chapter forty-nine~~ §49-4-701 through §49-4-725 of this code. If the child advises the court of his or her inability to pay for counsel, the court shall require the child's parent or custodian to execute a financial affidavit. If the financial affidavit demonstrates that neither of the child's parents, or, if applicable, the child's custodian, has sufficient assets to pay for counsel, the court shall appoint counsel for the child. If the financial affidavit demonstrates that either of the child's parents, or, if applicable, the child's custodian, does have sufficient assets to pay for counsel, the court shall order the parent, or, if applicable, the custodian, to provide, by paying for, legal representation for the child in the proceedings.

The court may disregard the assets of the child's parents or custodian and appoint counsel for the child, as provided ~~above in~~ this section, if the court concludes, as a matter of law, that the child and the parent or custodian have a conflict of interest that would adversely affect the child's right to effective representation of counsel, or concludes, as a matter of law, that requiring the child's parent or custodian to provide legal representation for the child would otherwise jeopardize the best interests of the child.

(d) In circuits in which no public defender office is in operation, circuit judges shall make all determinations of eligibility. In circuits in which a public defender office is in operation, all determinations of indigency shall be made by a public defender office employee designated by the executive director. ~~Such~~ The determinations shall be made after a careful review of the financial affidavit submitted by the person seeking representation. The review of the affidavit shall be conducted in accord with the financial eligibility guidelines established by the agency pursuant to subsection (a) of this section. In addition to the financial eligibility guidelines, the person determining eligibility shall consider other relevant factors, including, but not limited to, those set forth in subdivisions (1) through (9) of subsection (e) of this section. If there is substantial reason to doubt the accuracy of information in the financial affidavit, the person determining eligibility may make ~~such~~ any inquiries ~~as are~~ necessary to determine whether the affiant has truthfully and completely disclosed the required financial information.

After reviewing all pertinent matters, the person determining eligibility may find the affiant ~~to be~~ eligible to have the total cost of legal representation provided by the state, or may find that the total cost of providing representation shall be apportioned between the state and the eligible person. A person whose annual income exceeds the maximum annual income level allowed for eligibility may receive all or part of the necessary legal representation, or a person whose income falls below the maximum annual income level for eligibility may be denied all or part of the necessary legal representation if the person determining eligibility finds the person's particular circumstances require that eligibility be allowed

or disallowed, as the case may be, on the basis of one or more of the nine factors set forth in subsection (e) of this section. If legal representation is made available to a person whose income exceeds the maximum annual income level for eligibility, or if legal representation is denied to a person whose income falls below the maximum annual income level for eligibility, the person determining eligibility shall make a written statement of the reasons for the action and shall specifically relate those reasons to one or more of the factors set forth in subsection (e) of this section.

(e) The following factors shall be considered in determining eligibility for legal representation made available under the provisions of this article:

(1) Current income prospects, taking into account, seasonal variations in income;

(2) Liquid assets, assets which may provide collateral to obtain funds to employ private counsel, and other assets which may be liquidated to provide funds to employ private counsel;

(3) Fixed debts and obligations, including federal, state and local taxes, and medical expenses;

(4) Child care, transportation, and other expenses necessary for employment;

(5) Age or physical infirmity of resident family members;

(6) Whether the person seeking publicly funded legal representation has made reasonable and diligent efforts to obtain private legal representation, and the results of those efforts;

(7) The cost of obtaining private legal representation with respect to the particular matter in which assistance is sought;

(8) Whether the person seeking publicly funded legal representation has posted a cash bond for bail or has obtained release on bond for bail through the services of a professional bondsman for compensation and the amount and source of the money provided for ~~such~~ the bond;

(9) The consequences for the individual if legal assistance is denied.

(f) Legal representation requested by the affiant may not be denied in whole or part unless the affiant can obtain legal representation without undue financial hardship. ~~Persons~~ A person determined to be ineligible by public defender personnel may have the initial determination reviewed by a local circuit judge who may amend, modify or rewrite the initial determination. At any stage of the proceedings a circuit court may determine a prior finding of eligibility was incorrect or has become incorrect as the result of the affiant's changed financial circumstances, and may revoke any prior order providing legal representation. In ~~such~~ that event, any attorney previously appointed shall be entitled to compensation under the provisions of law applicable to ~~such~~ the appointment for services already rendered.

(g) In the circumstances and manner set forth below, circuit judges may order repayment to the state, through the office of the clerk of the circuit court having jurisdiction over the proceedings, of the costs of representation provided under this article:

(1) In every case in which services are provided to an indigent person and an adverse judgment has been rendered against such person, the court may require that person, and in juvenile cases, may require the juvenile's parents or custodian, to pay as costs the compensation of appointed counsel, the expenses of the defense, and ~~such~~ any other fees and costs as authorized by statute.

(2) The court shall not order a person to pay costs unless the person is able to pay without undue hardship. In determining the amount and method of repayment of costs, the court shall take account of the financial resources of the person, the person's ability to pay, and the nature of the burden that payment of costs will impose. The fact that the court initially determines, at the time of a case's conclusion, that it is not proper to order the repayment of costs does not preclude the court from subsequently ordering repayment ~~should~~ if the person's financial circumstances change.

(3) When a person is ordered to repay costs, the court may order payment to be made ~~forthwith~~ immediately or within a specified period of time or in specified installments. If a person is sentenced to a term of imprisonment, an order for repayment of costs is not enforceable during the period of imprisonment unless the court expressly finds, at the time of sentencing, that the person has sufficient assets to pay the amounts ordered to be paid or finds there is a reasonable likelihood the person will acquire the necessary assets in the foreseeable future.

(4) A person who has been ordered to repay costs, and who is not in contumacious default in the payment thereof, may at any time petition the sentencing court for modification of the repayment order. If it appears to the satisfaction of the court that continued payment of the amount ordered will impose undue hardship on the person or the person's dependents, the court may modify the method or amount of payment.

(5) When a person ordered to pay costs is also placed on probation or imposition or execution of sentence is suspended, the court may make the repayment of costs a condition of probation or suspension of sentence.

(h) Circuit clerks shall keep a record of repaid counsel fees and defense expenses collected pursuant to this section and shall, quarterly, pay the moneys to the State Auditor who shall deposit the funds in the General Revenue Fund of the state.

(i) The making of an affidavit subject to inquiry under this section does not in any event give rise to criminal remedies against the affiant nor occasion any civil action against the affiant except for the recovery of costs as in any other case where costs may be recovered and the recovery of the value of services, if any, provided pursuant to this article. A person who has made an affidavit knowing the contents ~~thereof~~ of the affidavit to be false may be prosecuted for false swearing as provided by law.

## **CHAPTER 31. CORPORATIONS.**

### **ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.**

#### **§31-20-2. Definitions.**

Unless the context indicates clearly otherwise, as used in this article:

(a) ‘Adjacent regional juvenile detention facility’ means a facility constructed or maintained on property owned or controlled by the Regional Jail Authority and designed (1) for the short term preadjudicatory detention of juveniles, for the confinement of juveniles who are awaiting transportation to or placement at another juvenile detention facility or juvenile correctional facility, or who are awaiting trial as an adult pursuant to ~~section ten, article five, chapter forty-nine~~ §49-4-710 of this code; or (2) for the court-ordered, short term placement of juveniles in a facility that is characterized by programmatic intervention and by staff restrictions of the movements and activities of juveniles placed there, that limits the juveniles’ access to the surrounding community and that is not characterized by construction fixtures designed to physically restrict the movements and activities of juveniles.

(b) ‘Authority’ or ‘West Virginia Regional Jail Authority’ means the West Virginia Regional Jail and Correctional Facility Authority created by this article.

(c) ‘Board’ means the governing body of the authority.

(d) ‘Bonds’ means bonds of the authority issued under this article.

(e) ‘Cost of construction or renovation of a local jail facility, regional jail facility or juvenile facility’ means the cost of all lands, water areas, property rights, and easements, financing charges, interest prior to and during construction and for a period not exceeding six months following the completion of construction, equipment, engineering and legal services, plans, specifications, and surveys, estimates of costs and other expenses necessary or incidental to determining the feasibility or practicability of any project, together with any other expenses necessary or incidental to the financing and the construction or renovation of the facilities and the placing of the facilities in operation.



(f) 'County' means any county of this state.

(g) 'Federal agency' means the United States of America and any department, corporation, agency, or instrumentality created, designated, or established by the United States of America.

(h) 'Fund' or 'funds' means a Regional Jail and Correctional Facility Authority fund provided in §31-20-10 of this code, including those accounts that may be established by the authority for accurate accounting of the expenditure of public funds by that agency.

(i) 'Government' means state and federal government, and any political subdivision, agency or instrumentality of the state or federal government, corporate or otherwise.

(j) 'Inmate' means any adult person properly committed to a local or regional jail facility or a correctional facility.

(k) 'Local jail facility' means any county facility for the confinement, custody, supervision, or control of adult persons convicted of misdemeanors, awaiting trial, or awaiting transportation to a state correctional facility.

(l) 'Municipality' means any city, town, or village in this state.

(m) 'Notes' means any notes as defined in §46-3-104 of this code issued under this article by the authority.

(n) 'Correctional facility' means any correctional facility, penitentiary, or other correctional institution operated by the Division of Corrections for the incarceration of adults.

(o) 'Regional jail facility' or 'regional jail' means any facility operated by the authority and used jointly by two or more counties for the confinement, custody, supervision, or control of adult persons convicted of misdemeanors or awaiting trial or awaiting transportation to a state correctional facility.

(p) 'Revenues' means all fees, charges, moneys, profits, payments of principal of, or interest on, loans and other

investments, grants, contributions, and all other income received by the authority.

(q) ‘Security interest’ means an interest in the loan portfolio of the authority which is secured by an underlying loan or loans and is evidenced by a note issued by the authority.

(r) ‘Work farm’ has the same meaning as that term is used in §7-8-12 of this code authorizing work farms for individual counties.

(s) ‘Juvenile detention facility’ or ‘juvenile detention center’ means a facility operated by the Division of Juvenile Services (1) for the short term preadjudicatory detention of juveniles, for the confinement of juveniles who are awaiting transportation to or placement at another juvenile detention facility or juvenile correctional facility, or who are awaiting trial as an adult pursuant to ~~section ten, article five, chapter forty nine~~ §49-4-710 of this code; or (2) for the court-ordered, short term placement of juveniles in a facility that is characterized by programmatic intervention and by staff restrictions of the movements and activities of juveniles placed there, that limits the juveniles’ access to the surrounding community and that is not characterized by construction fixtures designed to physically restrict the movements and activities of juveniles.

(t) ‘Juvenile correctional facility’ means a facility operated by the Division of Juvenile Services (1) for the postdispositional confinement of juveniles adjudicated of offenses that would be criminal offenses if committed by an adult; or (2) for the court-ordered placement of juveniles in a facility that is characterized by programmatic intervention and by staff restrictions of the movements and activities of juveniles placed there, that limits the juveniles’ access to the surrounding community, and that is not characterized by construction fixtures designed to physically restrict the movements and activities of juveniles.

(u) ‘Juvenile facility’ means an adjacent regional juvenile detention facility, a juvenile detention facility, a juvenile detention center, or a juvenile correctional facility.

**CHAPTER 33. INSURANCE.****ARTICLE 4. GENERAL PROVISIONS.****§33-4-20. Cancellation, nonrenewal or limitation of coverage of life or sickness and accident insurance.**

(a) For purposes of this section, the following definitions shall apply:

(1) ‘Abuse’, as used in this section, means the occurrence of one or more of the following acts between family or household members:

(A) Attempting to cause or intentionally, knowingly, or recklessly causing physical harm to another with or without dangerous or deadly weapons;

(B) Placing another in reasonable apprehension of physical harm;

(C) Creating fear of physical harm by harassment, psychological abuse, or threatening acts;

(D) Committing either sexual assault or sexual abuse as those terms are defined in §61-8B-1 *et seq.* and §61-8D-1 *et seq.* of this code;

(E) Holding, confining, detaining, or abducting another person against that person’s will;

(F) Intentionally or recklessly damaging, destroying, or taking the tangible property of another individual;

(G) Insulting, taunting, or challenging another individual or engaging in a course of alarming or distressing conduct in a manner which is likely to provoke a violent or disorderly response or which is likely to cause humiliation, degradation, or fear in another individual;

(H) Trespassing on or in the property of another individual, or on or in property from which the trespasser has been excluded by court order;

(I) Child abuse or neglect, as defined in ~~section three, article one, chapter forty nine~~ §49-1-201 of this code;

(J) Kidnapping, concealment, or removal of a minor child from his or her custodian or from a person entitled to visitation, as set forth in §61-2-14 through §61-2-14e of this code.

(2) ‘Family or household member’ means current or former spouses, persons living as spouses, persons who formerly resided as spouses, parents, children and stepchildren, current or former sexual or intimate partners, other persons related by blood or marriage, persons who are presently or in the past have resided or cohabited together, or a person with whom the victim has a child in common.

(3) ‘Victim of abuse’, as used in this section, means an individual who has been or is subject to abuse, including, but not limited to, an individual who seeks, has sought, or should have sought medical or psychological treatment for abuse, protection from abuse or shelter from abuse.

(b) For all policies issued or renewed after the effective date of this section, ~~no~~ a person or entity engaged in the business of providing life or health insurance, or both, in this state may not:

(1) Deny, refuse to issue, refuse to renew, refuse to reissue, cancel, or otherwise terminate an insurance policy or restrict coverage on any individual because that individual is, has been, or may be the victim of abuse;

(2) Add any surcharge or rating factor to a premium of an insurance policy because an individual has been or may be the victim of abuse;

(3) Exclude or limit coverage for losses or deny a claim incurred because an individual has been or may be the victim of abuse; or

(4) Require as part of the application process any information regarding whether that individual has been or may be the victim of abuse.

(c) Nothing in this section may be construed to prohibit a person from declining to issue an insurance policy insuring the life of an individual who is or has been the victim of abuse if the perpetrator of abuse is the applicant or would be the owner of the insurance policy.

(d) Nothing in this section may be construed to prohibit a person from underwriting or rating a risk on the basis of a preexisting physical or mental condition, even if the condition had been caused by abuse: *Provided, That:*

(1) The person routinely underwrites or rates the condition in the same manner with respect to an insured or an applicant who is not a victim of abuse;

(2) The fact that an individual is, has been, or may be the victim of abuse may not be considered a physical or mental condition; and

(3) The underwriting or rating is not used to evade the intent of this law or any other provision of law. A person may not be held civilly or criminally liable for any cause of action which may be brought because of compliance with this section.

## **CHAPTER 48. DOMESTIC RELATIONS.**

### **ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-MAKING RESPONSIBILITY OF CHILDREN.**

#### **§48-9-205. Permanent parenting plan.**

(a) A party seeking a judicial allocation of custodial responsibility or decision-making responsibility under this article shall file a proposed parenting plan with the court. Parties may file a joint plan. A proposed plan shall be verified and shall state, to the extent known or reasonably discoverable by the filing party or parties:

(1) The name, address, and length of residence of any adults with whom the child has lived for one year or more, or in the case of a child less than one year old, any adults with whom the child has lived since the child's birth;

(2) The name and address of each of the child's parents and any other individuals with standing to participate in the action under §48-9-103 of this code;

(3) A description of the allocation of care taking and other parenting responsibilities performed by each person named in subdivisions (1) and (2) of this subsection during the twenty-four months preceding the filing of an action under this article;

(4) A description of the work and child-care schedules of any person seeking an allocation of custodial responsibility, and any expected changes to these schedules in the near future;

(5) A description of the child's school and extracurricular activities;

(6) A description of any of the limiting factors as described in §48-9-209 of this code that are present, including any restraining orders against either parent to prevent domestic or family violence, by case number and jurisdiction;

(7) Required financial information; and

(8) A description of the known areas of agreement and disagreement with any other parenting plan submitted in the case.

The court shall maintain the confidentiality of any information required to be filed under this section when the person giving that information has a reasonable fear of domestic abuse and disclosure of the information would increase that fear.

(b) The court shall develop a process to identify cases in which there is credible information that child abuse or neglect, as defined in ~~section three, article one, chapter forty nine~~ §49-1-201 of this code, or domestic violence as defined in §48-27-202 of this code has occurred. The process shall include assistance for possible

victims of domestic abuse in complying with subdivision (6), subsection (a) of this section, and referral to appropriate resources for safe shelter, counseling, safety planning, information regarding the potential impact of domestic abuse on children, and information regarding civil and criminal remedies for domestic abuse. The process shall also include a system for ensuring that jointly submitted parenting plans that are filed in cases in which there is credible information that child abuse or domestic abuse has occurred receive the court review that is mandated by §48-9-201(b) of this code.

(c) Upon motion of a party and after consideration of the evidence, the court shall order a parenting plan consistent with the provisions of §48-9-206, §48-9-207, §48-9-208 and §48-9-209 of this code, containing:

(1) A provision for the child's living arrangements and each parent's custodial responsibility, which shall include either:

(A) A custodial schedule that designates in which parent's home each minor child will reside on given days of the year; or

(B) A formula or method for determining such a schedule in sufficient detail that, if necessary, the schedule can be enforced in subsequent proceedings by the court;

(2) An allocation of decision-making responsibility as to significant matters reasonably likely to arise with respect to the child;

(3) A provision consistent with §48-9-202 of this code for resolution of disputes that arise under the plan, and remedies for violations of the plan; and

(4) A plan for the custody of the child should one or both of the parents as a member of the National Guard, a reserve component, or an active duty component be mobilized, deployed, or called to active duty.

(d) A parenting plan may, at the court's discretion, contain provisions that address matters that are expected to arise in the

event of a party's relocation, or provide for future modifications in the parenting plan if specified contingencies occur.

### PART III - FACT FINDING.

#### **§48-9-301a. Child abuse allegations.**

(a) If allegations of child abuse are made during a child custody proceeding and the court has concerns regarding the child's safety, the court may take any reasonable, temporary steps as the court, in its discretion, ~~deems~~ considers appropriate under the circumstances to protect the child's safety until an investigation can be completed. Nothing in this subsection shall affect the applicability of ~~sections two and nine of article six a, chapter forty nine~~ §49-2-802 and §49-2-803 of this code.

(b) If allegations of child abuse are made during a child custody proceeding, the court may request that the local child protective service conduct an investigation of the allegations pursuant to ~~article six a, chapter forty nine~~ §49-2-801 through §49-2-814 of this code. Upon completion of the investigation, the agency shall report its findings to the court.

### **ARTICLE 22. ADOPTION.**

#### PART III. CONSENT OR RELINQUISHMENT; ABANDONMENT.

#### **§48-22-301. Persons whose consent or relinquishment is required; exceptions.**

(a) Subject to the limitations hereinafter set forth, consent to or relinquishment for adoption of a minor child is required of:

(1) The parents or surviving parent ~~whether adult or infant~~ of a marital child, whether adult or infant;

(2) The outsider father of a marital child who has been adjudicated to be the father of the child or who has filed a paternity action which is pending at the time of the filing of the petition for adoption;



(3) The birth mother ~~whether adult or infant~~ of a nonmarital child, whether adult or infant; and

(4) The determined father.

(b) Consent or relinquishment shall not be required of a parent or of any other person having custody of the adoptive child:

(1) Whose parental rights have been terminated pursuant to the provisions of ~~article three, chapter forty nine~~ §49-4-114 of this code;

(2) Whom the court finds has abandoned the child as set forth in ~~22-306~~ §48-22-306 of this code; or

(3) Who, in a stepparent adoption, is the birth parent or adoptive parent of the child and is married to the petitioning adoptive parent. In such stepparent adoption, the parent must assent to the adoption by joining as a party to the petition for adoption.

(c) If the mother, legal father, or determined father is under disability, the court may order the adoption if it finds:

(1) The parental rights of the person are terminated, abandoned, or permanently relinquished;

(2) The person is incurably insane; or

(3) The disability arises solely because of age and an otherwise valid consent or relinquishment has been given.

(d) If all persons entitled to parental rights of the child sought to be adopted are deceased or have been deprived of the custody of the child by law, then consent or relinquishment is required of the legal guardian or of any other person having legal custody of the child at the time. If there is no legal guardian nor any person who has legal custody of the child, then consent or relinquishment is required from some discreet and suitable person appointed by the court to act as the next friend of the child in the adoption proceedings.

(e) If one of the persons entitled to parental rights of the child sought to be adopted is deceased, only the consent or

relinquishment of the surviving person entitled to parental rights is required.

(f) If the child to be adopted is 12 years of age or over, the consent of the child is required to be given in the presence of a judge of a court of competent jurisdiction, unless for extraordinary cause, the requirement of such consent is waived by the court.

(g) Any consent to adoption or relinquishment of parental rights shall have the effect of authorizing the prospective adoptive parents or the agency to consent to medical treatment for the child, whether or not such authorization is expressly stated in the consent or relinquishment.

## **ARTICLE 26. DOMESTIC VIOLENCE ACT.**

### PART VII. CONFIDENTIALITY.

#### **§48-26-701. Confidentiality.**

(a) ~~No~~ A program licensed pursuant to this article may not disclose, reveal, or release or be compelled to disclose, reveal, or release, any written records or personal or personally identifying information about a program participant created or maintained in providing services, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected, pursuant to this article except:

(1) Upon written consent, or upon oral consent in emergency situations defined by legislative rule, of the person seeking or who has sought services from the program;

(2) In any proceeding brought under §9-6-4 and §9-6-5 of this code or ~~article six, chapter forty nine~~ §49-4-601 through §49-4-610 of this code;

(3) As mandated by ~~article six a, chapter forty nine~~ §49-2-801 through §49-2-814 and §9-6-1 *et seq.* of this code;

(4) Pursuant to an order of any court based upon a finding that ~~said~~ the information is sufficiently relevant to a proceeding before

the court to outweigh the importance of maintaining the confidentiality established by this section;

(5) To protect against a clear and substantial danger of imminent injury by a person receiving services to himself or herself or another; or

(6) As authorized by the releases signed by batterer intervention and prevention program participants pursuant to the provisions of subsection (b) of this section.

(b) Batterer intervention and prevention program participants shall authorize the release of information by signing the following releases:

(1) Allowing the provider to inform the victim or alleged victim and the victim's advocates that the batterer is participating in a batterer intervention and prevention program with the provider and to provide information to the victim or alleged victim and her or his advocates, if necessary, for the victim's or alleged victim's safety;

(2) Allowing prior and current service providers to provide information about the batterer to the provider;

(3) Allowing the provider, for good cause, to provide information about the batterer to relevant legal entities, including courts, parole officers, probation officers, child protective services, adult protective services, law enforcement, licensed domestic violence programs, or other referral agencies;

(4) Allowing the provider to report to the court, if the participation was court ordered, and to the victim or alleged victim, if she or he requests and provides a method of notification, and to ~~his or her~~ her or his advocate, any assault, failure to comply with program requirements, failure to attend the program, threat of harm by the batterer, reason for termination, and recommendations for changes in the court order; and

(5) Allowing the provider to report to the victim or alleged victim, or ~~his or her~~ her or his advocate, without the participant's

authorization, all perceived threats of harm, the participant's failure to attend, and reason for termination.

(c) Monitored parenting and exchange programs may disclose to one parent or guardian, without the permission of the other parent or guardian, any perceived threat of harm or violation of the court order or violation of the monitored parenting and exchange program rules by the other parent or guardian.

(d) ~~No~~ A monitored parenting and exchange program may not release information about the child without consent of the parent with custodial responsibility or guardian.

(e) In addition to the provisions set forth in this section, the release of a victim's personally identifying information is subject to the provisions of 42 U.S.C. § 13925(b)(2).

(f) ~~No~~ A consent or authorization for the transmission or disclosure of confidential information is not effective unless it is signed by the program participant whose information is being disclosed. Every person signing an authorization shall be given a copy.

(g) A victim of domestic violence, dating violence, sexual assault, or stalking shall not be required to provide consent to release his or her personally identifying information as a condition of eligibility for the services, nor may any personally identifying information be shared in order to comply with federal or state reporting, evaluation, or data collection requirements: *Provided*, That nothing in this section prohibits a program from reporting suspected abuse or neglect, as defined by law, when the program is mandated by law to report suspected abuse or neglect.

#### **§48-26-1002. Exclusions.**

The provisions of this part do not apply to therapeutic or supervised visitation or exchanges or any activity conducted by the state or others in abuse and neglect proceedings pursuant to ~~articles six and six a, chapter forty nine~~ §49-2-801 through §49-2-814 and §49-4-601 through §49-4-610 of this code in which assessment,

evaluation, formulation of a treatment plan, case management, counseling, therapy, or similar activities occur.

## **ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.**

### **§48-27-403. Emergency protective orders of court; hearings; persons present.**

(a) Upon the filing of a verified petition under this article, the magistrate court may enter an emergency protective order as it may ~~deem~~ determine necessary to protect the petitioner or minor children from domestic violence and, upon good cause shown, may do so ex parte without the necessity of bond being given by the petitioner. Clear and convincing evidence of immediate and present danger of abuse to the petitioner or minor children ~~shall constitute~~ constitutes good cause for the issuance of an emergency protective order pursuant to this section. If the respondent is not present at the proceeding, the petitioner or the petitioner's legal representative shall certify to the court, in writing, the efforts which have been made to give notice to the respondent or just cause why notice should not be required. Copies of medical reports or records may be admitted into evidence to the same extent as though the original ~~thereof~~ reports or records. The custodian of ~~such~~ the records ~~shall not be~~ is not required to be present to authenticate ~~such~~ the records for any proceeding held pursuant to this subsection. If the magistrate court determines to enter an emergency protective order, the order shall prohibit the respondent from possessing firearms.

(b) Following the proceeding, the magistrate court shall order a copy of the petition to be served immediately upon the respondent, together with a copy of any emergency protective order entered pursuant to the proceedings, a notice of the final hearing before the family court, and a statement of the right of the respondent to appear and participate in the final hearing, as provided in subsection (d) of this section. Copies of any order entered under the provisions of this section, a notice of the final hearing before the family court, and a statement of the right of the petitioner to appear and participate in the final hearing, as provided

in subsection (d) of this section, shall also be delivered to the petitioner. Copies of any order entered shall also be delivered to any law-enforcement agency having jurisdiction to enforce the order, including municipal police, the county sheriff's office and local office of the State Police, within 24 hours of the entry of the order. An emergency protective order is effective until modified by order of the family court upon hearing as provided in subsection (d) of this section. The order is in full force and effect in every county in this state.

(c) Subsequent to the entry of the emergency protective order, service on the respondent, and the delivery to the petitioner and law-enforcement officers, the court file shall be transferred to the office of the clerk of the circuit court for use by the family court.

(d) The family court shall schedule a final hearing on each petition in which an emergency protective order has been entered by a magistrate. The hearing shall be scheduled not later than 10 days following the entry of the order by the magistrate. The notice of the final hearing shall be served on the respondent and delivered to the petitioner, as provided in subsection (b) of this section, and must set forth the hearing date, time, and place and include a statement of the right of the parties to appear and participate in the final hearing. The notice must also provide that the petitioner's failure to appear will result in a dismissal of the petition and that the respondent's failure to appear may result in the entry of a protective order against him or her for a period of 90 or 180 days, as determined by the court. The notice must also include the name, mailing address, physical location, and telephone number of the family court having jurisdiction over the proceedings. To facilitate the preparation of the notice of final hearing required by the provisions of this subsection, the family court must provide the magistrate court with a day and time in which final hearings may be scheduled before the family court within the time required by law.

(e) Upon final hearing the petitioner must prove, by a preponderance of the evidence, the allegation of domestic violence or that he or she reported or witnessed domestic violence against another and has, as a result, been abused, threatened, harassed, or

has been the subject of other actions to attempt to intimidate him or her, or ~~such~~ the petition shall be dismissed by the family court. If the respondent has not been served with notice of the emergency protective order, the hearing may be continued to permit service to be effected. The failure to obtain service upon the respondent does not constitute a basis to dismiss the petition. Copies of medical reports may be admitted into evidence to the same extent as though the original thereof, upon proper authentication, by the custodian of ~~such~~ the records.

(f) ~~No~~ A person requested by a party to be present during a hearing held under the provisions of this article shall not be precluded from being present unless ~~such~~ that person is to be a witness in the proceeding and a motion for sequestration has been made and ~~such~~ the motion has been granted. A person found by the court to be disruptive may be precluded from being present.

(g) Upon hearing, the family court may dismiss the petition or enter a protective order for a period of 90 days or, in the discretion of the court, for a period of 180 days. The hearing may be continued on motion of the respondent, at the convenience of the court. Otherwise, the hearing may be continued by the court no more than seven days. If a hearing is continued, the family court may modify the emergency protective order as it ~~deems~~ considers necessary.

(h) Notwithstanding any other provision of this code to the contrary, a petition filed pursuant to this section that results in the issuance of an emergency protective order naming a juvenile as the respondent in which the petition for the emergency protective order is filed by or on behalf of the juvenile's parent, guardian or custodian, or other person with whom the juvenile resides shall be treated as a petition authorized by ~~section seven, article five, chapter forty nine §49-4-704~~ of this code, alleging the juvenile is a juvenile delinquent: *Provided*, That the magistrate court shall notify the prosecuting attorney in the county where the emergency protective order is issued within 24 hours of the issuance of the emergency protective order and the prosecuting attorney may file an amended verified petition to comply with the provisions of ~~subsection (a) of section seven, article five, chapter forty nine §49-4-704(a)~~ of this code within two judicial days.

**CHAPTER 49. CHILD WELFARE.****ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.****PART II. DEFINITIONS.****§49-1-201. Definitions related, but not limited, to child abuse and neglect.**

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, child abuse and neglect, except in those instances where a different meaning is provided or the context in which the word is used clearly indicates that a different meaning is intended.

‘Abandonment’ means any conduct that demonstrates the settled purpose to forego the duties and parental responsibilities to the child;

‘Abused child’ means:

(1) A child whose health or welfare is being harmed or threatened by:

(A) A parent, guardian, or custodian who knowingly or intentionally inflicts, attempts to inflict, or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home. Physical injury may include an injury to the child as a result of excessive corporal punishment;

(B) Sexual abuse or sexual exploitation;

(C) The sale or attempted sale of a child by a parent, guardian, or custodian in violation of §61-2-14h of this code;

(D) Domestic violence as defined in §48-27-202 of this code;  
or

(E) Human trafficking or attempted human trafficking, in violation of §61-14-2 of this code.



(2) A child conceived as a result of sexual assault, as that term is defined in this section, or as a result of the violation of a criminal law of another jurisdiction which has the same essential elements: Provided, That no victim of sexual assault may be determined to be an abusive parent, as that term is defined in this section, based upon being a victim of sexual assault.

‘Abusing parent’ means a parent, guardian, or other custodian, regardless of his or her age, whose conduct has been adjudicated by the court to constitute child abuse or neglect as alleged in the petition charging child abuse or neglect.

‘Battered parent’ for the purposes of §49-4-601 *et seq.* of this code means a respondent parent, guardian, or other custodian who has been adjudicated by the court to have not condoned the abuse or neglect and has not been able to stop the abuse or neglect of the child or children due to being the victim of domestic violence as defined by §48-27-202 of this code, which was perpetrated by the same person or persons determined to have abused or neglected the child or children.

‘Child abuse and neglect’ or ‘child abuse or neglect’ means any act or omission that creates an abused child or a neglected child as those terms are defined in this section.

‘Child abuse and neglect services’ means social services which are directed toward:

(A) Protecting and promoting the welfare of children who are abused or neglected;

(B) Identifying, preventing, and remedying conditions which cause child abuse and neglect;

(C) Preventing the unnecessary removal of children from their families by identifying family problems and assisting families in resolving problems which could lead to a removal of children and a breakup of the family;

(D) In cases where children have been removed from their families, providing time-limited reunification services to the

children and the families so as to reunify those children with their families, or some portion of the families;

(E) Placing children in suitable adoptive homes when reunifying the children with their families, or some portion of the families, is not possible or appropriate; and

(F) Assuring the adequate care of children or juveniles who have been placed in the custody of the department or third parties.

‘Condition requiring emergency medical treatment’ means a condition which, if left untreated for a period of a few hours, may result in permanent physical damage; that condition includes, but is not limited to, profuse or arterial bleeding, dislocation or fracture, unconsciousness, and evidence of ingestion of significant amounts of a poisonous substance.

‘Imminent danger to the physical well-being of the child’ means an emergency situation in which the welfare or the life of the child is threatened. These conditions may include an emergency situation when there is reasonable cause to believe that any child in the home is or has been sexually abused or sexually exploited, or reasonable cause to believe that the following conditions threaten the health, life, or safety of any child in the home:

(A) Nonaccidental trauma inflicted by a parent, guardian, custodian, sibling, babysitter or other caretaker;

(B) A combination of physical and other signs indicating a pattern of abuse which may be medically diagnosed as battered child syndrome;

(C) Nutritional deprivation;

(D) Abandonment by the parent, guardian, or custodian;

(E) Inadequate treatment of serious illness or disease;

(F) Substantial emotional injury inflicted by a parent, guardian, or custodian;

(G) Sale or attempted sale of the child by the parent, guardian, or custodian;

(H) The parent, guardian, or custodian's abuse of alcohol or drugs or other controlled substance as defined in §60A-1-101 of this code, has impaired his or her parenting skills to a degree as to pose an imminent risk to a child's health or safety; or

(I) Any other condition that threatens the health, life or safety of any child in the home.

'Neglected child' means a child:

(A) Whose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education, when that refusal, failure, or inability is not due primarily to a lack of financial means on the part of the parent, guardian, or custodian;

(B) Who is presently without necessary food, clothing, shelter, medical care, education, or supervision because of the disappearance or absence of the child's parent or custodian; or

(C) 'Neglected child' does not mean a child whose education is conducted within the provisions of §18-8-1 *et seq.* of this code.

'Petitioner or copetitioner' means the department or any reputable person who files a child abuse or neglect petition pursuant to §49-4-601 *et seq.* of this code.

'Permanency plan' means the part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available.

'Respondent' means all parents, guardians, and custodians identified in the child abuse and neglect petition who are not petitioners or copetitioners.

'Sexual abuse' means:

(A) Sexual intercourse, sexual intrusion, sexual contact, or conduct proscribed by §61-8c-3 of this code, which a parent, guardian, or custodian engages in, attempts to engage in, or knowingly procures another person to engage in, with a child notwithstanding the fact that for a child who is less than 16 years of age, the child may have willingly participated in that conduct or the child may have suffered no apparent physical, mental or emotional injury as a result of that conduct or, for a child 16 years of age or older, the child may have consented to that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct;

(B) Any conduct where a parent, guardian, or custodian displays his or her sex organs to a child, or procures another person to display his or her sex organs to a child, for the purpose of gratifying the sexual desire of the parent, guardian, or custodian, of the person making that display, or of the child, or for the purpose of affronting or alarming the child; or

(C) Any of the offenses proscribed in §61-8b-7, §61-8b-8, or §61-8b-9 of this code.

‘Sexual assault’ means any of the offenses proscribed in §61-8b-3, §61-8b-4, or §61-8b-5 of this code.

‘Sexual contact’ means sexual contact as that term is defined in §61-8b-1 of this code.

‘Sexual exploitation’ means an act where:

(A) A parent, custodian, or guardian, whether for financial gain or not, persuades, induces, entices or coerces a child to engage in sexually explicit conduct as that term is defined in §61-8c-1 of this code;

(B) A parent, guardian, or custodian persuades, induces, entices or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian or a third person, or to display his or her sex organs under circumstances in which the parent, guardian, or custodian knows that the display is

likely to be observed by others who would be affronted or alarmed;  
or

(C) A parent, guardian, or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity in violation of §61-14-5 of this code.

‘Sexual intercourse’ means sexual intercourse as that term is defined in §61-8b-1 of this code.

‘Sexual intrusion’ means sexual intrusion as that term is defined in §61-8b-1 of this code.

‘Serious physical abuse’ means bodily injury which creates a substantial risk of death, causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

## **CHAPTER 51. COURTS AND THEIR OFFICERS.**

### **ARTICLE 2A. FAMILY COURTS.**

#### **§51-2A-2. Family court jurisdiction; exceptions; limitations.**

(a) The family court shall exercise jurisdiction over the following matters:

(1) All actions for divorce, annulment or separate maintenance brought under the provisions of §48-3-1 *et seq.*, §48-4-1 *et seq.*, or §48-5-1 *et seq.* of this code, except as provided in subsections (b) and (c) of this section;

(2) All actions to obtain orders of child support brought under the provisions of §48-11-1 *et seq.*, §48-12-1 *et seq.*, and §48-14-1 *et seq.* of this code;

(3) All actions to establish paternity brought under the provisions of §48-24-1 *et seq.* of this code and any dependent claims related to such actions regarding child support, parenting plans or other allocation of custodial responsibility or decision-making responsibility for a child;

(4) All actions for grandparent visitation brought under the provisions of §48-10-1 *et seq.* of this code;

(5) All actions for the interstate enforcement of family support brought under §48-16-1 *et seq.* of this code and for the interstate enforcement of child custody brought under the provisions of §48-20-1 *et seq.* of this code;

(6) All actions for the establishment of a parenting plan or other allocation of custodial responsibility or decision-making responsibility for a child, including actions brought under the Uniform Child Custody Jurisdiction and Enforcement Act, as provided in §48-20-1 *et seq.* of this code;

(7) All petitions for writs of habeas corpus ~~wherein~~ in which the issue contested is custodial responsibility for a child;

(8) All motions for temporary relief affecting parenting plans or other allocation of custodial responsibility or decision-making responsibility for a child, child support, spousal support or domestic violence;

(9) All motions for modification of an order providing for a parenting plan or other allocation of custodial responsibility or decision-making responsibility for a child or for child support or spousal support;

(10) All actions brought, including civil contempt proceedings, to enforce an order of spousal or child support or to enforce an order for a parenting plan or other allocation of custodial responsibility or decision-making responsibility for a child;

(11) All actions brought by an obligor to contest the enforcement of an order of support through the withholding from income of amounts payable as support or to contest an affidavit of accrued support, filed with the circuit clerk, which seeks to collect an arrearage;

(12) All final hearings in domestic violence proceedings;

(13) Petitions for a change of name, exercising concurrent jurisdiction with the circuit court;

(14) All proceedings for payment of attorney fees if the family court judge has jurisdiction of the underlying action;

(15) All proceedings for property distribution brought under §48-7-1 *et seq.* of this code;

(16) All proceedings to obtain spousal support brought under §48-8-1 *et seq.* of this code;

(17) All proceedings relating to the appointment of guardians or curators of minor children brought pursuant to §44-10-3, §44-10-4 and §44-10-6 of this code, exercising concurrent jurisdiction with the circuit court; and

(18) All proceedings relating to petitions for sibling visitation.

(b) If an action for divorce, annulment, or separate maintenance does not require the establishment of a parenting plan or other allocation of custodial responsibility or decision-making responsibility for a child and does not require an award or any payment of child support, the circuit court has concurrent jurisdiction with the family court over the action if, at the time of the filing of the action, the parties also file a written property settlement agreement executed by both parties.

(c) If an action for divorce, annulment, or separate maintenance is pending and a petition is filed pursuant to the provisions of ~~article six, chapter forty nine~~ §49-4-601 through §49-4-610 of this code alleging abuse or neglect of a child by either of the parties to the divorce, annulment, or separate maintenance action, the orders of the circuit court in which the abuse or neglect petition is filed shall supersede and take precedence over an order of the family court respecting the allocation of custodial and decision-making responsibility for the child between the parents. If no order for the allocation of custodial and decision-making responsibility for the child between the parents has been entered by the family court in the pending action for divorce, annulment, or separate maintenance, the family court shall stay any further proceedings

concerning the allocation of custodial and decision-making responsibility for the child between the parents and defer to the orders of the circuit court in the abuse or neglect proceedings.

(d) If a family court judge is assigned as a judicial officer of a domestic violence court then jurisdiction of all proceedings relating to criminal misdemeanor crimes of domestic violence as referenced in §48-27-301 of this code involving a family or household member as referenced in §48-27-204(1) through §48-27-204(6) and §48-27-204(7)(A), §48-27-204(7)(B), and §48-27-204(7)(H) of this code shall be concurrent with the circuit and magistrate courts.

(e) A family court is a court of limited jurisdiction. A family court is a court of record only for the purpose of exercising jurisdiction in the matters for which the jurisdiction of the family court is specifically authorized in this section and in chapter 48 of this code. A family court may not exercise the powers given courts of record in §51-5-1 of this code or exercise any other powers provided for courts of record in this code unless specifically authorized by the Legislature. A family court judge is not a 'judge of any court of record' or a 'judge of a court of record' as the terms are defined and used in §51-9-1 *et seq.* of this code.

## **ARTICLE 7. OFFICIAL REPORTERS.**

### **§51-7-8. Transcripts to be furnished indigent persons in juvenile delinquency and child abuse and neglect proceedings upon timely request; payment therefor.**

In any proceeding held pursuant to ~~article five or six, chapter forty nine~~ §49-4-601 through §49-4-725 of this code in which an indigent respondent or his or her counsel has filed a written request, in the manner prescribed by the Supreme Court of Appeals, evidencing an intent to appeal a decision of a circuit court in the proceeding, the court, upon presentation of a written request, presented within 30 days after the entry of the order sought to be appealed, shall authorize and direct the court reporter to furnish a transcript of the testimony of the proceeding or the part or parts ~~thereof~~ of the transcript that have specifically been requested.



The court, after being sufficiently satisfied of the reasonableness of a voucher or claim submitted for payment of the cost of preparing the transcript, shall certify the cost to the State Auditor, who shall, in a timely manner, pay the court reporter's fee from appropriations to the Supreme Court of Appeals.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 2. CRIMES AGAINST THE PERSON.**

#### **§61-2-14h. Prohibition of purchase or sale of child; penalty; definitions; exceptions.**

(a) Any person or agency who knowingly offers, gives, or agrees to give to another person money, property, service, or other thing of value in consideration for the recipient's locating, providing, or procuring a minor child for any purpose which entails a transfer of the legal or physical custody of ~~said~~ the child, including, but not limited to, adoption or placement, is guilty of a felony and subject to fine and imprisonment as provided ~~herein~~ in this section.

(b) Any person who knowingly receives, accepts, or offers to accept money, property, service, or other thing of value to locate, provide or procure a minor child for any purpose which entails a transfer of the legal or physical custody of ~~said~~ the child, including, but not limited to, adoption or placement, is guilty of a felony and subject to fine and imprisonment as provided ~~herein~~ in this section.

(c) Any person who violates the provisions of this section is guilty of a felony and, upon conviction thereof, may be confined in the state correctional facility for not less than one year nor more than 10 years or, in the discretion of the court, be confined in jail not more than one year and fined not less than \$2,000 nor more than \$10,000.

(d) A child whose parent, guardian, or custodian has sold or attempted to sell said child in violation of the provisions of §48-22-1 *et seq.* of this code may be deemed an abused child as defined by ~~section three, article one, chapter forty nine~~ §49-1-201 of this code. The court may place such a child in the custody of the

Department of Health and Human Resources or with ~~such other~~ another responsible person as dictated by the best interests of the child ~~dictate~~.

(e) This section does not prohibit the payment or receipt of the following:

(1) Fees paid for reasonable and customary services provided by the Department of Health and Human Resources or any licensed or duly authorized adoption or child-placing agency;

(2) Reasonable and customary legal, medical, hospital or other expenses incurred in connection with the pregnancy, birth, and adoption proceedings;

(3) Fees and expenses included in any agreement in which a woman agrees to become a surrogate mother; or

(4) Any fees or charges authorized by law or approved by a court in a proceeding relating to the placement plan, prospective placement, or placement of a minor child for adoption.

(f) At the final hearing on the adoption as provided in §48-22-1 *et seq.* of this code, an affidavit of any fees and expenses paid or promised by the adoptive parents shall be submitted to the court.

## **ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.**

### **§61-5-12b. Escape from custody of the Director of Juvenile Services.**

(a) Any person, under the age of 18 years of age, who escapes or attempts to escape from the custody of the Director of Juvenile Services, regardless of where ~~such~~ that person is confined or where ~~such~~ the escape occurs, is guilty of a delinquent act and subject to the jurisdiction of the circuit court of the county in which the escape occurred, pursuant to ~~section two, article five, chapter forty nine~~ §49-4-701 of this code: *Provided*, That upon agreement of all parties, the prosecution of the escape may be transferred to the circuit court from which the juvenile was originally committed.

(b) Any person, over the age of 18 years of age or any juvenile who has been transferred to the adult jurisdiction of the committing court, who escapes or attempts to escape from the custody of the Director of Juvenile Services, regardless of where ~~such~~ that person is confined or where ~~such~~ the escape or attempted escape occurs, is guilty of escape and, if the person is detained or confined for an offense which is a felony or would have been a felony if committed by an adult is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not more than five years. Any person, over the age of 18 years of age or any juvenile who has been transferred to the adult jurisdiction of the committing court, who is detained for an offense which is a misdemeanor or would have been a misdemeanor if committed by an adult is guilty of a misdemeanor and, upon conviction thereof, shall be confined in a regional jail for not more than one year.

## **ARTICLE 6. CRIMES AGAINST THE PEACE.**

### **§61-6-25. Falsely reporting child abuse.**

(a) Any person who knowingly and intentionally reports or causes to be reported to a law-enforcement officer, child protective service worker, or judicial officer that another has committed child sexual abuse, child abuse, or neglect as ~~such~~ those terms are defined in ~~section three, article one, chapter forty-nine~~ §49-1-201 of this code who when doing so knows or has reason to know ~~such~~ the accusation is false and who does it with the intent to influence a child custody decision shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than \$1,000, sentenced to not more than sixty hours of court-approved community service, or both.

(b) In addition to any other sanctions imposed by the provisions of this section, any person convicted of a violation of this section shall be required to attend and complete a court-approved parenting class.

**ARTICLE 7. DANGEROUS WEAPONS.****§61-7-8. Possession of deadly weapons by minors; prohibitions.**

Notwithstanding any other provision of this article to the contrary, a person under the age of 18 years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: *Provided*, That a minor may possess a firearm upon premises owned by ~~said~~ the minor or his or her family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his or her family, with the permission of the owner or lessee of ~~such~~ the property: *Provided, however*, That nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess ~~such~~ the weapon.

A violation of this section by a person under the age of 18 years shall subject the child to the jurisdiction of the circuit court under the provisions of ~~article five, chapter forty nine~~ §49-4-701 through §49-4-725 of this code, and ~~such~~ the minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

**ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.****§61-8-12. Incest; penalty.**

(a) For the purposes of this section:

- (1) ‘Aunt’ means the sister of a person’s mother or father;
- (2) ‘Brother’ means the son of a person’s mother or father;
- (3) ‘Daughter’ means a person’s natural daughter, adoptive daughter, or the daughter of a person’s husband or wife;
- (4) ‘Father’ means a person’s natural father, adoptive father, or the husband of a person’s mother;

(5) 'Granddaughter' means the daughter of a person's son or daughter;

(6) 'Grandfather' means the father of a person's father or mother;

(7) 'Grandmother' means the mother of a person's father or mother;

(8) 'Grandson' means the son of a person's son or daughter;

(9) 'Mother' means a person's natural mother, adoptive mother, or the wife of a person's father;

(10) 'Niece' means the daughter of a person's brother or sister;

(11) 'Nephew' means the son of a person's brother or sister;

(12) 'Sexual intercourse' means any act between persons involving penetration, however slight, of the female sex organ by the male sex organ or involving contact between the sex organs of one person and the mouth or anus of another person;

(13) 'Sexual intrusion' means any act between persons involving penetration, however slight, of the female sex organ or of the anus of any person by an object for the purpose of degrading or humiliating the person so penetrated or for gratifying the sexual desire of either party;

(14) 'Sister' means the daughter of a person's father or mother;

(15) 'Son' means a person's natural son, adoptive son, or the son of a person's husband or wife; and

(16) 'Uncle' means the brother of a person's father or mother.

(b) A person is guilty of incest when such person engages in sexual intercourse or sexual intrusion with his or her father, mother, brother, sister, daughter, son, grandfather, grandmother, grandson, granddaughter, nephew, niece, uncle, or aunt.

(c) Any person who violates the provisions of this section shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than 5 years nor more than 15 years, or fined not less than \$500 nor more than \$5,000 and

imprisoned in the penitentiary not less than five years nor more than fifteen years.

(d) In addition to any penalty provided under this section and any restitution which may be ordered by the court under §61-11A-1 *et seq.* of this code, the court may order any person convicted under the provisions of this section, where the victim is a minor, to pay all or any portion of the cost of medical, psychological, or psychiatric treatment of the victim, the need for which results from the act or acts for which the person is convicted, whether or not the victim is considered to have sustained bodily injury.

(e) In any case where a person is convicted of an offense described ~~herein in this section~~ against a child and further has or may have custodial, visitation, or other parental rights to the child, the court shall find that the person is an abusing parent within the meaning of ~~article six, chapter forty nine~~ §49-4-601 through §49-4-610 of this code, and shall take ~~such~~ further action in accord with the provisions of ~~said article~~ those sections.

## **ARTICLE 8B. SEXUAL OFFENSES.**

### **§61-8B-11a. Convictions for offenses against children.**

In any case where a person is convicted of an offense described in this article against a child and the person has custodial, visitation, or other parental rights to the child who is the victim of the offense or any child who resides in the same household as the victim, the court shall, at the time of sentencing, find that the person is an abusing parent within the meaning of ~~article six, chapter forty nine~~ §49-4-601 through §49-4-610 of this code as to the child victim, and may find that the person is an abusing parent as to any child who resides in the same household as the victim, and shall take ~~such~~ further action in accord with the provisions of ~~said article~~ those sections.

## **ARTICLE 8C. FILMING OF SEXUALLY EXPLICIT CONDUCT OF MINORS.**

**§61-8C-3b. Prohibiting juveniles from manufacturing, possessing and distributing nude or partially nude images of minors; creating exemptions; declaring a violation to be an act of juvenile delinquency; and providing for the punishment thereof.**

(a) Any minor who intentionally possesses, creates, produces, distributes, presents, transmits, posts, exchanges, or otherwise disseminates a visual portrayal of another minor posing in an inappropriate sexual manner or who distributes, presents, transmits, posts, exchanges, or otherwise disseminates a visual portrayal of himself or herself posing in an inappropriate sexual manner ~~shall be~~ is guilty of an act of delinquency and, upon adjudication, disposition may be made by the circuit court pursuant to the provisions of ~~article five, chapter forty nine~~ §49-4-701 through §49-4-725 of this code.

(b) As used in this section:

(1) ‘Posing in an inappropriate sexual manner’ means exhibition of a bare female breast, female or male genitalia, pubic, or rectal areas of a minor for purposes of sexual titillation.

(2) ‘Visual portrayal’ means:

(A) A photograph;

(B) A motion picture;

(C) A digital image;

(D) A digital video recording; or

(E) Any other mechanical or electronic recording process or device that can preserve, for later viewing, a visual image of a person that includes, but is not limited to, computers, cellphones, personal digital assistance, and other digital storage or transmitting devices;

(c) It shall be an affirmative defense to an alleged violation of this section that a minor charged with possession of the prohibited visual depiction did neither solicit its receipt nor distribute, transmit, or present it to another person by any means.

(d) Notwithstanding the provisions of §15-12-1 *et seq.* of this code, an adjudication of delinquency under the provisions of this

section shall not subject the minor to the requirements of ~~said~~ that article and chapter.

## **ARTICLE 8D. CHILD ABUSE.**

### **§61-8D-9. Convictions for offenses against children.**

In any case where a person is convicted of a felony offense against a child as set forth in this article and the person has custodial, visitation or other parental rights to the child who is the victim of the offense or any child who resides in the same household as the victim, the court shall, at the time of sentencing, find that the person is an abusing parent within the meaning of ~~article six, chapter forty nine~~ §49-4-601 through §49-4-610 of this code as to the child victim, and may find that the person is an abusing parent as to any child who resides in the same household as the victim, and shall take such further action in accord with the provisions of ~~said article~~ those sections.

## **ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.**

### **§61-11-23. Punishment for juvenile convicted as an adult; eligibility for parole; factors to be considered prior to sentencing.**

(a) Notwithstanding any other provision of law to the contrary, a sentence of life imprisonment without the possibility of parole may not be imposed on a person who:

(1) Is convicted of an offense punishable by life imprisonment; and

(2) Was less than 18 years of age at the time the offense was committed.

(b) Unless otherwise provided by this code, the provisions of §62-12-1 *et seq.* of this code ~~shall govern~~ governs the eligibility for parole of a person who is convicted of an offense and sentenced to confinement if he or she was less than 18 years of age at the time the offense was committed, except that a person who is convicted



of one or more offenses for which the sentence or any combination of sentences imposed is for a period that renders the person ineligible for parole until he or she has served more than 15 years shall be eligible for parole after he or she has served 15 years if the person was less than 18 years of age at the time each offense was committed.

(c) In addition to other factors required by law to be considered prior to the imposition of a sentence, in determining the appropriate sentence to be imposed on a person who has been transferred to the criminal jurisdiction of the court pursuant to ~~section ten, article five, chapter forty nine~~ §49-4-710 of this code and who has been subsequently tried and convicted of a felony offense as an adult, the court shall consider the following mitigating circumstances:

- (1) Age at the time of the offense;
- (2) Impetuosity;
- (3) Family and community environment;
- (4) Ability to appreciate the risks and consequences of the conduct;
- (5) Intellectual capacity;
- (6) The outcomes of a comprehensive mental health evaluation conducted by ~~an~~ a mental health professional licensed to treat adolescents in the State of West Virginia: *Provided*, That no provision of this section may be construed to require that a comprehensive mental health evaluation be conducted;
- (7) Peer or familial pressure;
- (8) Level of participation in the offense;
- (9) Ability to participate meaningfully in his or her defense;
- (10) Capacity for rehabilitation;
- (11) School records and special education evaluations;

- (12) Trauma history;
- (13) Faith and community involvement;
- (14) Involvement in the child welfare system; and
- (15) Any other mitigating factor or circumstances.

(d)(1) Prior to the imposition of a sentence on a person who has been transferred to the criminal jurisdiction of the court pursuant to ~~section ten, article five, chapter forty nine~~ §49-4-710 of this code, and who has been subsequently tried and convicted of ~~an~~ a felony offense as an adult, the court shall consider the outcomes of any comprehensive mental health evaluation conducted by a mental health professional licensed to treat adolescents in the State of West Virginia. The comprehensive mental health evaluation must include the following:

- (A) Family interviews;
- (B) Prenatal history;
- (C) Developmental history;
- (D) Medical history;
- (E) History of treatment for substance use;
- (F) Social history; and
- (G) A psychological evaluation.

(2) The provisions of this subsection are only applicable to sentencing proceedings for convictions rendered after the effective date of this section and ~~shall~~ do not constitute sufficient grounds for the reconsideration of sentences imposed as the result of convictions rendered after the effective date of this section.

## **ARTICLE 12. POSTMORTEM EXAMINATIONS.**

**§61-12-10. When autopsies made and by whom performed; records of date investigated; copies of records and information; reporting requirements.**

(a) If in the opinion of the chief medical examiner, or of the county medical examiner of the county in which the death in question occurred, it is advisable and in the public interest that an autopsy be made, or if an autopsy is requested by either the prosecuting attorney or the judge of the circuit court or other court of record having criminal jurisdiction in that county, an autopsy shall be conducted by the chief medical examiner or his or her designee, by a member of his or her staff, or by a competent pathologist designated and employed by the chief medical examiner under the provisions of this article. For this purpose, the chief medical examiner may employ any county medical examiner who is a pathologist who holds board certification or board eligibility in forensic pathology or has completed an American Board of Pathology fellowship in forensic pathology to make the autopsies, and the fees to be paid for autopsies under this section shall be in addition to the fee provided for investigations pursuant to §61-12-8 of this code. A full record and report of the findings developed by the autopsy shall be filed with the office of the chief medical examiner by the person making the autopsy.

(b) Within the discretion of the chief medical examiner, or of the person making the autopsy, or if requested by the prosecuting attorney of the county, or of the county where any injury contributing to or causing the death was sustained, a copy of the report of the autopsy shall be furnished to the prosecuting attorney.

(c) The office of the chief medical examiner shall keep full, complete and properly indexed records of all deaths investigated, containing all relevant information concerning the death and the autopsy report if an autopsy report is made. Any prosecuting attorney or law-enforcement officer may secure copies of these records or information necessary for the performance of his or her official duties.

(d) Copies of these records or information shall be furnished, upon request, to any court of law, or to the parties therein to whom the cause of death is a material issue, except where the court determines that interests in a civil matter conflict with the interests in a criminal proceeding, in which case the interests in the criminal proceeding shall take precedence. The office of chief medical

examiner shall be reimbursed a reasonable rate by the requesting party for costs incurred in the production of records under this subsection and subsection (c) of this section.

(e) The chief medical examiner is authorized to release investigation records and autopsy reports to the multidisciplinary team authorized by ~~section three, article five d, chapter forty nine~~ §49-4-402 of this code and as authorized in subsection (h) of this section. At the direction of the Secretary of the Department of Health and Human Resources the chief medical examiner may release records and information to other state agencies when considered to be in the public interest.

(f) Any person performing an autopsy under this section ~~is empowered to~~ may keep and retain, for and on behalf of the chief medical examiner, any tissue from the body upon which the autopsy was performed which may be necessary for further study or consideration.

(g) In cases of the death of any infant in the State of West Virginia where sudden infant death syndrome is the suspected cause of death and the chief medical examiner or the medical examiner of the county in which the death in question occurred considers it advisable to perform an autopsy, ~~it is the duty of the chief medical examiner or the medical examiner of the county in which the death occurred to~~ shall notify the sudden infant death syndrome program within the division of maternal and child health and to inform the program of all information to be given to the infant's parents.

(h) If the chief medical officer determines that a drug overdose is the cause of death of a person, the chief medical examiner shall provide notice of the death to the West Virginia Controlled Substances Monitoring Program Database Review Committee established pursuant to §60A-9-5(b) of this code and shall include in the notice any information relating to the cause of the fatal overdose.

**CHAPTER 62. CRIMINAL PROCEDURE.****ARTICLE 6B. PROTECTION AND PRESERVATION OF STATEMENTS AND TESTIMONY OF CHILD WITNESS.****§62-6B-5. Memorialization of statements of certain child witnesses; admissibility; hearing.**

(a) After the effective date of this section, whenever any law-enforcement officer, physician, psychologist, social worker, or investigator, in the course of his or her employment or profession or while engaged in an active criminal investigation as a law-enforcement officer or an agent of a prosecuting attorney, obtains a statement from a child 13 years of age or younger who is an alleged victim in an investigation or prosecution alleging a violation of the provisions of §61-8B-3, §61-8B-4, §61-8B-5, or §61-8B-7 of this code, he or she shall ~~forthwith~~ immediately make a contemporaneous written notation and recitation of the statement received or obtained. An audio recording or video recording with sound capability of the statement may be used in lieu of the written recitation required by the provisions of this section. Failure to comply with the provisions of this section creates a presumption that the statement is inadmissible. The statement may be admitted if, after a hearing on the matter, the court finds by clear and convincing evidence that the failure to comply with the provisions of this section was a good faith omission and that the content of the proffered statement is an accurate recital of the information provided by the child and is otherwise admissible.

(b) The provisions of this section shall not apply to:

~~(1) Persons engaged in investigation pursuant to the provisions of article six or seven, chapter forty nine of this code~~

~~(2)~~ (1) Medical personnel and other persons performing a forensic medical examination of a child who is an alleged victim; and

~~(3)~~ (2) Prosecuting attorneys when counseling with a child in preparation for eliciting the child's testimony in court."

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4020** - “A Bill to amend and reenact §7-4-4 and §7-4-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-7-2 of said code; to amend and reenact §7-10-2 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §15-2-15 of said code; to amend and reenact §15-2C-1 of said code; to amend and reenact §15-9-3 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §16-2F-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-9A-3 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §16-47-5 of said code; to amend and reenact §17C-5-6a of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-8-6a of said code; to amend and reenact §18A-5-1d of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §29-21-16 of said code; to amend and reenact §31-20-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-205 and §48-9-301 of said code; to amend and reenact §48-22-301 of said code; to amend and reenact §48-26-701 and §48-26-1002 of said code; to amend and reenact §48-27-403 of said code; to amend and reenact §49-1-201 of said code; to amend and reenact §51-2A-2 of said code; to amend and reenact §51-7-8 of said code; to amend and reenact §61-2-14h of said code; to amend and reenact §61-5-12b of said code; to amend and reenact §61-6-25 of said code; to amend and reenact §61-7-8 of said code; to amend and reenact §61-8-12 of said code; to amend and reenact §61-8B-11a of said code; to amend and reenact §61-8C-3b of said code; to amend and reenact §61-8D-9 of said code; to amend and reenact §61-11-23 of said code; to amend and reenact §61-12-10 of said code; and to amend and reenact §62-6B-5, all relating to clarifying and making technical corrections in the code when referencing chapter 49 of this code due to 2015 revisions to chapter 49 of said code; and defining terms.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 48**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ellington and Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4020) passed.

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

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. 322** - “A Bill to amend and reenact §19-1-3 of the Code of West Virginia, 1931, as amended, relating to employees of the Commissioner of Agriculture”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

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. 343** - “A Bill to amend and reenact §11A-3-58 of the Code of West Virginia, 1931, as amended, relating to limiting expenses incurred in preparing notice to redeem, including title examination, to \$500”; 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. 364** - “A Bill to amend and reenact §18-8-11 of the Code of West Virginia, 1931, as amended, relating to allowing a parent or legal guardian of a homeschooled child to provide a signed statement in lieu of a driver eligibility certificate by the attendance director or chief administrator affirming that the child is being educated in accordance with law, is making satisfactory academic progress, and meets certain conditions to be eligible to obtain a permit or license for operation of a motor vehicle”; 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. 400** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to prohibiting state licensing boards from hiring lobbyists; and declaring that the director and appointed board members of each board may lobby on behalf of the board”; which was referred to the Committee on Government Organization then the Judiciary.

### **Resolutions Introduced**

Delegates C. Miller, Butler, Maynard, Brewer, Lovejoy, Eldridge, Rohrbach and C. Romine offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 47** - “Requesting the Division of Highways to name bridge number 40-60-0.03 (40A142), locally known as the Culloden Railroad Overpass, carrying US 60 over CSX Railroad in Putnam County, the ‘U. S. Army SPC 4 William L. Amos Memorial Bridge’.”

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



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

Whereas, U. S. Army Specialist William L. Amos served his country as a Specialist 4, HHC, 1<sup>st</sup> BN, 28<sup>th</sup> Infantry, 1<sup>st</sup> Infantry Division; and

Whereas, U. S. Army Specialist William L. Amos was killed in action on July 27, 1967, in Binh Duong Province, South Vietnam; and

Whereas, U.S. Army Specialist William L. Amos was the recipient of the Purple Heart, the Combat Infantryman Badge, the Vietnam Service Medal, the Vietnam Campaign Medal and the National Defense Service Medal; and

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

Whereas, No fewer than 158 individuals have also signed a petition to name the bridge after U.S. Army Specialist William L. Amos; and

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

*Resolved by the Legislature of West Virginia:*

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

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at

both ends identifying the bridge as the “U. S. Army SPC 4 William L. Amos Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of Transportation and the Commissioner of Highways.

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

**H. C. R. 48** - “Requesting the Division of Highways to name bridge number 23-10-19.39 (23A365), locally known as Guyandotte River Bridge, carrying WV 10 over Guyandotte River in Logan County, the ‘U. S. Army SGT Denver E. Short Memorial Bridge’.”

Whereas, Denver E. Short was born May 6, 1921, in Logan County at Davin, on Huff Creek; he attended Man High School and later married Margaret Parsons from West Logan and they had two daughters, Katy Short Ojeda and Brenda Short Thomas; and

Whereas, Denver E. Short enlisted in the U. S. Army in August, 1941, and was honorably discharged on September 27, 1945; he participated in historic battles in central Europe and received medals for his service and for wounds received in action; and

Whereas, As a platoon Sergeant in Headquarters Battery of the 155<sup>th</sup> Airborne Anti-aircraft Battalion, Sergeant Denver E. Short served in four European wartime campaigns in Normandy, the Rhineland, the Ardennes and Central Europe; and

Whereas, Sergeant Denver E. Short suffered his first combat wound from small arms fire on D-Day, June 6, 1944; he was subsequently wounded in Belgium in 1944 and again in France in 1945. As a result of his wounds, he was hospitalized on numerous occasions, first in a hospital in England, and two different extended stays in hospitals in France, and was awarded three separate Purple Heart Medals for his wounds; and

Whereas, Sergeant Denver E. Short also received the first Oak Leaf Cluster to his first Purple Heart Medal, a second Oak Leaf Cluster to his second Purple Heart Medal and two Distinguished Unit Badges; and

Whereas, Sergeant Denver E. Short passed away on August 26, 2001, and was a proud veteran, great father and husband. He also was a quiet, humble man, a devout Christian and a true American hero; and

Whereas, Naming bridge number 23-10-19.39 (23A365), locally known as Guyandotte River Bridge, carrying WV 10 over Guyandotte River in Logan County, the “U. S. Army SGT Denver E. Short Memorial Bridge” is an appropriate recognition of his service and sacrifices for his country as a part of “The Greatest Generation” and service to his state, community and Logan County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-10-19.39 (23A365), locally known as Guyandotte River Bridge, carrying WV 10 over Guyandotte River in Logan County, the “U. S. Army SGT Denver E. Short Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “U. S. Army SGT Denver E. Short Memorial Bridge”; and, be it

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

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

**H. C. R. 49** - “Requesting the Division of Highways to name bridge number 30-3/5-14.61 (30A017), locally known as Big Rock Pony Truss, carrying County Route 3/5 over West Fork of

Twelvepole Creek in Mingo County, the ‘Albert and Laura Baisden Memorial Bridge’.”

Whereas, Albert Baisden was born April 20th, 1902, and died October 7, 1997; and

Whereas, Laura Belle Baisden was born October 13, 1924, and died October 27, 2004; and

Whereas, Albert and Laura Baisden were both members of the Church of Christ and proud members of the United Mine Workers of America; and

Whereas, Albert Baisden was a 32<sup>nd</sup> Degree Mason and a member of the Masonic Lodge for fifty-two years; and

Whereas, Albert Baisden was a widower with five children when he married Laura, February 27, 1940; and

Whereas, Together Albert and Laura raised his five children and Laura had eleven more children; and

Whereas, Albert Baisden has more than two hundred fifty descendants, the majority of whom still reside in the Dingess area; and

Whereas, Albert Baisden had three generations to graduate in the last class at Lenore High School; and

Whereas, Both Albert and Laura Baisden worked hard to provide for their family. He worked in coal mines, and she took care of farm animals, house, and children; and

Whereas, Albert was known to be a man of his word who did not back down on his opinions and Laura was known as a humble, loving person who never said a negative word about anyone, and both contributed many hours of public service to their community; and

Whereas, It is proper that these two citizens be recognized in their community by an enduring memorial; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 30-3/5-14.61 (30A017), locally known as Big Rock Pony Truss, carrying County Route 3/5 over West Fork of Twelvepole Creek in Mingo County, the “Albert and Laura Baisden Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Albert and Laura Baisden Memorial Bridge”; and, be it

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

Delegates Eldridge, Diserio and Love offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 50** - “Proclaiming and making the fiddle the official musical instrument of the State of West Virginia.”

Whereas, The fiddle arrived in Appalachia in the 18<sup>th</sup> century with immigrants from the British Isles, bringing with them the musical traditions of their countries. These traditions consisted primarily of English and Scottish ballads, which were essentially unaccompanied narratives, and dance music, such as Irish reels which were accompanied by a fiddle. The fiddle soon became a staple of life in West Virginia, being played in churches, in logging and mining camps, at weddings and summer picnics and in the homes and on porches of many West Virginians. It has remained so ever since, being showcased in music festivals around the state, from the Augusta Festival in Elkins, the Vandalia Gathering held on the grounds at the State Capitol and the Appalachian String Band Festival at Camp Washington-Carver in Clifftop, just to name a few. West Virginia has also produced some of the finest fiddlers in the nation, and continues to do so; and

Whereas, Fiddler Blind Alfred Reed was born on June 15, 1880, and was one of the artists who recorded at the Bristol Sessions in 1927, along with Jimmie Rogers and the Carter Family, which are the first recordings of traditional country music. He was raised in a very conservative family, and acquired a violin at a young age. Later, he began performing at county fairs, in country schoolhouses, for political rallies, and in churches. He even played on street corners for tips. He used to sell printed copies of his compositions for ten cents each. After the Bristol Sessions, Mr. Reed recorded his most famous song, that is still being sung today, "How Can a Poor Man Stand Such Times and Live". After 1929, he stopped recording, but continued to perform locally until 1937 when a law was passed prohibiting blind street musicians. He is buried in Elgood and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Edwin "Edden" Hammons was born in 1874 and is considered by many to have been one of the finest traditional West Virginia fiddlers of all time, and tales of his musical exploits and eccentric lifestyle flourish among the inhabitants of mountainous east central West Virginia. Mr. Hammons was the youngest of four brothers and three sisters, and his musical abilities were soon recognized to be superior to that of his siblings. Family tradition holds that his ability was recognized and encouraged at an early age and that the boy was spared his share of the burdens of frontier living as a result. Mr. Hammons's first attempt in music was with a fiddle made from a gourd. He soon progressed and he secured a store-bought fiddle and there was no dispute that he could draw out exquisite harmonies from the instrument. Whether because of immaturity or musical passion, Mr. Hammons refused to lay his fiddle down "like most men did" as he grew older and was faced with supporting a family. Mr. Hammons' three-week marriage to Caroline Riddle in 1892 came to a head when Caroline demanded that Edden either quit playing fiddle and go to work or she would leave. Given the ultimatum, Mr. Hammons chose the fiddle. When he was older, Mr. Hammons participated in five to ten fiddle contests each year, and rarely came away with less than first prize. Perhaps Mr. Hammons' most distinguished contest adversary was Lewis "Jack" McElwain, regarded by many others at the time to be

the premier fiddler in the State of West Virginia. Mr. McElwain's accomplishments included a first-place finish at the 1893 World's Fair in Chicago. At a contest in Marlinton in 1909, Mr. McElwain and Mr. Hammons tied for top honors. Later, there were disagreements about the selection of judges and Mr. Hammons insisted that the judging be left to the attendees. Mr. Hammons usually won; and

Whereas, Fiddler Melvin Wine was born in Burnsville in 1909. At the age of nine he began to play his first fiddle tunes by sneaking out his father's prized possession, the fiddle. Mr. Wine eventually gained the courage to inform his mother of the progress he had made with his father's fiddle. One evening his mother bravely shared this with his father. At the time, Mr. Wine believed he might receive a whipping for sneaking out the fiddle. But instead, from this point on, his father supported the young boy's efforts. Mr. Wine's father learned the fiddle tunes that he passed on to Melvin from his father, Nels, Mr. Wine's grandfather. Mr. Wine passed away in 2003; and

Whereas, Mr. Clark Kessinger was born in Lincoln County on July 27, 1896. Mr. Kessinger began playing the banjo when he was five years old and two years later he performed at local saloons with his father. He switched to fiddle and began performing at country dances. After serving in the Navy, Mr. Kessinger's reputation as a fiddler increased and he visited many local fiddling contests. He teamed up with his nephew Luches "Luke" Kessinger performing at various locations. In 1927 Mr. Kessinger and Luches Kessinger had their own radio show at the newly opened station WOBU in Charleston. On February 11, 1928, the Kessingers recorded twelve sides for the Brunswick-Balke-Collender recording company. In the late 1920s, the Kessingers' records were best sellers, including "Wednesday Night Waltz", "Turkey in the Straw", "Hell Among Yearlings", "Tugboat" and "Salt River". Mr. Kessinger was also greatly influenced by classical violin players such as Fritz Kreisler, Joseph Szigeti and Jascha Heifetz. Following his last recording session on September 20, 1930, Mr. Kessinger retired as a recording artist. But in 1963 he was rediscovered and soon was competing at several fiddling contests.

In August 1964, Mr. Kessinger formed a string band in Galax, Virginia, winning first prize in the string band category. In April 1971, he won the World's Champion Fiddle Prize at the 47th Old-time Fiddler's Convention in Union Grove, North Carolina. Three more albums followed on Kanawha Records. His albums were later reissued on Folkways and Country Roads. In 1971 Mr. Kessinger recorded 12 tracks for the newly formed Rounder Records. The record company had plans to record many albums with Kessinger but before they could initiate what they had planned, Mr. Kessinger had a stroke and collapsed on the scene at a fiddler's convention in Virginia. His left hand became numb, and he was unable to play the fiddle for the remainder of his life. Rounder released his recordings as "Clark Kessinger: Old-time Music with Fiddle and Guitar". He died in 1975 and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Ed Haley was born in 1885 and was one of the best-known fiddlers in his region of Appalachia. He traveled frequently and performed in a variety of venues and played over WLW in Cincinnati. He also made occasional studio recordings for friends, such as for Doc Holbrook in Greenup, Kentucky. He seldom recorded commercially because he was worried that record companies would take advantage of a blind man. Late in life, he made recordings for the family on a Wilcox-Gay disc-cutting machine brought home from the service by his stepson, Ralph. The recording featured Ed, Ella, Ralph (on guitar) and daughter Mona (vocals). Ralph eventually distributed the recordings among his five siblings. Eventually about one third to one half of those recordings were released to Rounder Records, but it is estimated that two thirds of Mr. Haley's recordings are still missing. Beginning in 1990, legendary bluegrass, folk musician and songwriter John Hartford began researching the story of Mr. Haley's life and music. Generally, Mr. Hartford spent the last years of his life promoting Mr. Haley and his significance in the world of music. He learned a number of Haley's tunes and recorded them on the Grammy-nominated album, "Wild Hog in the Red Brush" and "Speed of the Old Long Bow: A Tribute to Ed Haley". Mr. Hartford and Brandon Kirk, a Harts-area historian and genealogist, collaborated on a Haley book project from 1995 until Hartford's



death in 2001. In March 2000, the “Smithsonian” magazine featured a story about their research. In October 2015, Ed Haley was inducted into the West Virginia Music Hall of Fame; and

Whereas, Tim O’Brien was born on March 16, 1954, in Wheeling and plays guitar, fiddle, mandolin, banjo, bouzouki and mandocello. He has released more than ten studio albums in addition to charting a duet with Kathy Mattea entitled, “The Battle Hymn of Love”, a No. 9 hit on the Billboard Hot Country charts in 1990. He eventually moved to Boulder, Colorado, in the 1970s and became part of the music scene there. In Colorado, he met guitarist Charles Sawtelle, banjoist Pete Wernick and bassist/vocalist Nick Forster with whom he formed Hot Rize in 1978. Over the next twelve years, the quartet earned recognition as one of America’s most innovative and entertaining bluegrass bands. In 2005, O’Brien won a Grammy Award for Best Traditional Folk Album for “Fiddler’s Green”. In 1993 and 2006, O’Brien was honored with the International Bluegrass Music Association’s (IBMA)’s Male Vocalist of the Year award. His band Hot Rize was the IBMA’s first Entertainer of the Year in 1990. In November 2013 he was inducted into the West Virginia Music Hall of Fame; and

Whereas, Glenville resident Buddy Griffin was born at Richwood on September 22, 1948, and recalling his Nicholas County childhood has said “Everybody in the family played music. It was never expected, it was never forced on us. Nobody ever handed us an instrument and said, ‘You have to play this’. It was just trying to be part of what was going on, ‘cause there was always music at the house.” Mr. Griffin was a part of his family’s music from an early age. “The first instrument I ever touched was a bass fiddle. They kept it leaned up behind the couch. I’d stand up on the couch when I was about five, maybe six. I couldn’t note it, but I could play the strings. So if they’d play some old fiddle tune, I’d have all three chords to go with it. I’d stand there and just play the strings.” He soon learned to play the guitar, mandolin, fiddle, and banjo. His parents were good singers especially in the style of the Carter Family, and they taught their children the older country music. The Griffin children, however, tended toward the faster, more modern bluegrass. Erma played the guitar and bass and sang

harmony. Richard played guitar and fiddle, along with other instruments, and sang the lead. Richard's father, Joe Griffin, born in 1883, played the old claw hammer style of banjo. Joe traveled to logging camps in Roane, Lincoln, and Calhoun counties and played dances on Saturday nights with some of the local fiddlers, mostly Enoch Camp. Parts of Mr. Griffin's family tree can be traced to Revolutionary War times; some of his ancestors reportedly received land grants from General Washington. Mr. Griffin later became a staff musician at WWVA's Jamboree USA in Wheeling, played more than 200 times on the Grand Ole Opry, toured the country for more than 30 years with some of the biggest names in country and bluegrass music, appeared on more than 150 record albums, and established the world's first college degree program in bluegrass music at Glenville State College. In May 2011, he received the coveted Vandalia Award, recognizing his lifetime of devotion to entertainment and education; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature of West Virginia hereby proclaims and makes the fiddle the official musical instrument of the State of West Virginia; and, be it

*Further Resolved,* That the Legislature of West Virginia recognizes the importance and significance of the fiddle in West Virginia's history, traditions and culture; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to Buddy Griffin, Tim O'Brien, Clark Kessinger's daughter, Frances Goad, the descendants of West Virginia's other great fiddle players, Blind Alfred Reed, Edwin Hammons, Melvin Wine and Ed Haley, the West Virginia Music Hall of Fame, the Friends of Old Time Music and Dance (FOOTMAD) and Stan Bumgardner, Editor of "Goldenseal", the official state magazine of West Virginia traditional life.

### **Bills Introduced**

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

**By Delegates Frich, Atkinson, Byrd, Cooper, A. Evans, Hamilton, Love, Maynard, Pushkin, Statler and Ward:**

**H. B. 4436** - "A Bill to amend and reenact §21-6-2 of the Code of West Virginia, 1931, as amended, relating to clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department to perform fire fighting functions"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Storch, Fluharty, Zatezalo and Canestraro:**

**H. B. 4437** - "A Bill to amend and reenact §5A-11-3 of the Code of West Virginia, 1931, as amended, relating to collecting rents and royalties from leases of public lands; and providing that rents and royalties from leases of the minerals under the state's rivers and streams shall be expended for road paving and maintenance and other stated purposes; and permitting counties that do not have state parks to retain rents and royalties from such leases"; to the Committee on Energy then Finance.

**By Delegates Storch, Fluharty, Canestraro and Ferro:**

**H. B. 4438** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5c, relating to reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin and their respective municipalities; establishing state and local oil and gas county reallocated severance tax funds and providing for distribution of the moneys to the county commissions and governing bodies of the municipalities by the State Treasurer; establishing amounts each oil and gas producing county and their respective municipalities are to receive; requiring the creation of local funds into which moneys are to be deposited; requiring moneys be expended solely for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of

moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules”; to the Committee on Energy then Finance.

**By Delegates Walters, Anderson, Hamilton and Hollen:**

**H. B. 4439** - “A Bill to amend and reenact §5-10-14 of the Code of West Virginia, 1931, as amended, relating to standardization of service credit for hourly employees hired for the first time after July 1, 2015, who become members of the Public Employees Retirement System”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Storch, Fleischauer, Hamilton, Fluharty, Hornbuckle, Longstreth, Upson, Blair, Sypolt, Graves and Rowan:**

**H. B. 4440** - “A Bill to amend and reenact §5-11-9 of the Code of West Virginia, 1931, as amended, relating to the ‘Equal Pay Act of 2018’; making it unlawful for an employer to require, as a condition of employment, that an employee refrain from disclosing information about his or her wages, benefits, or other compensation or sharing information about another employee’s wages, benefits, or other compensation; making it unlawful for an employer to prohibit employees from disclosing information about his or her wages, benefits, or other compensation or sharing information about another employee’s wages, benefits, or other compensation”; to the Committee on the Judiciary then Finance.

**By Delegates Phillips, Criss, Hollen, Walters, Paynter, Westfall, Marcum, Maynard, Dean, Zatezalo and Rohrbach:**

**H. B. 4441** - “A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-5-7a, relating to establishing that no officer may qualify as a candidate for other office until he or she has resigned from the office currently held”; to the Committee on the Judiciary.

**By Delegates Eldridge, Iaquina, Love and Paynter:**

**H. B. 4442** - “A Bill to amend and reenact §11-6B-2, §11-6B-3, §11-6B-4, and §11-6B-7 of the Code of West Virginia, 1931, as amended, relating to exempting the total amount of assessed value of a homestead owned and occupied by a disabled veteran who has a 100 percent permanent and total service-connected disability; definitions; and required proof of the disability”; to the Committee on Finance.

**By Delegates Fast, Rowan, Butler, Martin and Kessinger:**

**H. B. 4443** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-10A-7, relating to requiring a bail bondsman and bail bond enforcer submit results of drug test to Chief Judge in each jurisdiction; requiring bail bondsman and bail bond enforcer be subject to random drug testing; creating penalty of suspension or termination for failure of, or refusal to submit to, drug test; establishing that drug test records be public”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Frich, Byrd, Cooper, A. Evans, Hamilton, Love, Maynard, Pushkin, Statler, Butler and Paynter:**

**H. B. 4444** - “A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the State Fire Commission in adopting a State Building Code with regard to establishing building energy savings codes”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Hamilton, Wagner, Rodighiero, R. Miller, Campbell, Eldridge, Love, Moye and A. Evans:**

**H. B. 4445** - “A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing vehicles operated by transportation directors and transportation supervisors employed by county boards of education to use red flashing warning lights”; to the Committee on Roads and Transportation then Education.

**By Delegates Storch, Ferro, Barrett, Ellington, R. Romine and Hamrick:**

**H. B. 4446** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, §21-17-10, §21-17-11, §21-17-12, §21-17-13, §21-17-14, §21-17-15, §21-17-16, §21-17-17, §21-17-18, §21-17-19, and §21-17-20, all relating to creating the Revised Uniform Athlete Agents Act; creating short title; defining terms; requiring registration for athlete agent; voiding contracts if athlete agent not registered; creating application process and requirements for athlete agents; establishing reciprocal registration if certain conditions are met; providing authority of secretary to issue or deny applications; providing renewal requirements; providing power of secretary to suspend, revoke, or refuse to renew registration; providing for temporary registration; establishing fees; requiring terms for validity of contract; requiring notice to educational institution; providing student right to cancel contract within specified period; requiring athlete agent retain certain records; establishing prohibited conduct of athlete agent; establishing criminal penalties; establishing civil remedies for violations of act; establishing civil penalties; requiring uniformity of application in construction of act; establishing relation to the Electronic Signatures In Global And National Commerce Act; and providing severability”; to the Committee on the Judiciary then Finance.

### **House Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2693**, Relating to state ownership of wildlife; 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. 49**), and there were—yeas 97, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Sobonya.

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2693) 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. 4199**, Permitting a nursing home to use trained individuals to administer medication; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Cowles asked and obtained unanimous consent that the bill be placed at the foot of the calendar.

**Com. Sub. for H. B. 4230**, Relating to credit for reinsurance; 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. 50**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4230) passed.

Delegate Cowles moved that the bill take effect January 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 51**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Ellington.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4230) takes effect January 1, 2019.

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

### **Second Reading**

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

**Com. Sub. for H. B. 2654**, Expanding county commissions' ability to dispose of county or district property,

**Com. Sub. for H. B. 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person,

**Com. Sub. for H. B. 4156**, Establishing the qualifications of full and part time nursing school faculty members,

**Com. Sub. for H. B. 4175**, Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment,

**H. B. 4178**, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies,

**Com. Sub. for H. B. 4275**, Relating to the law-enforcement authority of the director and officers of the division of protective services,

And,

**Com. Sub. for H. B. 4359**, Relating to the removal of animals left unattended in motor vehicles.



### First Reading

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

**H. B. 4332**, Relating to home peritoneal renal dialysis,

And,

**Com. Sub. for H. B. 4350**, Eliminating the regulation of upholstery.

### Third Reading

**Com. Sub. for H. B. 4199**, Permitting a nursing home to use trained individuals to administer medication; on third reading, having been moved to the foot of the calendar in earlier proceedings, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 52**), and there were—yeas 55, nays 44, absent and not voting none, with the nays being as follows:

Nays: Barrett, Bates, Blair, Boggs, Brewer, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Fast, Ferro, Fleischauer, Fluharty, Hamilton, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pack, Paynter, Pushkin, Pyles, Queen, Rodighiero, Rohrbach, Rowe, Sponaugle, Storch, Summers, Thompson, Upson, Wagner, Ward and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4199) passed.

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

### **Miscellaneous Business**

Delegate Kelly announced that he was absent today when the vote was taken on Roll No. 48, and that had he been present, he would have voted “Yea” thereon.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegate Lynch regarding the recent death of a West Virginia coal miner in the Appendix to the Journal.

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

- Delegate Dean for H. B. 4042
- Delegate Rowe for H. B. 4344

At 12:30 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 7, 2018.

---

Wednesday, February 7, 2018

**TWENTY-NINTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Tuesday, February 6, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Com. Sub. for H. B. 4020**, Making technical corrections in the code when referencing chapter 49, still being in possession of the Clerk, was taken up for consideration.

On motions of Delegate Cowles, the House of Delegates then reconsidered the passage of the bill, as amended by the Senate, and the motion to concur in the Senate amendments.

On motion of Delegate Cowles, the House concurred in the Senate amendment with a title amendment, as follows:

**Com. Sub. for H. B. 4020** – “A Bill to amend and reenact §7-4-4 and §7-4-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-7-2 of said code; to amend and reenact §7-10-2 of said code; to amend and reenact §15-1I-2 of said code; to amend and reenact §15-2-15 of said code; to amend and reenact §15-2C-1 of said code; to amend and reenact §15-9-3 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §16-2F-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-9A-3 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §16-47-5 of said code; to amend and reenact §17C-5-6a of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-8-

6a of said code; to amend and reenact §18A-5-1d of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §29-21-16 of said code; to amend and reenact §31-20-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-205 and §48-9-301a of said code; to amend and reenact §48-22-301 of said code; to amend and reenact §48-26-701 and §48-26-1002 of said code; to amend and reenact §48-27-403 of said code; to amend and reenact §49-1-201 of said code; to amend and reenact §51-2A-2 of said code; to amend and reenact §51-7-8 of said code; to amend and reenact §61-2-14h of said code; to amend and reenact §61-5-12b of said code; to amend and reenact §61-6-25 of said code; to amend and reenact §61-7-8 of said code; to amend and reenact §61-8-12 of said code; to amend and reenact §61-8B-11a of said code; to amend and reenact §61-8C-3b of said code; to amend and reenact §61-8D-9 of said code; to amend and reenact §61-11-23 of said code; to amend and reenact §61-12-10 of said code; and to amend and reenact §62-6B-5, all relating to clarifying and making technical corrections in the code when referencing chapter 49 of this code due to 2015 revisions to chapter 49 of said code; and defining terms.”

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 53**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Lane and Storch.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4020) passed.

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

### Committee Reports

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. 4042**, Redefining school zone to facilitate placement of school zone signs,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4042) was referred to the Committee on the Judiciary.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4179**, Transferring milk rules and regulations from Department of Health and Human Resources to Department of Agriculture,

And reports the same back, with a title amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4179) was referred to the Committee on Government Organization.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4295**, Relating to farmers markets,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4295) was referred to the Committee on the Judiciary.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4274**, Relating to the operation of motorboats,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4274) was referred to the Committee on Finance.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4180**, Relating to wildlife resources,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4180) was referred to the Committee on Government Organization.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4214) was referred to the Committee on the Judiciary.

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4014) was referred to the Committee on Finance.

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. 4320**, Limiting the ability of an agent under a power of attorney to take self-benefiting actions,

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

**Com. Sub. for H. B. 4320** - "A Bill to amend and reenact §39B-1-114 of the Code of West Virginia, 1931, as amended; and to amend and reenact §39B-2-101 of said code, all relating to limiting the ability of an agent under a power of attorney to take self-benefiting actions; clarifying the presumption that an act is not within the scope of authority granted in a power of attorney when an agent benefits from the act to the detriment of an ancestor, spouse, heir, or descendant; and clarifying the prohibition against an agent exercising authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise,"

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4307**, Prohibiting the alcohol beverage commission from assessing a fee to another state agency,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4307) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:



**H. B. 4323**, Relating to non-renewal of any certificate, license, registration, to any person who is delinquent in the payment of state or local taxes,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4323) was referred to the Committee on the Judiciary.

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

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

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

And,

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

And reports the same back with the recommendation that they each do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 2841**, Requiring board members to have attended a board meeting in order to be compensated for the meeting,

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

**Com. Sub. for H. B. 2841** – “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5F-2-8, relating to requiring board members to attend a board meeting in order to be compensated for that meeting; requiring the member to attest in writing to his or her attendance; requiring certain board members or officers to witness the same; and requiring records related to attendance of certain board meetings be kept for at least five years,”

And,

**H. B. 4142**, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment,

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

**Com. Sub. for H. B. 4142** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4b, relating to providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority increases in annual pay: providing legislative findings; providing funding sources; providing that pay rates and employment requirements shall not be subject to procedures for state employees’ grievances; providing for primacy of section; limiting private causes of action; and, providing that if employee will make more than the maximum allowable by the Division of Personnel for the pay grade, this salary increase shall still take effect, and that employee shall make more than the pay grade maximum,”

With the recommendation that the committee substitutes each do pass.

### 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. 102** – “A Bill to amend and reenact §39B-2-101 of the Code of West Virginia, 1931, as amended; to amend and reenact §39B-3-101 of said code; and to amend said code by adding thereto a new article, designated §44-5B-1, §44-5B-2, §44-5B-3, §44-5B-4, §44-5B-5, §44-5B-6, §44-5B-7, §44-5B-8, §44-5B-9, §44-5B-10, §44-5B-11, §44-5B-12, §44-5B-13, §44-5B-14, §44-5B-15, §44-5B-16, §44-5B-17, §44-5B-18, and §44-5B-19, all relating to the Uniform Power of Attorney Act and the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing that an agent under power of attorney may exercise authority over the content of electronic communications sent or received by the principal; providing code references and additional language to the statutory form for power of attorney; creating the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing a short title; defining certain terms; setting forth to whom the article applies; providing for user direction for disclosure of assets with or without an online tool; addressing terms of service agreements; setting forth procedure for disclosing digital assets by custodian; allowing custodian to assess reasonable administrative charges; allowing custodian or fiduciary to seek court order when request imposes an undue burden; providing for disclosure of content of electronic communications and other digital assets of deceased users and setting forth required documentation; providing for disclosure of content of electronic communications and digital assets of a principal by custodian and setting forth required documentation; addressing disclosure of digital assets held in trust when the trustee is an original owner or user; addressing disclosure of contents of electronic communications held in trust and other digital assets when trustee is not an original owner or user and setting forth required documentation; addressing disclosure of digital assets to conservator of a protected person and setting forth required documentation; setting forth fiduciary’s duties and

authority; providing for custodian's compliance and immunity; setting time frame for compliance by custodian; authorizing application for court order for noncompliance; allowing custodian to notify user, deny a request, or receive a court order; providing for uniformity of application and construction of article; addressing relation of article to Electronic Signatures in Global and National Commerce Act; and providing for severability of article"; 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. 181** - "A Bill to amend and reenact §64-6-1, §64-6-2, and §64-6-3 of the Code of West Virginia, 1931, as amended, all relating generally to the Department of Military Affairs and Public Safety; authorizing and directing certain agencies to promulgate certain legislative rules as filed and as modified and repealing an obsolete rule; authorizing the State Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs; directing the State Fire Marshal to promulge a legislative rule relating to electrician licensing; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to protocol for law-enforcement response to domestic violence; and repealing a Governor's Committee on Crime, Delinquency and Correction rule relating to motor vehicle stop data collection standards for the study of racial profiling"; 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. 244** - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to specifying the conditions under which it is unlawful to possess a firearm or other deadly weapon at school-sponsored functions; revising the conditions under which a retired law-enforcement officer may possess a firearm or other deadly weapon on a school bus, in a public primary or secondary education building, structure, facility or grounds, or at certain school-sponsored functions; and revising conditions for which certain persons holding a valid concealed handgun permit can possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school”; which was referred to the Committee on Education 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. 393** - “A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-23-4 of said code; all relating to the compensation and composition of the West Virginia Racing Commission”; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

**S. B. 425** - “A Bill to amend and reenact §8-22-25a of the Code of West Virginia, 1931, as amended, relating to removing sunset dates upon which members of the policemen’s or firemen’s pension and relief fund are eligible for and elect to commence participation in a deferred retirement option plan”; 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 and requested the concurrence of the House of Delegates in the passage, of

**S. B. 462** - “A Bill to amend and reenact §5-10-29 and §5-10-32 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-7 of said code; to amend and reenact §8-22A-8 of said code; to amend and reenact §15-2-26 of said code; to amend and reenact §15-2A-5 of said code; to amend and reenact §16-5V-8 of said code; to amend and reenact §18-7A-14; and to amend and reenact §51-9-2 and §51-9-4 of said code, all relating to establishing a pension contribution holiday for plans administered by the Consolidated Public Retirement Board when funding for certain public retirement plans”; 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 and requested the concurrence of the House of Delegates in the passage, of

**S. B. 463** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-7-5A, relating to authorizing the establishment of a work group to examine the potential benefit and need of transferring some or all authority to promulgate milk rules and regulations from the Department of Health and Human Resources to the Department of Agriculture”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

### **Resolutions Introduced**

Pursuant to House Rule 109, the following resolution was offered by Mr. Speaker (Mr. Armstead), Delegates Nelson, Ambler, Anderson, Butler, Capito, Cooper, Cowles, Criss, Dean, Ellington, Espinosa, Frich, Gearheart, Graves, Hamilton, Hamrick, Harshbarger, Higginbotham, Hill, Hollen, Householder, Howell, Jennings, Kelly, Kessinger, Lane, Martin, McGeehan, C. Miller, Overington, Pack, Phillips, Queen, Rohrbach, Rowan, Shott,

Sobonya, Statler, Storch, Summers, Upson, Walters, Westfall, White, Zatezalo, A. Evans and Folk:

**H. R. 5** - “Requesting that the West Virginia Public Employees Insurance Agency (PEIA) Finance Board maintain its current financial plan for the coming year.”

Whereas, On December 7, 2017, the West Virginia Public Employees Insurance Agency (PEIA) Finance Board (the Board) adopted the PEIA financial plan for the coverage of health care and health costs for Plan Year 2019 (the 2019 Plan), which begins July 1, 2018; and

Whereas, The 2019 Plan differs extensively from the current financial Plan in many particulars; and

Whereas, The 2019 Plan significantly increases costs to many Plan members as the result of those differences;

Whereas, Among the differences between the plans resulting in these increased costs are changes which would increase premiums, co-payments and coinsurance; for the first time use new “total family income” criteria as a basis for calculating premiums; reduce the number of salary index codes for determining premiums; reduce the number of coverage tiers; and institute financial penalties for declining to participate in one or more PEIA programs; and

Whereas, The Finance Board’s goal when adopting these changes was to provide a fair plan for all, given the pressures of the escalating costs of health care and prescription drugs; and

Whereas, Notwithstanding the laudable efforts of the Finance Board, the House of Delegates finds that the changes to the Plan may have unintended consequences that could result in unfair and undue hardship to Plan members; and

Whereas, Governor Jim Justice and Legislative leaders have indicated that the suspension in the implementation of the 2019 Plan as adopted December 7, 2017, is desirable to allow lawmakers, PEIA officials and Plan members time to offer more

input and consider all options over the coming year to ensure a fair structure for Plans in future years; and

Whereas, Maintaining the provisions of the current financial plan during the upcoming year while further consideration is given to developing a fairer plan is in the best interests of the Plan members and the State of West Virginia; and

Whereas, The Finance Board is scheduled to meet February 20, 2018, to reconsider its adoption of the 2019 Plan; now, therefore, be it

*Resolved by the House of Delegates:*

That it is the recommendation of the House of Delegates that the PEIA Finance Board suspend implementation of the financial plan as adopted December 7, 2017 for Plan Year 2019; and, be it

*Further Resolved,* That the Board adopt a new financial plan for Plan Year 2019, that returns to the general provisions of the current financial plan for Plan Year 2018; and, be it

*Further Resolved,* That the Board continue to work with lawmakers and officials, Plan members and others throughout the remainder of the year toward a more equitable plan that best serves our teachers, state and other public employees, as well as the taxpayers.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 5) to a committee was dispensed with, and it was taken up for immediate consideration.

Delegate Miley was recognized and asked and obtained unanimous consent that any member be permitted to be added as a cosponsor of H. R. 5 by informing the Clerk.

Subsequently,

Delegate Hanshaw then asked and obtained unanimous consent that all members who vote in favor of the resolution be listed as a



cosponsor unless the member indicates to the Clerk that they did not want to be a cosponsor.

The question now being on the adoption of the resolution, Delegate Cowles demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 54**), and there were—yeas 97, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates.

Absent and Not Voting: Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 5) adopted.

Delegates Lynch and Boggs offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 6** - “Encouraging the extension of appropriate public service district water systems to serve the residents on Bug Ridge in Braxton County and Erbacon Mountain in Webster County.”

Whereas, The House of Delegates recognizes that public service districts may fail to serve residents living on ridge areas when the cost of extension of uphill water lines becomes a barrier; and

Whereas, It is our fervent hope that situations such as this may be resolved to the satisfaction of all parties involved and that the cost is not prohibitive to either the public service district water system or the residents; therefore, be it

*Resolved by the House of Delegates:*

That support and encouragement be expressed by the members that the appropriate public service district water systems provide the extension of services to the residents on Bug Ridge in Braxton County and Erbacon Mountain in Webster County; and, be it

*Further Resolved*, That the Clerk of the House forward a copy of this resolution to the appropriate public service district water systems in Braxton County and Webster County.

Delegates Kelly, Anderson, Higginbotham, Hollen, Deem, Criss, Pethtel, Harshbarger, Storch, Zatezalo and Miley offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

**H. R. 7** - "Requesting West Virginia leaders urge federal policymakers to support the identified legislation and other bills, resolutions, or policies advancing the development of an Appalachian Storage Hub."

Whereas, The Appalachian region, defined here as Kentucky, Ohio, Pennsylvania, and West Virginia, contains world-class supplies of natural gas and natural gas liquids (NGL) that contribute to the nation's energy dominance; and

Whereas, Harnessing those supplies by constructing an Appalachian Storage Hub constitutes a major infrastructure (storage caverns and pipelines) investment and jobs program for residents of the Appalachian region; and

Whereas, Natural gas liquids are the major feedstock of the chemical industry and the region contains enough feedstock to attract \$35 billion in new chemical and plastics industry investment; and

Whereas, Chemical and plastic industry investments of this scale could create 100,000 new jobs, \$28 billion in new economic output, more than \$6 billion in annual payroll, and nearly \$3 billion a year in new federal, state, and local tax revenue; and

Whereas, A petrochemical feedstock storage hub located in the heart of Appalachia could support major energy, infrastructure, and manufacturing job creation opportunities; and

Whereas, Supporting the "*Appalachian Energy and Manufacturing Infrastructure Revitalization Act - S. 1340*" would improve the infrastructure permitting process by directing the

secretaries of Energy and Commerce to approve the project as an Appalachian ethane storage hub, identify the lead federal and state agency liaisons, and coordinate with them on designating the project; and

Whereas, *S. 1340* directs the Federal Energy Regulatory Commission (FERC) to consider relevant licenses and permits for the requisite pipeline infrastructure, and then requires the other federal agencies to complete consideration of their respective permits within 60 days of the completion of the FERC licensing or have their jurisdictional permits deemed approved; and

Whereas, Supporting the “*Capitalizing on American Storage Potential (CASP) Act - H.R. 3143/S.1337*” would make a regional NGL storage hub eligible for the Department of Energy’s successful Title XVII loan guarantee program; and

Whereas, Supporting the “*Appalachian Ethane Storage Hub Study Act of 2017- S. 1075/ H.R. 2568*” would help assess the feasibility and potential benefits of establishing a subterranean ethane storage and distribution hub in central Appalachia; and

Whereas, The Appalachian Storage Hub may be a beneficiary of a Department of Energy loan guarantee and Congress should renew its support for and fully fund the Department of Energy’s highly successful Loan Programs Office; therefore, be it

*Resolved by the House of Delegates:*

That the State of West Virginia urges federal policymakers to support the identified legislation and other bills, resolutions, or policies advancing the development of an Appalachian Storage Hub; and, be it

*Further Resolved*, That the Clerk of the West Virginia House of Delegates is hereby requested to distribute a copy of this resolution to the President, congressional members from West Virginia, Kentucky, Pennsylvania, Ohio, and the U. S. Secretary of Energy.

Delegates Miley, Queen, Hamrick and Iaquina offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 51** - "Requesting the Division of Highways to name bridge number 17-50-14.25 (17A195), locally known as the Adamston Bridge, carrying U. S. 50 over the West Fork River in Harrison County, the 'Gill Brothers World War II Veterans' Memorial Bridge'."

Whereas, Brothers William A. Gill Jr., James E. Gill, Jack S. Gill, and Foster Ray Gill honorably served their nation and state during World War II; and

Whereas, Sergeant William A. Gill Jr., born on November 16, 1916, in Clarksburg, West Virginia, enlisted in the United States Army on July 8, 1942, and served in the European and North African theaters of war; he received the Good Conduct Medal, the American Theater Service Ribbon, the European-African-Middle Eastern Service Ribbon, and the World War II Victory Ribbon and was honorably discharged on February 28, 1946; and

Whereas, Sergeant James E. Gill was born on July 7, 1918, in Clarksburg, West Virginia, enlisted in the West Virginia National Guard on April 1, 1944; he was honorably discharged on September 21, 1945; and

Whereas, Private Jack S. Gill was born on June 14, 1920, in Clarksburg, West Virginia, enlisted in the United States Army on June 9, 1942, and served in the European theater of war; Pvt. Gill received the Purple Heart Medal for wounds sustained in France in 1944, as well as the American Theater Service Ribbon, European-African-Middle Eastern Service Ribbon, the Good Conduct Medal, and World War II Victory Ribbon; he was honorably discharged on October 29, 1945; and

Whereas, Corporal Foster Ray Gill was born on February 23, 1924, in Clarksburg, West Virginia, enlisted in the United States Army on March 22, 1943, and served in the European theater of war; Cpl. Gill received the Good Conduct Medal, the European-

African-Middle Eastern Service Ribbon, and the World War II Victory Ribbon and was honorably discharged on December 2, 1945; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-50-14.25 (17A195), locally known as the Adamston Bridge, carrying U. S. 50 over the West Fork River in Harrison County, the “Gill Brothers World War II Veterans’ Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and erected signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Gill Brothers World War II Veterans’ Memorial Bridge”; and, be it

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

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

**H. C. R. 52** - “Requesting the Commissioner of the Division of Highways to name bridge number 50-152-5.70 (50A112), locally known as the Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, the ‘Curtis ‘Pap’ and Millie ‘Mammie’ Asbury Bridge’.”

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife Millie Ferguson was born on April 24, 1924. This couple was married in 1939; and

Whereas, Curtis and Millie Asbury established, owned and operated Asbury’s Grocery located at the entrance to Cabwaylingo Park Road for 52 years. The grocery store became a vital source for community members. For five generations, the store not only provided necessary food and other goods but also became a

meeting place for community members to gather in the mornings and evenings to discuss everything from politics to family life. It was the bus stop where school children of all ages would go and be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie's kindness and generosity. The love they both had for our community was displayed by their hardworking, gentle, giving spirits. They were devoted to making our small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly and encouraging and guiding the youth. They helped develop and organize our small community by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone's "Mammie" and "Pap". Curtis and Millie Asbury have touched every family in this small community and they should be honored by having this bridge named to commemorate them; and

Whereas, This dedication would serve as an ongoing reminder of Curtis and Millie's commitment to making our community a better place to live and to making our citizens better people; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), locally known as the Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, the "Curtis 'Pap' and Millie 'Mammie' Asbury Bridge"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to create and erect signs at both ends of the bridge proclaiming the bridge the "Curtis 'Pap' and Millie 'Mammie' Asbury Bridge"; and, be it

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

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

**By Mr. Speaker (Mr. Armstead), Delegates Kessinger, Rowan, Ward, Fast, C. Romine, Frich, Hollen, Graves, Jennings and Harshbarger:**

**H. J. R. 111** - "Proposing an amendment to the Constitution of the State of West Virginia to amend article six thereof by adding thereto a new section, designated section fifty-seven, and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Health and Human Resources then the Judiciary.

### **Motions**

Delegate Sponaugle was recognized and moved, pursuant to House Rule 82, that H. B. 4346 be discharged from the Committee on Government Organization.

Delegate Cowles moved that the motion be tabled.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 55**), and there were—yeas 57, nays 41, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Paynter, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Ward and Williams.

Absent and Not Voting: Lane.

So, a majority of the members present and voting having voted in the affirmative, the motion to discharge was laid on the table.

### **Bills Introduced**

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

**By Delegates Shott, Hanshaw, Moore, C. Miller, Harshbarger, Fast, Lane, Hollen, Capito and Summers:**

**H. B. 4447** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31G-5-1, §31G-5-2, and §31G-5-3, all relating to providing a uniform and efficient system of broadband conduit installation coinciding with the construction, maintenance or improvement of highways, and right-of-way under the oversight of the Division of Highways"; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Thompson, Marcum, Hicks, Rodighiero, R. Miller, Campbell and Dean:**

**H. B. 4448** - "A Bill to amend and reenact §18-7A-25 of the Code of West Virginia, 1931, as amended, relating to the State Teachers Retirement System, permitting retirement after 25 years of contributing service, regardless of age"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Walters and Hamilton:**

**H. B. 4449** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-13; and to amend and reenact §61-10-20 of said code, all relating to failure of employers to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board; authorizing the State Auditor, county commission or sheriff of the county to withhold monies due to a public employer that is delinquent in required contributions to a retirement plan after the Consolidated Public Retirement Board has certified the delinquency; authorizing withheld monies to be applied to the retirement system the delinquent payments would have been made to; providing for interest on delinquencies; making it a criminal offense for employers to knowingly and willfully fail



to make required contributions; and providing criminal penalties”; and to the Committee on the Judiciary then Finance.

**By Delegates Rohrbach and Lovejoy:**

**H. B. 4450** - “A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-19-2a, all relating to taxes on soft drinks and soft drink syrups; and changing persons responsible for the taxes”; to the Committee on Finance.

**By Delegates Shott, Hanshaw, Howell, Fast, Mr. Speaker (Mr. Armstead), Lane, Moore, Zatezalo, Hollen, Harshbarger and Capito:**

**H. B. 4451** - “A Bill to amend and reenact §15-9-4 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4 and §15-9C-5, all relating to creating the West Virginia Sentencing Commission; establishing the commission as a standing subcommittee of the Governor’s committee on crime, delinquency and correction; authorizing commission to seek and utilize funding and grants; setting forth legislative findings; establishing composition and membership of commission; setting forth the powers and duties of the commission; setting forth objectives for the commission; directing commission provide annual assessment and recommendations to the Legislature; and authorizing the commission to make additional recommendations to the Legislature”; to the Committee on the Judiciary.

**By Delegates Moore, Atkinson, Hill, Howell, Upson, Zatezalo, Westfall and Storch:**

**H. B. 4452** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13Y-3a; to amend and reenact §11-21-8 of said code; and to amend said code by adding thereto a new section, designated §11-24-5a, all relating to creating newly-established small business tax credits; providing for application of new credits against corporate net income tax and personal income tax in the amount of certain property taxes paid; providing definitions; disallowing carryover of credit; requiring certain schedules; providing effective date; providing for application of new credit against corporate net

income tax and personal income tax in an amount calculated and determined so as to result in an effective rate of tax of one percent per annum on state income derived from a newly-established small business; providing limitations; establishing termination date for availability of credits; and eliminating language relating to an expired severance tax credit"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Shott, Fleischauer, Pethtel, Isner, Lovejoy, Hornbuckle, Byrd, Canestraro, Lane, Moore and Summers:**

**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; and correcting an error by changing 'not' to 'or'"; to the Committee on the Judiciary.

**By Delegates Caputo, Longstreth, Boggs, Ward, Hartman, Barrett, Hamilton, Lynch, Hicks, Westfall and Miley:**

**H. B. 4454** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-15a; to amend said code by adding thereto a new section, designated §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto a new section, designated §33-24-45; to amend said code by adding thereto a new section, designated §33-25-22; and to amend said code by adding thereto a new section, designated §33-25A-36, all relating to the assignment of certain benefits in dental care insurance coverage"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Overington, Isner, Kessinger, Harshbarger, Queen, Fast, Foster, Canestraro, Paynter, R. Miller and Martin:**

**H. B. 4455** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to the criminal offense of bestiality; prohibiting activities connected with bestiality; establishing criminal penalties; providing for forfeiture of animals, payment of associated costs,

and restrictions on owning animals upon conviction; and requiring psychiatric evaluation and counseling”; to the Committee on the Judiciary.

**By Delegates Fleischauer, Longstreth, Bates, Storch, Graves, Sobonya, C. Miller, Lovejoy, Robinson, Isner and Pushkin:**

**H. B. 4456** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-5-3a, relating to orders or decisions involving claims of sexual harassment, sexual abuse or sexual assault; prohibiting confidential financial terms of settlement or nondisclosure of defendant; penalties”; to the Committee on the Judiciary.

**By Delegates Rohrbach, Sobonya, C. Miller, C. Romine, Lovejoy, Hornbuckle, Sypolt and Summers:**

**H. B. 4457** - “A Bill to amend and reenact §16-5B-18 of the Code of West Virginia, 1931, as amended, relating to designation of hospitals for stroke treatment; adding a designation as a thrombectomy-capable stroke center; modifying the make-up of the advisory committee; requiring approval of legislative rules by the advisory committee prior to filing; providing for a database; and prohibiting certain inspections of hospitals conducted by the Department of Health and Human Resources”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Butler, Sobonya, Folk, Frich, Kelly, Zatezalo, Ward, Paynter, Maynard, C. Miller and Sypolt:**

**H. B. 4458** - “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; all relating to creating Citizen and State Accountability Act; authorizing departments, agencies, and officials of state or local government to apply for major and minor grant agreements; establishing the requirements for applying for the grant agreements; requiring reports; requiring written consent of major grant requests by the Governor; permitting the Governor to prohibit the submission of a minor grant application or prohibit the acceptance of any such grant; repealing all statutes that conflict

with the Citizen and State Accountability Act; and defining terms”; to the Committee on Government Organization then Finance.

**By Delegate Eldridge:**

**H. B. 4459** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-9-605, relating to permitting parents to petition the court for visitation on Mother’s Day and Father’s Day”; to the Committee on the Judiciary.

**By Delegates Hartman, Lynch, Sponaugle, Caputo, Iaquina and Brewer:**

**H. B. 4460** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-11b; and to amend said code by adding thereto a new section, designated §60-6-27, all relating to allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for the retail sale of nonintoxicating beer and alcoholic liquors to a duly organized nonprofit corporation, limited liability entity or an association having received federal tax-exempt status, when raising money for artistic, athletic, charitable, educational or religious purposes”; to the Committee on Government Organization then Finance.

**By Delegates Upson, Householder, Statler, Espinosa and Blair:**

**H. B. 4461** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §30A-1-1, §30A-1-2, §30A-2-1, §30A-2-2, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2-6, and §30A-2-7, all relating to using records of criminal conviction to disqualify a person from receiving a license or other authorization to practice an occupation; defining the scope of the law and defining terms; requiring specificity in defining disqualifying offenses; establishing time limits; barring political subdivisions from creating restrictions for new license categories; providing a petition process to review the effect of a criminal record; and requiring state authorities to update legislative rules”; to the Committee on Government Organization then the Judiciary.

**By Delegates Byrd, Hollen, Folk, Criss, Robinson, Phillips, Dean, Kelly, Westfall, Canestraro and Summers:**

**H. B. 4462** - “A Bill to amend and reenact §15-2-18 of the Code of West Virginia, 1931, as amended, relating to allowing off duty members and officers of the department of public safety to guard private property”; to the Committee on the Judiciary.

**By Delegate Eldridge:**

**H. B. 4463** - “A Bill to amend and reenact §16-49-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Clearance for Access: Registry and Employment Screening Act; and adding applicants for child care and foster care subject to background checks”; to the Committee on the Judiciary.

**By Delegate Eldridge:**

**H. B. 4464** - “A Bill to amend and reenact §18-7D-6 of the Code of West Virginia, 1931, as amended, relating to extending the time that teachers may pay into the State Teachers Retirement System after transfer from the Teachers’ Defined Contribution Retirement System”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Summers:**

**H. B. 4465** - “A Bill to amend and reenact §30-36-2, §30-36-7, §30-36-9, §30-36-10, §30-36-14, §30-36-17 and §30-36-18 of the Code of West Virginia, 1931, as amended, all relating to authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; defining terms; providing rulemaking and emergency rulemaking authority; requiring certificates; establishing qualifications for certificate holders; providing for the surrender of certificates; limiting scope; prohibiting advertising; and providing for the suspension or revocation of certificates”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Fluharty, Barrett, Byrd, Fleischauer, Hornbuckle, Pushkin, Robinson, Sponaugle, Williams and Pyles:**

**H. B. 4466** - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to expanding the amount of PROMISE scholarship funds awarded to persons

majoring in science, technology, engineering and mathematics fields”; to the Committee on Education then Finance.

**By Delegates Rowan, Wilson, Lane, Rohrbach, Ambler, Butler, Paynter, C. Miller, Fast, A. Evans and Frich:**

**H. B. 4467** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, and §16-54-4, all relating to creating the Nondiscrimination in Involuntary Denial of Treatment Act; requiring the provision of medical treatment under certain circumstances; requiring the disclosure of policies related to the life-preserving treatment a patient may receive or be denied; requiring the Department of Health and Human Resources to maintain and report on certain information”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Fleischauer, Williams, Pyles, Fluharty, Ferro, Pethtel, Iaquina, E. Evans, Campbell, Dean and Ambler:**

**H. B. 4468** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-16-28, relating to providing that state retirees’ insurance benefits be restored to the benefit levels that existed in 2015”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Sponaugle, Caputo, Miley, Isner, Diserio, Robinson, Pushkin, Fluharty, Lovejoy, R. Miller and Williams:**

**H. B. 4469** - “A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing the salaries of public school teachers over a five-year period”; to the Committee on Education then Finance.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2654**, Expanding county commissions’ ability to dispose of county or district property; 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. 56**), and there were—yeas 97, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Love.

Absent and Not Voting: Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2654) 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. 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person; 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. 57**), and there were—yeas 96, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fleischauer and Fluharty.

Absent and Not Voting: Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3020) 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. 4156**, Establishing the qualifications of full and part time nursing school faculty members; 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. 58**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Householder, Lane and Pyles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4156) passed.

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

On this question, the yeas and nays were taken (**Roll No. 59**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Householder, Lane and Pyles.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4156) 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. 4175**, Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment; on third reading, coming up in regular order, was read a third time.

Delegate Wilson requested to be excused from voting on the passage of Com. Sub. for H. B. 4175 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. 60**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Householder and Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4175) 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. 4178**, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies; 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. 61**), and there were—yeas 94, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Isner.

Absent and Not Voting: Householder, Lane, Robinson and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4178) 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. 4275**, Relating to the law-enforcement authority of the director and officers 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. 62**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Householder and Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4275) 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. 4359**, Relating to the removal of animals left unattended in motor vehicles; 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. 63**), and there were—yeas 96, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Householder and Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4359) 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**

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

**H. B. 4332**, Relating to home peritoneal renal dialysis,

And,

**Com. Sub. for H. B. 4350**, Eliminating the regulation of upholstery.

#### **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. 4023**, Relating to the regulation of dialysis technicians,

**H. B. 4025**, Permitting reciprocity for licensure as a pharmacy technician,

**Com. Sub. for H. B. 4186**, Relating generally to guaranteed asset protection waivers,

**Com. Sub. for H. B. 4236**, Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division,

**Com. Sub. for H. B. 4276**, Allowing magistrates to grant work release privileges,

And,

**H. B. 4410**, Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids.

#### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leave of absence for the day was granted Delegate Lane.

#### **Remarks by Members**

Pursuant to House Rule 61, Delegate Sponaugle moved to take from the table the motion to discharge H. B. 4346.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 64**), and there were—yeas 42, nays 56, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson, Wagner, Ward and Williams.

Absent and Not Voting: Lane.

So, a majority of the members present and voting not having voted in the affirmative, the motion to take from the table the motion to discharge H. B. 4346 was rejected.

### **Miscellaneous Business**

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

- Delegate Rohrbach for H. B. 4287
- Delegate Queen for H. B. 4294
- Delegate Kelly for H. B. 4403
- Delegate Sobonya for H. B. 4413

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

- Delegate Shott for H. B. 4400
- Delegate Frich for H. B. 4042 and H. B. 4449

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 Boggs regarding Veterans
- Delegate Robinson during Remarks by Members
- Delegate Sponaugle during Remarks by Members
- Delegate Cooper during Remarks by Members

At 12:45 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 8, 2018.



---

Thursday, February 8, 2018

**THIRTIETH 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 7, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 4009**, State Settlement and Recovered Funds Accountability Act,

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

**Com. Sub. for H. B. 4009** – “A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund of the state, and exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; prohibiting agreements to settlement or agreement terms that are

contrary to the depositing of funds in the State Treasury; requiring transfer of funds from the Consumer Protection Recovery Fund into the General Revenue Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring reporting by the Attorney General as to the receipts and expenditures of funds and disposition of matters; and repealing provisions governing the disposition of certain fees of the Attorney General taxed as costs in legal proceedings,”

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. 4402**, Relating to the prevention of sexual abuse of children,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4402) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**S. B. 62**, Adjusting requirements for hiring school attendance directors,

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

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. 4407**, Relating to eligibility for alternative program teacher certificate,

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

**Com. Sub. for H. B. 4407** – “A Bill to amend and reenact §18A-3-1f of the Code of West Virginia, 1931, as amended, relating to eligibility for alternative program teacher certificate; removing eligibility requirement to have academic major or occupational area the same as or similar to subject matter being hired to teach; and adding English Sign Language option to eligibility provisions for alternative program in American Sign Language,”

With the recommendation that the committee substitute do pass.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 4351**, Classifying owner operators and independent contractors who contract with licensed and registered trucking companies as nonemployees,

And,

**H. B. 4368**, Relating to voluntary assignments of wages by state employees who have been overpaid,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4351 and H. B. 4368) were each referred to the Committee on the Judiciary.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 4401**, Relating to the registration of business,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4401) was referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 4306**, Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 4306) was referred to the Committee on Health and Human Resources.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4238) was referred to the Committee on Government Organization.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2755**, Requiring a seller of real property satisfy upon closing any unpaid charges owed,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2755) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 4158**, Relating to municipal home rule,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4158) was referred to the Committee on Government Organization.

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. 4422**, Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4422) was referred to the Committee on Finance.

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. 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,

**H. B. 4396**, Permitting wagering on the results of certain professional or collegiate sports or athletic events,

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 (H. B. 4338 and H. B. 4396) were each referred 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:

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

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

### **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. 141** - “A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to expanding the county assessment and collection of a head tax on breeding cows if the owner participates in the Coyote Control Program; and providing for notice requirements to the land owner”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 230** - “A Bill to amend and reenact §64-10-1, §64-10-2, §64-10-3, and §64-10-4 of the Code of West Virginia, 1931, as amended, relating generally to the Department of Commerce; authorizing certain agencies to promulgate rules as filed, modified, and amended by the Legislature; repealing a rule; authorizing the Division of Natural Resources to promulgate a legislative rule relating to controlling the public land corporation’s sale, lease, exchange, or transfer of land or minerals; authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides; authorizing the Division of Natural Resources to promulgate a legislative rule relating to general hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses; authorizing the Division of Labor to promulgate a legislative rule relating to Zipline and

Canopy Tour Responsibility Act; authorizing the Division of Labor to promulgate a legislative rule relating to bedding and upholstered furniture; authorizing the Division of Labor to promulgate a legislative rule relating to Amusement Rides and Amusement Attractions Safety Act; authorizing the Division of Labor to promulgate a legislative rule relating to Elevator Safety Act; authorizing the Division of Labor to promulgate a legislative rule relating to employer wage bonds; authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies; authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to operating diesel equipment in underground mines in West Virginia; and repealing the Division of Energy legislative rule relating to community development assessment and real property valuation procedures for Office of Coalfield Community Development"; 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. 361** - "A Bill to amend and reenact §62-15-6a of the Code of West Virginia, 1931, as amended, relating to treatment supervision under the Drug Offender Accountability and Treatment Act; expanding offender groups eligible for treatment supervision; including addition of the Administrative Office of the Supreme Court of Appeals, along with the Division of Justice and Community Services, to consult with the Governor's Advisory Council on Substance Abuse to use appropriated funds to develop proposed substance abuse treatment plans to serve those offenders under treatment supervision in each judicial circuit and on parole supervision; and including the Administrative Office of the Supreme Court of Appeals, along with the Division of Justice and Community Services, in developing qualifications and other

matters related to the quality and delivery of services to offenders”; 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

**S. B. 371** - “A Bill to amend and reenact §27-5-2 of the Code of West Virginia, 1931, as amended, relating to proceedings for involuntary custody for examination; removing redundant language relating to civil liability for the rendering of an opinion as the result of an examination”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Ward, Caputo, Longstreth and Summers offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 53** - “Requesting the Division of Highways to name bridge number 25-79-140.37 NB & SB (25A147, 25A148), locally known as Little Creek Road Overpass, carrying Interstate 79 over County Route 76 in Marion County, the ‘Pastor Robert L. “Bob” Barker Memorial Bridge’.”

Whereas, Robert L. Barker was born in Parkersburg, West Virginia, July 20, 1953, and went to be with the Lord on May 20, 2016; and

Whereas, Robert L. Barker graduated from Parkersburg South High School and went on to receive a Bachelor of Arts in Theology from Baptist University of America in Atlanta, Georgia in 1979; and

Whereas, Robert L. Barker founded Victory Baptist Church in Fairmont, West Virginia, in 1983 and was elected the first pastor of the church; and

Whereas, Robert L. Barker had a lifelong mission to spread the word of God in his community and beyond; and

Whereas, Robert L. Barker spread the word of God through outreach ministry weekly at local nursing homes and Union Mission in Fairmont, West Virginia; and

Whereas, Robert L. Barker and Victory Baptist Church supported nearly 200 missionaries around the world to teach God's word; and

Whereas, Robert L. Barker was affectionately known as a soul winner in his community; and

Whereas, The congregation of Victory Baptist Church would like to memorialize their beloved pastor; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 25-79-140.37 NB & SB (25A147, 25A148), locally known as Little Creek Road Overpass, carrying Interstate 79 over County Route 76 in Marion County, the "Pastor Robert L. 'Bob' Barker Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Pastor Robert L. 'Bob' Barker Memorial Bridge"; and, be it

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

Mr. Speaker (Mr. Armstead) offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 54** - "Requesting the Division of Highways to name a portion of County Route 3/5, known as Wills Creek Road, in



Kanawha County, the ‘U. S. Army SPC 4 Thurman ‘Duwayne’ Young Memorial Road’.”

Whereas, Specialist Thurman “Duwayne” Young was born on April 23, 1949, in Elkview, West Virginia, a son of Carrie Marie Chaplan of Uniontown, Ohio, and the late Benjamin Thurman Young; and

Whereas, Specialist Young graduated from Herbert Hoover High School before entering the Army in 1969. He went to Vietnam serving as an Armored Personnel Carrier Operator and Infantry and was honorably discharged in 1971. Upon returning from serving his country, Specialist Young married Linda Szeles, and they spent twenty-nine loving years together. They were the parents of three sons, Jeffery, James, and Roger, and five daughters, Carol, Lisa Anne, Claire V., Jeannie M., and Christine (deceased); and

Whereas, On August 17, 2011, at the age of sixty-two Specialist Young lost his hard-fought battle with cancer caused by exposure to Agent Orange; and

Whereas, Naming this road is an appropriate recognition of Specialist Young’s contributions to his country, state and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of County Route 3/5, known as Wills Creek Road, in Kanawha County, the “U. S. Army SPC 4 Thurman ‘Duwayne’ Young Memorial Road”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “U. S. Army SPC 4 Thurman ‘Duwayne’ Young Memorial Road”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of the Department of Transportation.

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

**H. C. R. 55** - "Requesting the Division of Highways to name bridge number 23-10-12.56 NB & SB (23A377, 23A378), locally known as Lyburn Bridge, carrying WV 10 over Land Relief in Logan County, the 'U. S. Army SSG Henry Kilgore Bridge'."

Whereas, Sergeant Henry Kilgore was born on December 22, 1922, in Draffin, Kentucky, one of ten children in his family; and

Whereas, Like many in the Appalachian region at the time, Sergeant Kilgore's family struggled to make ends meet and at age fourteen, Henry left school to work in the coal mines to support his family; and

Whereas, Due to a lack of modern equipment, Sergeant Kilgore mined coal with a pick and shovel and hauled it out with a mule and a cart; and

Whereas, At the age of twenty, Sergeant Kilgore was drafted into the U. S. Army to serve his country during World War II. He served in the 33<sup>rd</sup> Sig Light Construction where he ultimately reached the rank of Staff Sergeant; and

Whereas, Sergeant Kilgore served in Normandy, Northern France, Ardennes, Rhineland, and Central Europe. He was also present at the Battle of the Bulge and arrived on the beaches of Iwo Jima as American soldiers famously raised an American flag; and

Whereas, Sergeant Kilgore was honorably discharged from the Army on December 19, 1945; and

Whereas, Sergeant Kilgore came home to go back into the coal mines to continue to work for the rest of his working life; and

Whereas, Sergeant Kilgore married his soul mate, Leona Bartley Kilgore, on February 6, 1946. They were blessed to raise six daughters; and

Whereas, Sergeant Kilgore selflessly worked in the mines to support his family, even though working conditions were frequently unsafe. He was injured numerous times while on the job, including an occasion where his head was pinned in a roof fall. He was hospitalized for an extended period of time after the accident, suffering broken bones in his face and severe injuries to his eye; and

Whereas, Sergeant Kilgore also acted many times, both during his service in the war and his job as a miner, without concern for his own safety; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Sergeant Kilgore; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-10-12.56 NB & SB (23A377, 23A378), locally known as Lyburn Bridge, carrying WV 10 over Land Relief in Logan County, the “U. S. Army SSG Henry Kilgore Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “U. S. Army SSG Henry Kilgore Bridge”; and, be it

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

Delegates Howell, Hill, Hamrick, Summers, Moore, Criss, Maynard, Householder, Butler, Espinosa and Atkinson offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 56** - “Requesting the Joint Committee on Government and Finance study the Public Employees Insurance Agency and potential alternative methods to control healthcare costs.”

Whereas, The State of West Virginia provides health insurance to its employees through the Public Employees Insurance Agency. As healthcare costs rise, PEIA must continue to search for ways to provide healthcare to all of its members in the most cost-efficient manner possible, without solely relying on increasing premiums and deductibles. In doing so, PEIA should consider new and innovative ways to control costs while adequately serving the needs of its members, including telehealth services and employment of medical providers that specifically serve PEIA members in local areas; and

Whereas, The Legislature finds that, considering the enormity, fiscal impact and complexity of the issues involved in PEIA health insurance coverage facing this state, it should study the feasibility of alternative and innovative methods of reducing healthcare costs; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the PEIA and methods used to offset rising healthcare costs, including, but not limited to, telehealth services and onsite health services for minor ailments; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation, be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Overington, Blair, Butler, Ellington, Espinosa, A. Evans, Fast, Folk, Foster, Frich, Gearheart, Graves, Hamilton, Hamrick, Harshbarger, Higginbotham, Hill, Householder, Howell, Kessinger, Martin, Maynard, Pack, Paynter, Phillips, Queen, Rohrbach, C. Romine, R. Romine, Sobonya, Statler, Storch,

Summers, Sypolt, Walters, Ward, Westfall, Wilson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

**H. C. R. 57** - “Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and adopting certain reservations, understandings and declarations limiting the application.”

**SECTION 1. Application for a convention for proposing amendments.**

Whereas, Executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of his constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D.C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses

of federal power by proposing amendments to the Constitution of the United States through a limited Convention of the States under Article V; therefore, be it

*Resolved by the Legislature of West Virginia:*

That it hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution, Legislative Call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

*Further Resolved,* That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject.

## **SECTION 2. Reservations, understandings and declarations.**

The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings and declarations:

1. An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to

name a reasonable time and place for the initial meeting of a convention;

2. Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two thirds of the legislatures of the several states;

3. Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

4. By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

5. A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void *ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

6. Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

7. The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

### **Bills Introduced**

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

**By Delegates Harshbarger, Cooper, Maynard, Paynter, Eldridge, Phillips, Martin, Ward and Thompson:**

**H. B. 4470** - "A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Ward:**

**H. B. 4471** - "A Bill to amend and reenact §11-15-3a of the Code of West Virginia, 1931, as amended, relating to establishing a one percent tax on food for five years; requiring the tax proceeds be used to fund the Public Employees Insurance Agency; permitting the tax to end sooner if other funding sources are utilized; prohibiting municipalities from imposing a sales tax on food"; to the Committee on Banking and Insurance then Finance.

**By Delegates Sobonya, C. Miller, Rowan, Ward and Rohrbach:**

**H. B. 4472** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-1A-11a; and to amend and reenact §60-3-9 of said code, all relating to the creation of the West Virginia Addictions Treatment and Recovery Fund by collecting and transferring five cents per ounce of the uniform price of alcoholic liquors sold in this state to the fund; setting forth the uses of the fund; and authorizing rule-making"; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

**By Delegates Sobonya, C. Romine, Westfall, Overington, Ambler, Butler, C. Miller, Rowan, Ward, Householder and Rohrbach:**

**H. B. 4473** - "A Bill to amend and reenact §6B-2B-1, §6B-2B-2 and §6B-2B-4 of the Code of West Virginia, 1931, as amended, all relating to use of state funds for advertising to promote a public



official or government office; defining terms; and clarifying limitations on the production of educational materials and press releases produced with public funds”; to the Committee on the Judiciary.

**By Delegate Eldridge:**

**H. B. 4474** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting all monetary benefits derived from retirement income from personal income tax obligations for individuals moving into the state who had not lived in the state for one year immediately preceding the move”; to the Committee on Senior Citizen Issues then Finance.

**By Delegates Shott and Ellington:**

**H. B. 4475** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7, and §11-28-8, all relating to allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants; providing for county and municipality options; limiting the total tax to three percent; limiting a municipal tax to two percent; setting forth the procedures for counties or municipalities to use to impose the tax; requiring publication; setting forth how the collected tax may be used; setting forth apportionment of the tax between local jurisdictions; setting forth exemptions from the tax; defining terms; and providing criminal penalties”; to the Committee on Political Subdivisions then Finance.

**By Delegate Eldridge:**

**H. B. 4476** - “A Bill to amend and reenact §49-2-101 of the Code of West Virginia, 1931, as amended, and to amend and reenact §62-15A-2 of said code, all relating to permitting persons who voluntarily enroll in a drug rehabilitation program to be included in an existing pilot program; and authorizing the Department of Health and Human Resources to care for the children of those persons who voluntarily enroll in a drug rehabilitation program included in that pilot program”; to the Committee on Health and Human Resources then Finance.

**By Delegates Wagner, Jennings and Ferro:**

**H. B. 4477** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to allowing county commissions to impose an amusement tax”; to the Committee on Political Subdivisions then Finance.

**By Delegates Lovejoy, Rohrbach, Hanshaw, Hornbuckle, Williams, Byrd, Canestraro, R. Miller, Robinson, Rowe and Isner:**

**H. B. 4478** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-5, relating to authorizing public schools to distribute excess food to students and others who suffer from food insecurity; providing for establishing ‘The Shared Table’ initiative; providing for the State Board of Education to provide policies to guide county schools to provide excess food to students and others; assuring all food distribution meets federal and local health requirements; and providing that this section is covered by the Good Samaritan Food Donation Act”; to the Committee on Education then Finance.

**By Delegates Westfall, A. Evans, Hartman and White:**

**H. B. 4479** - “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, all relating to the West Virginia Life And Health Insurance Guaranty Association Act”; to the Committee on Banking and Insurance then the Judiciary.

**House Calendar****Third Reading**

**H. B. 4332**, Relating to home peritoneal renal dialysis; 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. 65**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Gearheart and Hanshaw.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4332) 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. 4350**, Eliminating the regulation of upholstery; 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. 66**), and there were—yeas 65, nays 31, absent and not voting 3, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Boggs, Gearheart and Hanshaw.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4350) 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**

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

**Com. Sub. for H. B. 4023**, Relating to the regulation of dialysis technicians,

**H. B. 4025**, Permitting reciprocity for licensure as a pharmacy technician,

**Com. Sub. for H. B. 4186**, Relating generally to guaranteed asset protection waivers,

**Com. Sub. for H. B. 4236**, Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division,

**Com. Sub. for H. B. 4276**, Allowing magistrates to grant work release privileges,

And,

**H. B. 4410**, Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids.

**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. 2841**, Requiring board members to have attended a board meeting in order to be compensated for the meeting,

**Com. Sub. for H. B. 4142**, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment,

**Com. Sub. for H. B. 4320**, Limiting the ability of an agent under a power of attorney to take self-benefiting actions,

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

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

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

And,

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

### **Leaves of Absence**

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

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Butler during Remarks by Members
- Delegate Fluharty during Remarks by Members
- Delegate Howell during Remarks by Members
- Delegate Hornbuckle during Remarks by Members
- Delegate Folk during Remarks by Members
- Delegate Sobonya during Remarks by Members

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

- Delegate Foster for H. B. 4313
- Delegate Frich for H. B. 4470 and H. B. 4472
- Delegate Longstreth for H. B. 4471

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

- Delegates A. Evans, Hamilton and Rowan for H. B. 4344
- Delegate Rohrbach for H. B. 4413
- Delegate Westfall for H. B. 4454

Delegate Walters noted to the Clerk that he was absent on yesterday when the vote was taken on Roll No. 61, and that had he been present, he would have voted "Yea" thereon.

At 12:58 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 9, 2018.

---

Friday, February 9, 2018

**THIRTY-FIRST DAY**

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 8, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 4024**, Relating generally to direct cremation or direct burial expenses for indigent persons,

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

**Com. Sub. for H. B. 4024** - "A Bill to repeal §9-5-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §9-5-9 of said code, all relating generally to direct cremation or direct burial expenses for indigent persons; decreasing the maximum amount paid by the Department of Health and Human Resources for indigent burial or cremation; making certain relatives of the indigent person liable for direct cremation or direct burial expenses; authorizing the Department of Health and Human Resources to recover direct cremation or direct burial expenses from relatives liable for those costs; requiring affidavits be signed and filed; requiring direct cremation in certain circumstances; defining terms; and establishing a criminal penalty,"

With the recommendation that the committee substitute do pass.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 4405**, Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4405) was referred to the Committee on the Judiciary.

Delegate Hill, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

**H. B. 4452**, Creating newly-established small business tax credits,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4452) was referred to the Committee on Finance.

Delegate Hill, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:



**H. B. 4187**, Business Liability Protection Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4187) was referred to the Committee on the Judiciary.

Delegate Rowan, Chair of the Committee on Senior Citizen Issues, submitted the following report, which was received:

Your Committee on Senior Citizen Issues has had under consideration:

**H. B. 2848**, Livable Home Tax Credit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2848) was referred to the Committee on Finance.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4400**, Relating to the West Virginia Physicians Mutual Insurance Company,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4400) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**Com. Sub. for S. B. 336**, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 336) was referred to the Committee on Finance.

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

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

**H. B. 4027**, Creating an education permit for allopathic physician resident,

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

**Com. Sub. for H. B. 4027** - "A Bill to amend and reenact §30-3-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3-16, all relating to creating an education permit for allopathic physician resident; prohibiting the practice of medicine and surgery without an authorization from the board; removing an exemption; providing an application process; providing criteria to obtain the permit; and providing emergency rulemaking authority; and providing rulemaking authority,"

**H. B. 4197**, Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation,

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

**Com. Sub. for H. B. 4197** - “A Bill to amend and reenact §24-6-5 of the Code of West Virginia, 1931, as amended, relating to requiring persons employed to dispatch emergency calls in county emergency dispatch centers to complete a training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation; requiring training to be completed by a certain date; and requiring calls to be transferred to call center in certain circumstances,”

**H. B. 4279**, Relating to adult protective services system,

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

**Com. Sub. for H. B. 4279** - “A Bill to amend and reenact §9-6-1 and §9-6-2 of the Code of West Virginia, 1931, as amended, relating to adult protective services system; defining terms; and adding a goal that must be considered when creating a rule,”

And,

**H. B. 4306**, Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health,

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

**Com. Sub. for H. B. 4306** - “A Bill to amend and reenact §16-2-5 of the Code of West Virginia, 1931, as amended, relating to permitting local boards of health to combine,”

With the recommendation that the committee substitutes each do pass.

Delegate Ellington, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4309) 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:

**H. B. 2995**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia,

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

**Com. Sub. for H. B. 2995** - "A Bill to amend and reenact §30-10-12 of the Code of West Virginia, 1931, as amended, relating to reciprocal qualifications for certification as an animal euthanasia technician,"

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4180**, Relating to wildlife resources,

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

**Com. Sub. for H. B. 4180** - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and authorizing the Director of the Division of Natural Resources to establish procedures and a fee schedule for individuals applying for limited permit hunts,”

With the recommendation that the committee substitute do pass.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the title amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

**Com. Sub. for H. B. 4020**, Making technical corrections in the code when referencing chapter 49.

A message from the Senate, by

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

**S. C. R. 1** – “Requesting the Division of Highways to name the portion of State Route 10 from milepost 9.10 to milepost 13.60 in Logan County, the ‘U. S. Army SGT Denver E. Short Memorial Road’.”

Whereas, Denver E. Short was born May 6, 1921, in Logan County, at Davin on Huff Creek. He attended Man High School and later married Margaret Parsons from West Logan, and they had two daughters, Katy Short Ojeda and Brenda Short Thomas; and

Whereas, Denver E. Short enlisted in the U. S. Army in August 1941, and was honorably discharged on September 27, 1945, after having participated in historic battles in central Europe and received medals for his service and for wounds received in action; and

Whereas, As a Platoon Sergeant in Headquarters Battery of the 155<sup>th</sup> Airborne Anti-Aircraft Battalion, Sergeant Denver E. Short served in four European wartime campaigns: In Normandy; the Rhineland; the Ardennes; and central Europe; and

Whereas, Sergeant Denver E. Short suffered his first combat wound from small arms fire on D-Day, June 6, 1944, he was subsequently wounded in Belgium in 1944 and again in France in 1945. As a result of his wounds, he was hospitalized on numerous occasions, first in a hospital in England and two different extended stays in hospitals in France, and was awarded three separate Purple Heart Medals for his wounds; and

Whereas, Sergeant Denver E. Short also received the first Oak Leaf Cluster to his first Purple Heart Medal, a second Oak Leaf Cluster to his second Purple Heart Medal and two Distinguished Unit Badges; and

Whereas, Sergeant Denver E. Short passed away on August 26, 2001, and was a proud veteran, great father and husband, a quiet, humble man, a devout Christian and a true American hero; and

Whereas, Naming the portion of State Route 10 from milepost 9.10 to milepost 13.60 in Logan County, the “U. S. Army SGT Denver E. Short Memorial Road”, is an appropriate recognition of his service and sacrifices for his country as a part of The Greatest Generation and service to his state, community and Logan County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the portion of State Route 10 from milepost 9.1 to milepost 13.60 in Logan County, the “U. S. Army SGT Denver E. Short Memorial Road”; and, be it

*Further Resolved,* That the Division of Highways is requested to have made and be placed signs identifying the road as the “U. S. Army SGT Denver E. Short Memorial Road”; and, be it

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

### **Resolutions Introduced**

Delegates Rowe, Robinson and White offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 58** - "Requesting the Division of Highways to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the 'U. S. Army SGT Tommy Meadows Memorial Road'."

Whereas, Sergeant Meadows was born on February 17, 1948, in Charleston and passed away on March 5, 2017; and

Whereas, Sergeant Meadows was president of his class for sophomore, junior and senior years at DuPont High School; and

Whereas, Sergeant Meadows served in the United States Army from 1968 to 1970; and

Whereas, While serving in Vietnam, Sergeant Meadows was exposed to Agent Orange, which eventually contributed to his death; and

Whereas, Sergeant Meadows served as a Kanawha County Deputy Sheriff for five years; and

Whereas, Sergeant Meadows retired from Union Carbide with a disability because of exposure to Agent Orange; and

Whereas, Sergeant Meadows was an officer and active member of Charleston Moose 1444; and

Whereas, Sergeant Meadows was a volunteer with Community of Rand Association performing community services for the betterment of Rand; and

Whereas, Sergeant Meadows bought and delivered meals to senior citizens in the area and was forever lending assistance to anyone in need; and

Whereas, It is fitting that a proper memorial be established for this man who so ably served his country and the State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the “U. S. Army SGT Tommy Meadows Memorial Road”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying that portion of the highway as the “U. S. Army SGT Tommy Meadows Memorial Road”; and, be it

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

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

**H. C. R. 59** - “Requesting the Division of Highways to name bridge number 07-24-3.59 (07A055) (38.78829, -81.13024), locally known as the Arnoldsburg School Bridge, carrying County Route 24 over the West Fork of Little Kanawha River in Calhoun County, the ‘Three Marks Brothers Bridge’.”

Whereas, Albert Marks, Alden Marks, and Bissell Marks were all born and raised in Calhoun County, the sons of F. Harrison and Leah D. Marks; and

Whereas, Albert Marks was born in October 1920 and died in 1985 at the age of 65 and was a Staff Sergeant in the U. S. Army in Luxembourg, Germany during World War II; and



Whereas, Alden Marks was born in February 1923 and died in 1972 at the age of 49 and was a PFC in the U. S. Army and served as a cook in Belgium during World War II; and

Whereas, Bissell Marks was born in January 1925 and died in 1981 at the age of 56 and was a Corporal in the U. S. Army in Germany during World War II; and

Whereas, It is fitting and proper to honor the Marks brothers for their dedication, commitment and sacrifice to their state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 07-24-3.59 (07A055) (38.78829, -81.13024), locally known as the Arnoldsburg School Bridge, carrying County Route 24 over the West Fork of Little Kanawha River in Calhoun County, the “Three Marks Brothers Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Three Marks Brothers Bridge”; and, be it

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

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

**H. C. R. 60** - “Requesting the Division of Highways to name a portion of County Route 5/11, White Creek Road, in Lincoln County, near Harts, beginning at a point, latitude 37.922, longitude -82.089, at the intersection of Smokehouse Fork Hart Creek Road, and ending at a point, latitude 37.912, longitude -82.106, at the intersection of White Oak Road, the ‘Lando Adkins, Sr. Memorial Road’.”

Whereas, Lando Adkins, Sr. was born in Harts in 1950 and passed away on July 2, 2012. He was a lifelong resident of the White Oak area and was a deacon and lifetime member of the White Oak Church; and

Whereas, It is fitting and proper that Mr. Adkins have a road named after him; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested name a portion of County Route 5/11, White Creek Road, in Lincoln County, near Harts, beginning at a point, latitude 37.922, longitude -82.089, at the intersection of Smokehouse Fork Hart Creek Road, and ending at a point, latitude 37.912, longitude -82.106, at the intersection of White Oak Road, the “Lando Adkins, Sr. Memorial Road”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the road as the “Lando Adkins, Sr. Memorial Road”; and, be it

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

Delegates Eldridge, Maynard, Love, C. Miller, C. Romine, Phillips, R. Miller, Rodighiero, Thompson, Hicks and Hornbuckle offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 61** - “Requesting the Division of Highways to name bridge number 22-37/2-3.40 (22A125), locally known as Sulphur Springs Fork Bridge #1, carrying County Route 37/2 over Fourteenmile Creek in Lincoln County the ‘U. S. Army PFC Cornelious Wiley Memorial Bridge’.”

Whereas, The Legislature adopted H. C. R 30 during the Regular Session in 2017, and the bridge named for U. S. Army PFC Cornelious Wiley was not the correct bridge intended to be so

named. The correct information has since been provided to the Legislature and it is the purpose of this resolution to seek to remove the signs proclaiming the bridge the “U. S. Army PFC Cornelious Wiley Memorial Bridge” and place them at the bridge described herein; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to remove the signs at both ends of bridge number 22-37-4.35 (22A059), latitude 38.10346, longitude -82.17775, on Route 73 in Lincoln County and that the Division of Highways place those signs at bridge number 22-37/2-3.40 (22A125), locally known as Sulphur Springs Fork Bridge #1, carrying County Route 37/2 over Fourteenmile Creek in Lincoln County, to be named the “U. S. Army PFC Cornelious Wiley Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to remove the signs at both ends of bridge number 22-37-4.35 (22A059), latitude 38.10346, longitude -82.17775, on Route 73 in Lincoln County and place those signs identifying the correct bridge as “U. S. Army PFC Cornelious Wiley Memorial Bridge”; and, be it

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

Delegates Hartman, Lynch, Iaquina, Isner, Love, Pethtel, Sponaugle, Williams, Boggs, Gearheart and Hamilton offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 62** - “Requesting the Division of Highways to name bridge number 38-39-21.66 (38A053), locally known as Marlinton City Bridge, carrying WV 39 over the Greenbrier River in Pocahontas County, be named the ‘Pocahontas County Veterans Memorial Bridge’.”

Whereas, West Virginians have always been in the forefront of serving in the military forces; and

Whereas, There have been 7,397 West Virginia casualties since World War II; and

Whereas, There are more than 173,000 West Virginians currently serving in the military service; and

Whereas, Pocahontas County had the highest per capita casualty rate in the Vietnam War; and

Whereas, The Town Council for the Town of Marlinton, West Virginia, by a majority vote do support the efforts of the Pocahontas County Vietnam Veterans of America, Chapter 1100, Marlinton, West Virginia, in requesting that bridge number 38-39-21.66 on West Virginia Route 39, crossing the Greenbrier River in Marlinton, Pocahontas County, West Virginia, be named the “Pocahontas County Veterans Memorial Bridge”.

Whereas, It is fitting that a proper and public memorial be established whereby the Pocahontas County Veterans are recognized; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 38-39-21.66 (38A053), locally known as Marlinton City Bridge, carrying WV 39 over the Greenbrier River in Pocahontas County, be named the “Pocahontas County Veterans Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “Pocahontas County Veterans Memorial Bridge”; and, be it

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

Delegates Rodighiero, R. Miller, Eldridge, Thompson and Hicks offered the following resolution, which was read by its title

and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 63** - “Requesting the Division of Highways to name a one-mile section of Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, West Virginia, the ‘U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway’.”

Whereas, Army Specialist Nunnery was born on April 29, 1942, to Samuel and Lola Nunnery; and

Whereas, Army Specialist Nunnery married Janice White Nunnery; and

Whereas, Army Specialist Nunnery served in the United States Army in Korea and Germany; and

Whereas, Following his military service, Army Specialist Nunnery worked in the coal mines until he became disabled and also worked with the Boone County Parks and Recreation for ten years; and

Whereas, Army Specialist Nunnery was a member of the Independent Order of Odd Fellows and served on the Boone County Correctional Officer Civil Service Committee for two years; and

Whereas, Army Specialist Nunnery was Vice Chairman of the Democratic Party in Boone County for more than ten years and assisted numerous veterans file and receive benefits; and

Whereas, Army Specialist Nunnery passed away on December 31, 2000; and

Whereas, It is fitting that an enduring memorial be established to commemorate this native son who so ably served his state and his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a one-mile section of Route 17, from mile marker 9.87 to mile

marker 10.87, in Boone County, West Virginia, the “U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the highway containing bold and prominent letters proclaiming the highway the “U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway”; and, be it

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

### **Bills Introduced**

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

#### **By Delegates Statler and Hanshaw:**

**H. B. 4480** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2, and §55-7K-3, all relating to standards of proof in civil actions where business structure sought to be disregarded; making findings; establishing clear and convincing evidence as standard for personal liability of business debts; adopting standards for determining personal liability for business debts; defining terms; and establishing safe harbor requirements”; to the Committee on the Judiciary.

#### **By Delegates Howell, Summers, Bates, Rohrbach, Ellington, Shott, Hamrick, Statler and Hill:**

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

to practice of any licensee or registrant of any of those boards”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Foster, Folk, Walters, Blair and Wilson:**

**H. B. 4482** - “A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to net metering; modifying method for determining rebate or discounts to customers; and requiring compliance with certain national codes”; to the Committee on Energy then the Judiciary.

**By Delegates Kessinger, Hill and Hanshaw:**

**H. B. 4483** - “A Bill to amend and reenact §30-5-12b of the Code of West Virginia, 1931, as amended, relating to generic drug products; and making the provisions retroactive”; to the Committee on Health and Human Resources then Finance.

**By Delegates Frich, Sobonya, Foster, Martin, Kessinger, Overington, Fast, Hollen, Deem, Butler and Higginbotham:**

**H. B. 4484** - “A Bill to amend and reenact §19-23-3, §19-23-7, §19-23-10, §19-23-12b, §19-23-13, and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e, and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27, and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; modifying certain definitions; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund for licensees outside of Ohio County; transferring some moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring

that some moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purpose of funding purses, awards or providing any other funding for greyhound races be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license outside of Ohio County race a minimum number of dates to qualify for such license; eliminating the requirement that an applicant for a dog racing license outside of Ohio County race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred racetracks, and deducted for administrative costs and expenses, to the Racing Commission's General Administrative Account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from video lottery terminals with certain parties; providing that a percentage of net terminal income originating at dog racetracks will be deposited in the State Excess Lottery Revenue Fund; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted or in an alternate location within the county as approved by the Lottery Commission; eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates; and making certain



exceptions for racetracks in Ohio County”; to the Committee on Finance.

**By Delegates Overington, Blair, Upson, Espinosa and Householder:**

**H. B. 4485** - “A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended, to amend and reenact §22-16-4 of said code, all relating to shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities”; to the Committee on Political Subdivisions then Finance.

**By Delegates White, Frich, Lane, Westfall, Queen, Dean, Martin, Eldridge, Phillips, Moore and Foster:**

**H. B. 4486** - “A Bill to amend and reenact §32A-2-3 of the Code of West Virginia, 1931, as amended, relating to persons required to obtain a license to engage in the business of currency exchange, transportation, or transmission; and providing an exemption from licensure for certain entities which administer the Electronic Filing Depository system on behalf of state securities regulators”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Lovejoy, C. Miller, Isner, Thompson, Hicks, Eldridge, Hanshaw, Harshbarger, Moore and Atkinson:**

**H. B. 4487** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate for pollinators; and establishing a fee”; to the Committee on Roads and Transportation then Finance.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 4023**, Relating to the regulation of dialysis technicians; 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. 67**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4023) 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. 4025**, Permitting reciprocity for licensure as a pharmacy technician; 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. 68**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4025) 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. 4186**, Relating generally to guaranteed asset protection waivers; on third reading, coming up in regular order, was read a third time.

Delegate C. Miller requested to be excused from voting on the passage of Com. Sub. for H. B. 4186 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. 69**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4186) 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. 4236**, Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division; 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. 70**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4236) 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. 4276**, Allowing magistrates to grant work release privileges; 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. 71**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4276) 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. 4410**, Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids; 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. 72**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4410) 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. 2841**, Requiring board members to have attended a board meeting to be compensated for the meeting; 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. 4142**, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment; on second reading, coming up in regular order, was read a second time.

Delegates Sponaugle, Boggs, Barrett, Hartman, Moye, Pethtel, Rowe, Ferro, Brewer, Caputo and Longstreth moved to amend the bill on page one, section four-b, line nine, by striking out “\$6,000” and inserting in lieu thereof “\$7,500”.

On page one, section four-b, line twelve, by striking out “\$2,000” and inserting in lieu thereof “\$2,500”.

On page two, section four-b, line fifteen, by striking out “\$2,000” and inserting in lieu thereof “\$2,500”.

And,

On page two, section four-b, line eighteen, by striking out “\$2,000” and inserting in lieu thereof “\$2,500”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 73**), and there were—yeas 36, nays 58, absent and not voting 5, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

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

Delegates Robinson, Eldridge and R. Miller moved to amend the bill on page one, section four-b, lines six through eight, by striking out the words “that are employed as a correctional officer, a correctional trainer, a parole officer, or at a correctional center or complex, a regional jail, or a juvenile detention or corrections facility”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 74**), and there were—yeas 36, nays 58, absent and not voting 5, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

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

Delegates Eldridge and R. Miller moved to amend the bill on page one, section four-b, line eight, after the word “facility”, by inserting a comma and the words “or a youth reporting center”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 75**), and there were—yeas 40, nays 54, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Frich, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Maynard, Miley, R. Miller, Moye, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Ward, White and Williams.

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

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

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4320**, Limiting the ability of an agent under a power of attorney to take self-benefiting actions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4380**, Making a supplementary appropriation to the Department of Agriculture; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4381**, Making a supplementary appropriation to the Department of Education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4384**, Making a supplementary appropriation to the Department of Transportation; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

**S. B. 62**, Adjusting requirements for hiring school attendance directors,

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

**Com. Sub. H. B. 4009**, State Settlement and Recovered Funds Accountability Act,

And,

**Com. Sub. H. B. 4407**, Relating to eligibility for alternative program teacher certificate.

### Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Ellington, Marcum, C. Romine and Wilson.

### Miscellaneous Business

Delegate Lane noted to the Clerk that she was absent on Wednesday, February 7, 2018, when the votes were taken on Roll Nos. 53 through 64, and that had she been present, she would have voted “Yea” on Roll Nos. 53 through 63, and “Nay” on Roll No. 64.

Pursuant to House Rule 132, unanimous consent was requested and obtained that the remarks of Delegate Graves during Remarks by Members be printed in the Appendix to the Journal.

Pursuant to House Rule 132, unanimous consent was requested that the remarks of all members during Remarks by Members be printed in the Appendix to the Journal, which consent was not obtained, objection being heard.



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

- Delegate C. Miller for H. B. 2890
- Delegate Frich for H. B. 4197, H. B. 4253, H. B. 4306 and H. B. 4366
- Delegate Barrett for H. B. 4485

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

- Delegate Householder for H. B. 2662 and H. B. 4294
- Delegate Frich for H. B. 4413

At 12:37 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 12, 2018.



---

Monday, February 12, 2018

**THIRTY-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 Friday, February 9, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Messages from the Executive**

The following communication was laid before the House of Delegates and was read by the Clerk:

State of West Virginia  
Office of the Governor

February 9, 2018

The Honorable Mac Warner  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Chanda Daniella Adkins, 108 Yorktown Court, Beckley, Raleigh County, West Virginia 25801, as a Delegate representing the Thirty-First District of the House of Delegates,

to fill the vacancy created by the resignation of the Honorable Karen Lynn Arvon.

Sincerely,

Jim Justice,  
*Governor.*

The Clerk announced that Delegate Adkins had taken the oath of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia on February 9, 2018.

### **Committee Reports**

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. 4298**, The Campus Self Defense Act,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4298) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 4361**, Bestowing upon him or her graduating from a U. S. Military Academy with the highest grade point average the West Augusta Award,

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

**Com. Sub. for H. B. 4361** – “A Bill to amend and reenact §9A-1-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Veterans’ Council to annually honor each West Virginian graduating from the U. S. Military Academy, the U. S. Naval Academy, the U. S. Air Force Academy and the U. S. Coast Guard Academy with the highest grade point average by bestowing upon him or her the West Augusta Award.”

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on Education be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4361) to the Committee on Education was abrogated.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**S. B. 297**, Eliminating taxation on annuity considerations collected by life insurer,

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

In accordance with the former direction of the Speaker, the bill (S. B. 297) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4015**, Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies,

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

**Com. Sub. for H. B. 4015** – “A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10, §5A-12-11, §5A-12-12, §5A-12-13 and §5A-12-14; to amend said code by adding thereto a new section, designated §12-6D-7; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26, and §17A-3-27; and to amend and reenact §29B-1-4 of said code, all relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies; repealing provisions relating to the central motor pool; continuing management of state owned or leased aircraft through an Aviation Division; continuing the Fleet Management Office as the Fleet Management Division; defining terms; providing powers and duties of the division director; continuing the Fleet Management Office Fund as the Fleet Management Division Fund; requiring spending units designate fleet coordinators; requiring reporting of state vehicles use to the division; requiring fleet coordinator annual reporting to the division; requiring reporting to the State Agency for Surplus Property; requiring reporting to centralized inventory system as maintained by Enterprise Resource Planning Board; providing for spot compliance audits by the State Auditor; requiring legislative compliance audits; requiring new title, registration, and license plates for state vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue special plates to organizations and entities; requiring agencies to apply for a new uniform vehicle title and registration plate; providing for a citation to drivers of vehicles without the proper license plate; exempting confidential information relating to certain vehicles from public disclosure under the Freedom of Information Act; authorizing rule-making; and requiring annual reports to the Governor and Legislature,”

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4015) to the Committee on Finance was abrogated.

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. 2694**, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas,

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

**Com. Sub. for H. B. 2694** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-55, relating to the study of the feasibility of the development and implementation of a program to facilitate commercial sponsorship of rest areas, welcome centers, roads, and vehicles; providing for sponsorship agreements; providing for agreement requirements; providing for disposition of funds received from agreements; providing for the promulgation of emergency or legislative rules; and providing for a report of the status of the program,”

**H. B. 2890**, Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects,

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

**Com. Sub. for H. B. 2890** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-24, relating to establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects; setting forth general structure of fund and distribution of funds; and providing for rulemaking,”

And,

**H. B. 3104**, Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund,

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

**Com. Sub. for H. B. 3104** - “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-10-1, §9-10-2, §9-10-3, §9-10-4, §9-10-5 and §9-10-6; to amend and reenact §18-10K-1 of said code; and to repeal §18-10K-2, §18-10K-3, §18-10K-4, §18-10K-5 and §18-10K-6 of said code, all relating to transferring administration of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund to the Department of Health and Human Resources; abolishing the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board; transferring the powers, duties and records of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board to the Department of Health and Human Resources; and transferring the powers and duties of the Division of Rehabilitation Services related to administering the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund to the Department of Health and Human Resources,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 4433**, Declaring certain claims against an agency of the state to be moral obligations of the state,

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:

**H. B. 4357**, West Virginia Small Wireless Facilities Deployment Act,



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

In accordance with the former direction of the Speaker, the bill (H. B. 4357) was referred to the Committee on Finance.

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. 4434**, Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement.

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:

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

And,

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

And reports the same back with the recommendation that they each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4154**, Establishing the 2018 Regulatory Reform Act,

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

**Com. Sub. for H. B. 4154** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, §5B-8-5, §5B-8-6, §5B-8-7, §5B-8-8, §5B-8-9, and §5B-8-10, all relating to establishing the 2018 Regulatory Reform Act; providing legislative findings; defining terms; providing for an application process with the Development Office to request a project be classified as a project of critical economic concern; requiring state agencies to provide for expeditious review of a permit application even absent a designation as a project of critical economic concern; establishing a procedure for the filing of a certificate of critical economic concern with state agencies and the Development Office; providing for agencies to adopt an expedited permit fee; providing for timelines, reports, and written explanations for expedited permit review; clarifying a certificate of critical concern is not a blanket waiver and does not guarantee a permit will be granted; requiring the executive director to report to the Governor and the Joint Committee on Government and Finance on or before November 1, 2019 and on or before every November 1st thereafter regarding the success of this article; and granting the Development Office with procedural rulemaking authority to implement the provisions of this article.”

**H. B. 4268**, Co-tenancy Modernization and Majority Protection Act,

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

**Com. Sub. for H. B. 4268** - “A Bill to amend and reenact §22C-9-3 and §22C-9-4 of the Code of West Virginia, 1931, as amended, to amend and reenact §37-7-2 of said code; and to amend said code by adding thereto a new chapter, designated §37B-1-1, §37B-1-2, §37B-1-3, §37B-1-4, §37B-1-5, §37B-1-6, §37B-1-7, §37B-2-1, §37B-2-2, §37B-2-3, §37B-2-4, §37B-2-5, §37B-2-6, §37B-2-7, §37B-2-8, and §37B-2-9, all relating generally to real property; providing an exception to waste and trespass for certain

oil or natural gas developments; providing short titles; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use and development of oil or natural gas mineral property by the persons owning an undivided three fourths of the royalty interests, as defined, in an oil or natural gas mineral property is permissible, is not waste, and is not trespass; providing that nonconsenting cotenants may elect a production royalty interest or a working interest share of production; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund hereby created, known as the Unknown and Unlocatable Interest Owners Fund, to be administered by the State Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act until said reserved interests are claimed or transferred to the Oil and Gas Reclamation Fund for the plugging of oil and gas wells; providing methods for determination of leasehold and contractual terms, including reviews and determinations by the Oil and Gas Conservation Commission; empowering the Oil and Gas Conservation Commission to enforce certain provisions hereof; providing liability protection for damages resulting from the lawful use or development of oil or natural gas mineral property; requiring surface use agreements in specified circumstances; providing a mechanism for surface owners to acquire title to certain severed oil and gas interests; preserving common law rights; providing for severability of provisions; providing reporting requirements and administrative duties, including civil penalties for noncompliance under the West Virginia Uniform Unclaimed Property Act; and providing for rule-making authority,”

And,

**H. B. 4270**, Providing for the timely payment of moneys owed from oil and natural gas production,

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

**Com. Sub. for H. B. 4270** - “A Bill to amend and reenact §22-6-22 of the Code of West Virginia, 1931, as amended, and to

amend said code by adding a new chapter, designated §37B-1-1, §37B-1-2, and §37B-1-3, all relating generally to real property; providing for timely payment of moneys owed from oil and natural gas production; establishing interest penalties for certain late payments; requiring specified information to be remitted with payments; requiring quarterly reporting of production data to Department of Environmental Protection; and providing for rule-making authority.”

With the recommendation that the committee substitutes each do pass.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for H. B. 4135**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

A message from the Senate, by

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

**H. B. 4146**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

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. 78** - “A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and

are being paid a reduced maximum benefit guarantee”; 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 and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 271** - “A Bill to amend and reenact §5A-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5A-2B-1, §5A-2B-2, §5A-2B-3, and §5A-2B-4, all relating to creating the Shared Services Section within the Finance Division of the Department of Administration; authorizing the appointment of a deputy director; setting qualifications for the deputy director; authorizing the hiring of necessary personnel; setting minimum services to be provided by Shared Services Section; authorizing reasonable fees to be charged; requiring development of cost-performance assessment; providing for reporting of certain information by spending units to the Shared Services Section; providing for reports to the Governor and Joint Committee on Government and Finance; providing legislative and emergency rule-making authority; requiring certain spending units to enter into agreement with Shared Services Section for provision of accounting and financial services; permitting certain spending units to enter into agreement with Shared Services Section for provision of accounting and financial services; providing for probationary period and corrective action plan for certain spending units; granting deputy director authority to decline to enter into agreement for provision of services under certain circumstances; authorizing spending unit to cancel agreement with Shared Services Section under certain circumstances; and creating a new special revenue fund”; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 283** - “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-3-10b, §5A-3-10c, §5A-3-10e, §5A-3-33d, §5A-3-33f, §5A-3-37, and §5A-3-45 of said code; to amend said code by adding thereto a new section, designated §5A-3-61; to amend and reenact §5G-1-3 of said code; to amend and reenact §6D-1-1 of said code; and to amend and reenact §18B-5-4 of said code, all relating generally to procurement by state agencies; defining terms; authorizing competitive bidding of certain open-ended repair and maintenance contracts; modifying use and consideration of alternates in solicitations; prohibiting alternates from being accepted out of order; modifying criteria to be considered in best value procurement awards; eliminating sole source procurement; establishing direct award procurement requirements; establishing prequalification agreements and their requirements and procedures; authorizing agency-delegated bidding and its procedure; increasing certain cost limits from \$50,000 to \$1 million; authorizing awarding contracts without competitive bidding if certain requirements are met; eliminating master contracts and direct ordering process; expanding the scope of those who may be debarred; eliminating preferences for resident vendors, vendors employing state residents, and veteran residents; establishing the concept of ‘reciprocal preference’ for an in-state vendor over an out-of-state vendor from any state that gives or requires a preference to bidders from that state and setting forth its requirements; modifying the value determination of certain motor vehicles that are to be sold; permitting funds from sale of surplus property be deposited in alternate fund if original fund no longer exists; permitting spending units to use a standardization process to purchase commodities and setting forth its requirements; permitting an architectural or engineering firm to be selected without bidding if certain conditions exist; increasing certain contract limits from \$100,000 to \$1 million; requiring certain reporting; and authorizing rulemaking”; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 335** - “A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 and §21-5-3 of said code, all relating to withholding or diverting an employee’s wages or salary; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee’s wages or salary for political activities without express, written authorization; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed, or extended on or after July 1, 2018, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2018; providing that certain violations are not subject to civil and criminal penalties; providing that certain violations are governed under the Wage Payment and Collections Act; making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities unless affirmatively authorized by the individual; providing that an authorization is valid for no more than 12 months from the date it is made; defining ‘agency shop fees’; providing that the provisions shall not otherwise apply to or abrogate a written or oral contract of agreement or any provisions in effect on or before June 30, 2018; modifying the definitions of ‘wages’, ‘deductions’, and ‘fringe benefits’; removing the requirement that an assignment or order be acknowledged by the party making the same before a notary public or other official authorized to take acknowledgments; requiring that an assignment or order shall be in writing; and providing that the changes made to the assignment of wages during the regular session of the Legislature, 2018, apply to any written or oral contract or agreement entered into, modified, renewed, or extended on or after July 1, 2018, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2018”; 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. 346** - “A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to permitting full-time, nonresident students attending an in-state college or university to purchase lifetime resident statewide hunting, trapping, trout fishing, and fishing licenses”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 379** - “A Bill making a supplementary appropriation from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services, fund 5365, fiscal year 2018, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 382** - “A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Bureau of Senior Services - Lottery Senior Citizens Fund, fund 5405, fiscal year 2018, organization 0508, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018”; which was referred to the Committee on Finance.



A message from the Senate, by

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

**Com. Sub. for S. B. 395** - “A Bill to amend and reenact §22B-1-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §22B-2-3 of said code; to amend and reenact §22B-3-3 of said code; and to amend and reenact §22B-4-3 of said code, all relating to the general provisions for judicial review of final orders of various environmental boards; providing for appeal directly to the West Virginia Supreme Court, except in certain cases; requiring petition be filed within 30 days of entry of the final order; providing that appeal does not automatically stay any final order or action approved by a board; authorizing the chief or director to employ outside legal counsel without approval of the Attorney General; and providing that decisions of the Air Quality Board, Environmental Quality Board, and Surface Mine Board may be directly appealed to the Supreme Court of Appeals, except in certain cases”; 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. 404** - “A Bill to amend and reenact §15-12-2 and §15-12-4 of the Code of West Virginia, 1931, as amended, all relating generally to the sex offender registry; adding required information to be provided to the registry by offenders; and clarifying the duration of registration for qualifying offenders as related to offenses involving perceived minors is life”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of a joint resolution, which was read by its title and referred to the Committee on the Judiciary as follows:

**Com. Sub. for S. J. R. 12** – “Proposing an amendment to the Constitution of the State of West Virginia, amending article VI thereof, by adding thereto a new section, designated section 57, relating to clarifying that nothing in the Constitution secures or protects a right to abortion, and nothing in the Constitution requires the funding of an abortion; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

### **Resolutions Introduced**

Delegates C. Miller, Sobonya, C. Romine, Hornbuckle, Wilson, Lovejoy, Rohrbach, Butler, Higginbotham and Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 64** - “Requesting the Division of Highways to name a portion of U. S. Route 60, beginning at mile marker 20.57 and ending at mile marker 25.38 in Cabell County, the ‘USMC Cpl Hershel ‘Woody’ Williams Highway’.”

Whereas, Corporal Hershel “Woody” Williams was born on October 2, 1923, on a dairy farm in Quiet Dell, West Virginia. In October 1945, he married Ruby Meredith, and they had two daughters; and

Whereas, Corporal Williams enlisted in the United States Marine Corps and served in the Battle of Iwo Jima with the 21<sup>st</sup> Marines, 3<sup>rd</sup> Marine Division. During the battle, Corporal Williams displayed “valiant devotion to duty” and service above self as he “enabled his company to reach its objective.” His actions, commitment to his fellow service members, and heroism were recognized on October 5, 1945, when he received the Congressional Medal of Honor from President Truman at the White House. Corporal Williams is the sole surviving Marine from WWII to wear the Medal of Honor; and

Whereas, Corporal Williams’ Medal of Honor Citation reads: “For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as demolition sergeant serving

with the 21<sup>st</sup> Marines, 3<sup>rd</sup> Marine Division, in action against enemy Japanese forces on Iwo Jima, Volcano Islands, February 23, 1945. Quick to volunteer his services when our tanks were maneuvering vainly to open a lane for the infantry through the network of reinforced concrete pillboxes, buried mines, and black volcanic sands, Cpl. Williams daringly went forward alone to attempt the reduction of devastating machinegun fire from the unyielding positions. Covered only by four riflemen, he fought desperately for four hours under terrific enemy small-arms fire and repeatedly returned to his own lines to prepare demolition charges and obtain serviced flamethrowers, struggling back, frequently to the rear of hostile emplacements, to wipe out one position after another. On one occasion, he daringly mounted a pillbox to insert the nozzle of his flamethrower through the air vent, killing the occupants and silencing the gun; on another he grimly charged enemy riflemen who attempted to stop him with bayonets and destroyed them with a burst of flame from his weapon. His unyielding determination and extraordinary heroism in the face of ruthless enemy resistance were directly instrumental in neutralizing one of the most fanatically defended Japanese strong points encountered by his regiment and aided vitally in enabling his company to reach its objective. Cpl. Williams' aggressive fighting spirit and valiant devotion to duty throughout this fiercely contested action sustain and enhance the highest traditions of the U.S. Naval Service"; and

Whereas, After his discharge in November 1945, Corporal Williams served in the Marine Corps Reserve, retiring in 1969. From 1946 to 1979, he was a counselor with the Veterans Administration, working with veterans from West Virginia; and

Whereas, Devotion to duty, service members, veterans, and their families began long before the battle and before Corporal Williams entered the Corps. As World War II began, he came into direct contact with families in his own community when he delivered Western Union telegrams informing the Gold Star families of the deaths of their loved ones. Corporal Williams says that those experiences gave him a "greater appreciation for life and an understanding of a difference in death in the normal world as expected in life, and those lost serving in the military for their

country.” He noted that “consideration and recognition of the families of those lost in war was very inadequate.” This observation and his personal commitment to veterans and their families led him to help create the Hershel Woody Williams Medal of Honor Foundation in 2012; and

Whereas, The activities of this foundation allow Corporal Williams to continue his devotion and commitment to those who have served and the Gold Star families who have lost loved ones. His foundation is focused on honoring Gold Star families and their fallen heroes by establishing Gold Star Families Memorial Monuments in communities in all fifty states, offering scholarships to Gold Star children, sponsoring outreach programs and events, and educating communities about Gold Star families and the sacrifices they have endured; and

Whereas, To date, Corporal Williams and his foundation are responsible for establishing thirty-one Gold Star Families Memorial Monuments across the United States with fifty-one other monuments underway in thirty-nine states. The foundation continues to grow its reach by being involved in multiple initiatives across the country from Manchester, New Hampshire to Kaneohe Bay, Hawaii; and

Whereas, Corporal Williams served as the Commandant of the Veterans Nursing Home in Barboursville for nearly 10 years, helping veterans who were often in their last years of life. Still today, he serves on the Governor’s Military Advisory Board in the State of West Virginia. This Legislature included him in the Hall of Fame and named him a Distinguished West Virginian in 1980 and in 2013. Corporal Williams is on the “Wall of Fame” in the Civic Center in the City of Huntington, nominated and selected by the former recipients who received this honor; and

Whereas, Corporal Williams’ actions have often been recognized by our military and its highest officers. Most recently the Secretary of the Navy named T-ESB 4 (Expeditionary Sea Base Ship 4), the USNS Hershel “Woody” Williams mobile base sea vessel. It is expected to enter Navy service in early 2018; and

Whereas, In his hometown of Fairmont, the \$32 million Hershel ‘Woody’ Williams Armed Forces Reserve Center is the only National Guard facility in the country named after a Marine. The VFW post in Fairmont is named the Hershel ‘Woody’ Williams Post 7048. The main bridge in Barboursville is named for him as well; and

Whereas, Corporal Williams also remains active, talking to church, youth, and veterans’ groups, and has penned dozens of resolutions to help veterans and other causes in West Virginia and throughout the United States; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of U. S. Route 60, beginning at mile marker 20.57 and ending at mile marker 25.38 in Cabell County, the “USMC Cpl Hershel ‘Woody’ Williams Highway”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “USMC Cpl Hershel ‘Woody’ Williams Highway”; and, be it

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

Delegates Eldridge, Maynard, R. Miller, Rodighiero, Thompson, Hicks, Hornbuckle, Marcum, Phillips, C. Romine and C. Miller offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 65** - “Requesting the Division of Highways to name the road from the mouth of Harts Creek on Harts Creek Road 1.2 miles to Warrens Way off SR 10 on CR 19, Lincoln County, the ‘U. S. Army CPL George Browning Memorial Road’.”

Whereas, George Edward Browning was born on January 28, 1949, in Harts, Lincoln County, West Virginia. Corporal George Edward Browning was an infantryman in A Troop, 3<sup>rd</sup> Squadron, 4<sup>th</sup> Cavalry, 25<sup>th</sup> Infantry Division, U. S. Army. He began his tour

of duty on January 1, 1968 in Vietnam and was killed in action on March 28, 1968, in Tay Ninh Province, South Vietnam; and

Whereas, Naming the road from the mouth of Harts Creek on Harts Creek Road to Warrens Way 1.2 mile off SR 10 on CR 19, Lincoln County, the “U. S. Army CPL George Browning Memorial Road” is an appropriate recognition of his ultimate sacrifice to his country, state and Lincoln County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the road from the mouth of Harts Creek on Harts Creek Road to Warrens Way 1.2 mile off SR 10 on CR 19 Lincoln County, the “U. S. Army CPL George Browning Memorial Road”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the road as the “U. S. Army CPL George Browning Memorial Road”; and, be it

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

Delegates Sponaugle and A. Evans offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 66** - “Requesting the Division of Highways to name bridge number 36-33-33.85 (36A165), locally known as River Gap Bridge, carrying US 33 over South Branch Potomac River in Pendleton County, the ‘Dr. H. Luke Eye Memorial Bridge’.”

Whereas, Dr. H. Luke “Doc” Eye was born on July 9, 1928, in Pendleton County, and attended West Virginia University for his undergraduate studies, and then the University of Maryland School of Medicine; and

Whereas, Dr. Eye began his medical career in Pendleton County, working with other local doctors before starting his own

medical practice to provide health care services to the residents of Pendleton County; and

Whereas, Dr. Eye was instrumental in renovating the Franklin High School interior, restoring the Thorn Spring Park, and raising funds to make the Potomac Highlands Rec Center a reality in the late 1990s; and

Whereas, Dr. Eye held many positions outside of his capacity as a doctor. He was the county coroner, Medical Director of Pendleton Manor, on the board of directors for the Pendleton County Health Department, a member of the church choir of the Franklin United Methodist Church, recipient of the Pendleton County Farm Bureau Farm Service Award, and recipient of a Lifetime Community Service Award; and

Whereas, Dr. H. Luke Eye passed away March 8, 2016, after a lifetime of service to Pendleton County and providing a face to the definition of a country doctor in rural America; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 36-33-33.85 (36A165), locally known as River Gap Bridge, carrying US 33 over South Branch Potomac River in Pendleton County, the “Dr. H. Luke Eye Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Dr. H. Luke Eye Memorial Bridge”; and, be it

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

Delegates Eldridge, Maynard, C. Romine, R. Miller, Rodighiero, Thompson, Hicks, Hornbuckle, Lovejoy, Love and C. Miller offered the following resolution, which was read by its title

and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 67** - “Requesting the Division of Highways to name the road from the beginning of Sand Creek Road on County Route 10/15 at the bend of the Guyandotte River and State Route 10 running one-half mile on Sand Creek Road in Lincoln County, the ‘U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road’.”

Whereas, Wilson B. Lambert, Jr. was born on June 14, 1930, in Harts, Lincoln County, West Virginia. Corporal Wilson B. Lambert, Jr. was an infantryman in the Heavy Mortar Company, 38<sup>th</sup> Infantry Regiment, 2<sup>nd</sup> Division, and was injured on February 13, 1951, in Wonju, Korea. He received the Purple Heart, Combat Infantry Badge and Korean Service Medal with 2 Bronze Stars. Wilson B. Lambert, Jr. returned to West Virginia where he worked in coal mining and construction. He died on May 5, 2011; and

Whereas, Naming the road from the beginning of Sand Creek Road on County Route 10/15 at the bend of the Guyandotte River and State Route 10 running one-half mile on Sand Creek Road in Lincoln County, the “U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road” is an appropriate recognition of his service to his country, state and Lincoln County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the road from the beginning of Sand Creek Road on County Route 10/15 at the bend of the Guyandotte River and State Route 10 running one-half mile on Sand Creek Road in Lincoln County, the “U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the road as the “U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road”; and, be it

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



Delegates Maynard, Eldridge, C. Miller, Hornbuckle, C. Romine, Paynter, R. Miller, Cooper, Phillips, Dean and Love offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 68** - "Requesting the Division of Highways to name a 2.5-mile portion of Rt.19 beginning at CR 19/1 and ending at CR 70, the 'U. S. Army SGT Douglas Thompson Memorial Road'."

Whereas, Sergeant Douglas Thompson was born on June 30, 1950, in West Hamlin, Lincoln County, the son of Howard and Zevie A. Thompson; and

Whereas, Sergeant Thompson entered the United States Army in 1967 and served in A Company, 5<sup>th</sup> Battalion, 7<sup>th</sup> Calvary, 1<sup>st</sup> Cavalry Division; and

Whereas, Sergeant Thompson died on August 14, 1970, in combat in Phuoc Long Province, Vietnam; and

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

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a 2.5-mile portion of Rt. 19 beginning at CR 19/1 and ending at CR 70, the "U. S. Army SGT Douglas Thompson Memorial Road"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the road as the "U. S. Army SGT Douglas Thompson Memorial Road"; and, be it

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

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

**H. C. R. 69** - "Requesting the Division of Highways to name bridge number 30-119-14.28 (30A132), locally known as Myrtle Bridge, carrying US 119 over Trace Fork in Mingo County, the 'James L. 'Bud' Hall, Sr. Memorial Bridge'."

Whereas, James L. "Bud" Hall, Sr. was born in Delbarton, West Virginia on April 24, 1921, to the late Silas Hall and Lucretia Vernatter Hall; and

Whereas, Bud answered the call to serve his country during World War II, deploying twice to France including the Normandy Theater; and

Whereas, Bud's military service ended in France when his jeep hit a land mine, killing all aboard but himself; and

Whereas, Bud suffered severe injuries in the blast, losing an eye and requiring surgery to replace part of his skull with a metal plate; and

Whereas, Like so many other young men sent to war, Bud suffered psychological trauma for the remainder of his life; and

Whereas, Despite the horrors he experienced, Bud persevered and raised a beautiful family with his beloved wife Janie, including daughters Audrey, Sarah and Margaret and sons James and Tom; and

Whereas, Bud left a lasting impact on those that knew him best including his son-in-law, friend and confidante, Robbie Mahone; and

Whereas, Bud's life and his service is an enduring tribute to his community, his family and the State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 30-119-14.28 (30A132), locally known as Myrtle Bridge, carrying US 119 over Trace Fork in Mingo County, the “James L. ‘Bud’ Hall, Sr. Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs at both ends of the bridge identifying the bridge as the “James L. ‘Bud’ Hall, Sr. Memorial Bridge”; and, be it

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

Delegates Miley, Iaquina, Queen and Hamrick offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 70** - “Requesting the Division of Highways to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the ‘U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge’.”

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

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

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

Whereas, Stephen E. Drummond was drafted after high school graduation and became a proud U. S. Marine. After required

training, the young Marine saw intense combat in Korea. One day before his tour of duty was to end in Korea, his leg was severely wounded by shrapnel at the Battle of Vegas during an intense Chinese offensive; and

Whereas, Marine Sgt. Stephen E. Drummond and other United Nations soldiers were captured and the Marine was held as a prisoner of war for four months; and

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

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

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

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

Whereas, Sgt. Steven Edward Drummond died November 23, 2013; and

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

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork

River in Harrison County, the “U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge”; and, be it

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

### **Bills Introduced**

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

#### **By Delegates Hanshaw, Boggs and Shott:**

**H. B. 4488** - “A Bill to amend and reenact §20-14-1, §20-14-2, §20-14-3, §20-14-4, and §20-14-8 of the Code of West Virginia, 1931, as amended, all relating to the Hatfield-McCoy Recreation Authority; updating legislative findings; adding the counties of Braxton, Clay, Fayette, Nicholas, and Webster to the list of participating counties; modifying the number of board members and the method by which the board members are appointed; providing that 10 members of the board constitutes a quorum; prohibiting persons from consuming nonintoxicating beer, nonintoxicating craft beer, or wine at any time within the Hatfield-McCoy Recreation Area; prohibiting a child under the age of six from being allowed on any trail within the Hatfield-McCoy Recreation Area; prohibits children under the age of eight years who are required to be in a child passenger safety device while occupying a motor vehicle from being allowed on any trail within the Hatfield-McCoy Recreation Area; and requiring all persons operating or riding upon an ATV, UTV, or motorcycle to follow the manufacturer’s recommendations for that vehicle relating to age and size limitations for operators and passengers”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Storch, Hamrick, Ellington, Barrett, Ferro and R. Romine:**

**H. B. 4489** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, §55-19-7, §55-19-8, §55-19-9, §55-19-10, §55-19-11, §55-19-12, §55-19-13, §55-19-14, §55-19-15, §55-19-16, §55-19-17, §55-19-18, §55-19-19, §55-19-20, §55-19-21, §55-19-22, §55-19-23, §55-19-24, §55-19-25, §55-19-26, §55-19-27, and §55-19-28, all relating to establishing uniform requirements and authority for a receiver appointed by a court for management of commercial real estate during certain matters pending before the court”; to the Committee on the Judiciary.

**By Delegates Harshbarger, Hollen, Paynter, R. Romine, Ward, Atkinson, Martin and Butler:**

**H. B. 4490** - “A Bill to amend and reenact §22-6-8 of the Code of West Virginia, 1931, as amended, relating to oil and gas permits not to be on flat well royalty leases; legislative findings and declarations; permit requirements”; to the Committee on Energy then the Judiciary.

**By Delegates Bates, Fluharty, Byrd, Hornbuckle, Pushkin, Barrett, Sponaugle, Canestraro, Williams, Robinson and Caputo:**

**H. B. 4491** - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8, and §16A-17-9, all relating to legalizing cannabis production, sales and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau for Public Health to promulgate rules, establish licensing and administrative penalties

relating to the production, sales, transfer and transport cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; and that the operation of this article is not intended to alter state medical cannabis act”; to the Committee on Health and Human Resources then the Judiciary then Finance.

**By Delegates Moore and Lane:**

**H. B. 4492** - “A Bill to repeal §33-6A-4a and §33-6A-4b of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-6A-4 of said code, all relating to the renewal of automobile insurance policies in West Virginia”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Lane, Walters, Byrd and Robinson:**

**H. B. 4493** - “A Bill to amend and reenact §3-1-44 of the Code of West Virginia, 1931, as amended, relating to permitting county commissions to set compensation of election officials at any primary, general, municipal or special election, except for special election for a constitutional amendment to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Byrd, Cowles, Miley, Shott, Pushkin, Harshbarger, Rowe, McGeehan, Robinson, Ward and Queen:**

**H. B. 4494** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6-1c, relating to authorizing certain motor vehicle manufacturers to operate as new car dealers”; to the Committee on the Judiciary.

**By Delegates Pushkin, Hornbuckle, Rowe and Fleischauer:**

**H. B. 4495** - “A Bill to amend and reenact §16-18-25 and §16-18-26 of the Code of West Virginia, 1931, as amended, all relating to requiring urban renewal authorities to submit active, amended,

and proposed urban renewal projects and plans to the affected local county boards of health for review and comment; requiring urban renewal authorities to meet with municipalities and communities regarding those projects and plans; and requiring urban renewal authorities to make reports and make them available to the affected local county boards of health and local residents”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Phillips, Frich, Walters, Westfall, Hollen, Rowe, Criss, White, Byrd and Maynard:**

**H. B. 4496** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, §47-11G-2, and §47-11G-3, all relating to establishing the responsibilities of persons providing credit card processing services in the state; setting forth the required disclosures and prohibitions; establishing a maximum early termination fee; setting forth penalties and enforcement; and setting forth its applicability and exclusions”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Hamrick, Ward, Cowles, Byrd and Howell:**

**H. B. 4497** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1F-12, relating to exempting spouses of active military personnel from fees associated with occupational or professional licensing”; to the Committee on Government Organization then Finance.

**By Delegates Hamrick, Ward, McGeehan and Howell:**

**H. B. 4498** - “A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to charges for municipal services; prohibiting a municipality from requiring employers or other third parties to withhold a user fee from compensation due an employee; specifying that a user fee may not be imposed on a state officer or an employee of the state because of their employment status; and prohibiting the State Auditor and state employing units from withholding from compensation due a state employee or officer a municipal user fee”; to the Committee on Political Subdivisions then Finance.



**By Delegates Lane, Frich, White and Westfall:**

**H. B. 4499** - “A Bill to repeal §33-20-4a of the Code of West Virginia, 1931, as amended; to amend and reenact §33-6-8 of said code, and to amend and reenact sections §33-20-4 and §33-20-5 of said code, all relating to rate filings for personal lines of insurance”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Eldridge, Hornbuckle, A. Evans, Frich, Pushkin, Ellington, Campbell, R. Miller, Maynard, Love and Hamilton:**

**H. B. 4500** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-12E-10, relating to the creation of an Industrial Hemp Research and Development Grant Fund and an Industrial Hemp Research Fund to conduct research and development of industrial hemp for commercial purposes”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates C. Miller, Miley, Kessinger, Queen, Hamrick, Fleischauer, Iaquina and Longstreth:**

**H. B. 4501** - “A Bill to amend and reenact §61-11A-8 of the Code of West Virginia, 1931, as amended, relating to allowing victims of certain crimes to get a restraining order prohibiting convicted persons from contacting or living in proximity to the victim, upon a finding that this has or will cause the victim emotional distress”; to the Committee on the Judiciary.

**By Delegates Barrett, Kessinger, Moore, Sobonya, R. Miller, Lovejoy, Canestraro and Harshbarger:**

**H. B. 4502** - “A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, as amended, relating to adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception”; to the Committee on the Judiciary.

**By Delegates Moore, Maynard, Ward, Martin, Paynter, Hanshaw, Hollen, Storch and Upson:**

**H. B. 4503** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5 and §31-15D-6;

and to amend said code by adding thereto a new section, designated §33-3-14e, all relating to establishing a West Virginia business growth in low-income communities tax credit; providing title; defining terms; establishing amount of credit allowed; transferability; certification of qualified equity investment; recapture of tax credits; notice of noncompliance; letter rulings; new capital requirement; and reporting”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Brewer, E. Evans, Isner, Bates, Hartman, Diserio, Caputo, Lynch, R. Miller and Robinson:**

**H. B. 4504** - “A Bill to amend and reenact §5A-3-10a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-2A-24, all relating to prohibiting the awarding of public contracts to vendors and subcontractors indebted to the state or its political subdivisions; specifying that public construction contracts may not be awarded to vendors with debtor subcontractors; and establishing equivalent prohibitions on contracts for road and highway construction”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Rowe, Pushkin, Hornbuckle, Pyles, Lynch, Fleischauer, White, Lane, Robinson and Longstreth:**

**H. B. 4505** - “A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to the establishment of a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States; and encouraging all counties and municipalities in the state to do the same”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Sobonya, Summers, Butler, Ward, Householder, Rohrbach, C. Miller, Hollen and C. Romine:**

**H. B. 4506** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-1-3c, relating to requiring agencies of the state, county or municipality that have authority to issue citations for violations of rules or law, to furnish a copy of the rule or law to the person accused”; to the Committee on the Judiciary.

**By Delegates Sobonya, C. Miller, C. Romine, Overington, Espinosa, Howell, Fast, Rowan, Hollen, Frich and Lovejoy:**

**H. B. 4507** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-8a, relating to prostituting a child by a parent, guardian, custodian or other person in a position of trust; and establishing criminal penalties”; to the Committee on the Judiciary.

**By Delegate Love:**

**H. B. 4508** - “A Bill to amend and reenact §21-11-10 of the Code of West Virginia, 1931, as amended, relating to requiring contractors to provide for the safety of the public during construction projects”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Pushkin, Sobonya, Robinson, Summers, Fleischauer, Kessinger and Longstreth:**

**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 including facilities that provide peer-based services”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegate Hanshaw:**

**H. B. 4510** - “A Bill to amend and reenact §22B-1-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §22B-2-3 of said code; and to amend and reenact §22B-3-3 of said code, and to amend and reenact §22B-4-3 of said code, all relating to the general provisions for judicial review, providing that decisions of the Air Quality Board, Environmental Quality Board, and Surface Mine Board may be directly appealed to the Supreme Court of Appeals except in certain cases, and providing further that a petition for appeal must be perfected within 30 days after the entry of an order of a board”; to the Committee on the Judiciary.

**By Delegates Shott, Hanshaw, Ellington, Howell, Frich, Zatezalo and Anderson:**

**H. B. 4511** - “A Bill to amend and reenact §62-1C-1a and §62-1C-3 of the Code of West Virginia, 1931, as amended, all relating

to modifying bail requirements”; to the Committee on the Judiciary.

**By Delegate Gearheart:**

**H. B. 4512** - “A Bill to amend and reenact §17-16A-11 of the Code of West Virginia, 1931, as amended, relating to the State Road Construction Account; providing that expenditures from the account be supplemental to certain funds scheduled to be allocated for certain projects in the counties eligible for projects funded from the account”; to the Committee on Roads and Transportation then Finance.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2841**, Requiring board members to have attended a board meeting to be compensated for the meeting; 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. 76**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2841) 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. 4142**, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment; 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. 77**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4142) 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. 4320**, Limiting the ability of an agent under a power of attorney to take self-benefiting actions; 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. 78**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4320) 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. 4380**, Making a supplementary appropriation to the Department of Agriculture; 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. 79**), and there were—yeas 99, nays none,

absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4380) passed.

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

On this question, the yeas and nays were taken (**Roll No. 80**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4380) 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.

**H. B. 4381**, Making a supplementary appropriation to the Department of Education; 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. 81**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4381) passed.

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

On this question, the yeas and nays were taken (**Roll No. 82**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4381) 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.

**H. B. 4384**, Making a supplementary appropriation to the Department of Transportation; 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. 83**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4384) passed.

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

On this question, the yeas and nays were taken (**Roll No. 84**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4384) 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.

**H. B. 4386**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health 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. 85**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4386) passed.

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

On this question, the yeas and nays were taken (**Roll No. 86**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4386) 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.



### Second Reading

**S. B. 62**, Adjusting requirements for hiring school attendance directors; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Education, was reported by the Clerk and adopted, amending the bill page one, section three, line fifteen, by striking out the words “with five or more years of experience”.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for S. B. 267**, Increasing salaries of certain state employees; on second reading, coming up in regular order, was read a second time.

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

#### “CHAPTER 15. PUBLIC SAFETY.

#### ARTICLE 2. WEST VIRGINIA STATE POLICE.

##### **§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.**

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant, and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class, or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.

(b) The superintendent may propose legislative rules for promulgation in accordance with ~~article three, chapter twenty-nine~~ §29A-3-1 et seq. of this code for the purpose of ensuring

consistency, predictability, and independent review of any system developed under the provisions of this section.

(c) The superintendent shall provide to each member a written manual governing any system established under the provisions of this section and specific procedures shall be identified for the evaluation and testing of members for promotion or reclassification and the subsequent placement of any members on a promotional eligibility or reclassification recommendation list.

(d) Beginning on ~~July 1, 2011~~ July 1, 2018, members shall receive annual salaries payable at least twice per month as follows:

~~ANNUAL SALARY SCHEDULE (BASE PAY)~~

~~SUPERVISORY AND NONSUPERVISORY RANKS~~

<del>Cadet During Training .....</del>	<del>\$ 33,994</del>
<del>Cadet Trooper After Training .....</del>	<del>\$ 41,258</del>
<del>Trooper Second Year .....</del>	<del>42,266</del>
<del>Trooper Third Year .....</del>	<del>42,649</del>
<del>Senior Trooper .....</del>	<del>43,048</del>
<del>Trooper First Class .....</del>	<del>43,654</del>
<del>Corporal .....</del>	<del>44,260</del>
<del>Sergeant .....</del>	<del>48,561</del>
<del>First Sergeant .....</del>	<del>50,712</del>
<del>Second Lieutenant .....</del>	<del>52,862</del>
<del>First Lieutenant .....</del>	<del>55,013</del>
<del>Captain .....</del>	<del>57,164</del>
<del>Major .....</del>	<del>59,314</del>
<del>Lieutenant Colonel .....</del>	<del>61,465</del>

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST  
CLASSIFICATION

I .....	42,266
II .....	43,048
III .....	43,654
IV .....	44,260
V .....	48,561
VI .....	50,712
VII .....	52,862
VIII .....	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I .....	42,266
II .....	43,048
III .....	43,654
IV .....	44,260
V .....	48,561
VI .....	50,712
VII .....	52,862
VIII .....	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

<u>Cadet During Training .....</u>	<u>\$ 34,858</u>
<u>Cadet Trooper After Training .....</u>	<u>\$ 42,122</u>
<u>Trooper Second Year .....</u>	<u>43,130</u>
<u>Trooper Third Year .....</u>	<u>43,513</u>
<u>Senior Trooper .....</u>	<u>43,912</u>
<u>Trooper First Class.....</u>	<u>44,518</u>
<u>Corporal .....</u>	<u>45,124</u>
<u>Sergeant.....</u>	<u>49,425</u>
<u>First Sergeant .....</u>	<u>51,576</u>
<u>Second Lieutenant.....</u>	<u>53,726</u>
<u>First Lieutenant .....</u>	<u>55,877</u>
<u>Captain .....</u>	<u>58,028</u>
<u>Major.....</u>	<u>60,178</u>
<u>Lieutenant Colonel.....</u>	<u>62,329</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST  
CLASSIFICATION

<u>I .....</u>	<u>43,130</u>
<u>II .....</u>	<u>43,912</u>
<u>III .....</u>	<u>44,518</u>
<u>IV .....</u>	<u>45,124</u>
<u>V .....</u>	<u>49,425</u>
<u>VI .....</u>	<u>51,576</u>

VII .....53,726

VIII .....55,877

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I .....43,130

II .....43,912

III .....44,518

IV .....45,124

V .....49,425

VI .....51,576

VII .....53,726

VIII .....55,877

Beginning July 1, 2019, the annual salaries for members of each of the West Virginia State Police, the Administration Support Specialists, and the Criminalist classifications set forth in the schedules in this subsection shall be increased an additional \$432.

Each member of the West Virginia State Police whose salary is fixed and specified in this annual salary schedule is entitled to the length of service increases set forth in subsection (e) of this section and supplemental pay as provided in subsection (g) of this section.

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in subsection (d) of this section for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: Beginning on January 1, 2015, and continuing thereafter, at the end

of two years of service with the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

(f) In applying the salary schedules set forth in this section where salary increases are provided for length of service, members of the West Virginia State Police in service at the time the schedules become effective shall be given credit for prior service and shall be paid the salaries the same length of service entitles them to receive under the provisions of this section.

(g) The Legislature finds and declares that because of the unique duties of members of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour laws to them. Accordingly, members of the West Virginia State Police are excluded from the provisions of state wage and hour law. This express exclusion shall not be construed as any indication that the members were or were not covered by the wage and hour law prior to this exclusion.

In lieu of any overtime pay they might otherwise have received under the wage and hour law, and in addition to their salaries and increases for length of service, members who have completed basic training and who are exempt from federal Fair Labor Standards Act guidelines may receive supplemental pay as provided in this section.

The authority of the superintendent to propose a legislative rule or amendment thereto for promulgation in accordance with ~~article three, chapter twenty-nine~~ a §29A-3-1 et seq. of this code to establish the number of hours per month which constitute the standard pay period for the members of the West Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in excess of the standard pay period. The superintendent shall certify at least twice per month to the West Virginia State Police's payroll officer the names of those members who have worked in excess of the standard pay period and the amount of their entitlement to

supplemental payment. The supplemental payment may not exceed \$200 per pay period. The superintendent and civilian employees of the West Virginia State Police are not eligible for any supplemental payments.

(h) Each member of the West Virginia State Police, except the superintendent and civilian employees, shall execute, before entering upon the discharge of his or her duties, a bond with security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful performance of his or her duties, and the bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor.

(i) In consideration for compensation paid by the West Virginia State Police to its members during those members' participation in the West Virginia State Police Cadet Training Program pursuant to ~~section eight, article twenty nine, chapter thirty~~ §30-29-8 of this code, the West Virginia State Police may require of its members by written agreement entered into with each of them in advance of such participation in the program that, if a member should voluntarily discontinue employment any time within one year immediately following completion of the training program, he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal to that part of such year which the member has chosen not to remain in the employ of the West Virginia State Police.

(j) Any member of the West Virginia State Police who is called to perform active duty training or inactive duty training in the National Guard or any reserve component of the armed forces of the United States annually shall be granted, upon request, leave time not to exceed 30 calendar days for the purpose of performing the active duty training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia State Police.

## **CHAPTER 18A. SCHOOL PERSONNEL.**

### **ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.**

**§18A-4-2. State minimum salaries for teachers.**

(a) It is the goal of the Legislature to increase the state minimum salary for teachers with zero years of experience and an A. B. degree, including the equity supplement, to at least \$43,000 by fiscal year 2019.

(b) ~~Beginning July 1, 2014 (1) For school year 2018 – 2019, and continuing thereafter,~~ each teacher shall receive the amount prescribed in the ~~state~~ State Minimum Salary Schedule as set forth in this section; ~~specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to section five-a of this article~~ §18A-4-5a of this code during the contract year.

STATE MINIMUM SALARY SCHEDULE

Years	4th	3rd	2nd	A.B.		M.A.			Doc	
Exp.	Class	Class	Class	A.B.	+15	M.A.	+15	+30	+45	torate
0	27,917	28,606	28,872	30,315	31,076	32,843	33,604	34,365	35,126	36,161
1	28,245	28,934	29,200	30,833	31,594	33,362	34,123	34,883	35,644	36,679
2	28,574	29,262	29,528	31,352	32,113	33,880	34,641	35,402	36,163	37,198
3	28,902	29,590	29,856	31,871	32,631	34,399	35,160	35,920	36,681	37,716
4	29,474	30,162	30,428	32,633	33,394	35,162	35,923	36,683	37,444	38,479
5	29,802	30,490	30,756	33,152	33,913	35,680	36,441	37,202	37,963	38,998
6	30,130	30,818	31,084	33,670	34,431	36,199	36,960	37,720	38,481	39,516
7	30,458	31,147	31,412	34,189	34,950	36,717	37,478	38,239	39,000	40,035
8	30,786	31,475	31,741	34,707	35,468	37,236	37,997	38,757	39,518	40,553
9	31,114	31,803	32,069	35,226	35,987	37,754	38,515	39,276	40,037	41,072
10	31,443	32,131	32,397	35,746	36,506	38,274	39,035	39,796	40,556	41,591
11	31,771	32,459	32,725	36,264	37,025	38,793	39,553	40,314	41,075	42,110
12	32,099	32,787	33,053	36,783	37,543	39,311	40,072	40,833	41,593	42,628
13	32,427	33,115	33,381	37,301	38,062	39,830	40,590	41,351	42,112	43,147



14	32,755	33,443	33,709	37,820	38,580	40,348	41,109	41,870	42,630	43,665
15	33,083	33,771	34,037	38,338	39,099	40,867	41,627	42,388	43,149	44,184
16	33,411	34,099	34,365	38,857	39,617	41,385	42,146	42,907	43,667	44,702
17	33,739	34,428	34,693	39,375	40,136	41,904	42,665	43,425	44,186	45,221
18	34,067	34,756	35,022	39,894	40,655	42,422	43,183	43,944	44,705	45,740
19	34,395	35,084	35,350	40,412	41,173	42,941	43,702	44,462	45,223	46,258
20	34,723	35,412	35,678	40,931	41,692	43,459	44,220	44,981	45,742	46,777
21	35,052	35,740	36,006	41,449	42,210	43,978	44,739	45,499	46,260	47,295
22	35,380	36,068	36,334	41,968	42,729	44,496	45,257	46,018	46,779	47,814
23	35,708	36,396	36,662	42,487	43,247	45,015	45,776	46,536	47,297	48,332
24	36,036	36,724	36,990	43,005	43,766	45,534	46,294	47,055	47,816	48,851
25	36,364	37,052	37,318	43,524	44,284	46,052	46,813	47,574	48,334	49,369
26	36,692	37,380	37,646	44,042	44,803	46,571	47,331	48,092	48,853	49,888
27	37,020	37,708	37,974	44,561	45,321	47,089	47,850	48,611	49,371	50,406
28	37,348	38,037	38,302	45,079	45,840	47,608	48,368	49,129	49,890	50,925
29	37,676	38,365	38,631	45,598	46,358	48,126	48,887	49,648	50,408	51,443
30	38,004	38,693	38,959	46,116	46,877	48,645	49,405	50,166	50,927	51,962
31	38,333	39,021	39,287	46,635	47,396	49,163	49,924	50,685	51,445	52,480
32	38,661	39,349	39,615	47,153	47,914	49,682	50,443	51,203	51,964	52,999
33	38,989	39,677	39,943	47,672	48,433	50,200	50,961	51,722	52,483	53,518
34	39,317	40,005	40,271	48,190	48,951	50,719	51,480	52,240	53,001	54,036
35	39,645	40,333	40,599	48,709	49,470	51,237	51,998	52,759	53,520	54,555

<u>Years</u>	<u>4th</u>	<u>3rd</u>	<u>2nd</u>	<u>A.B.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>Doc-</u>		
<u>Exp.</u>	<u>Class</u>	<u>Class</u>	<u>Class</u>	<u>A.B.</u>	<u>+15</u>	<u>M.A.</u>	<u>+15</u>	<u>+30</u>	<u>+45</u>	<u>torate</u>
0	28,725	29,414	29,680	31,123	31,884	33,651	34,412	35,173	35,934	36,969
1	29,053	29,742	30,008	31,641	32,402	34,170	34,931	35,691	36,452	37,487

2	29,382	30,070	30,336	32,160	32,921	34,688	35,449	36,210	36,971	38,006
3	29,710	30,398	30,664	32,679	33,439	35,207	35,968	36,728	37,489	38,524
4	30,282	30,970	31,236	33,441	34,202	35,970	36,731	37,491	38,252	39,287
5	30,610	31,298	31,564	33,960	34,721	36,488	37,249	38,010	38,771	39,806
6	30,938	31,626	31,892	34,478	35,239	37,007	37,768	38,528	39,289	40,324
7	31,266	31,955	32,220	34,997	35,758	37,525	38,286	39,047	39,808	40,843
8	31,594	32,283	32,549	35,515	36,276	38,044	38,805	39,565	40,326	41,361
9	31,922	32,611	32,877	36,034	36,795	38,562	39,323	40,084	40,845	41,880
10	32,251	32,939	33,205	36,554	37,314	39,082	39,843	40,604	41,364	42,399
11	32,579	33,267	33,533	37,072	37,833	39,601	40,361	41,122	41,883	42,918
12	32,907	33,595	33,861	37,591	38,351	40,119	40,880	41,641	42,401	43,436
13	33,235	33,923	34,189	38,109	38,870	40,638	41,398	42,159	42,920	43,955
14	33,563	34,251	34,517	38,628	39,388	41,156	41,917	42,678	43,438	44,473
15	33,891	34,579	34,845	39,146	39,907	41,675	42,435	43,196	43,957	44,992
16	34,219	34,907	35,173	39,665	40,425	42,193	42,954	43,715	44,475	45,510
17	34,547	35,236	35,501	40,183	40,944	42,712	43,473	44,233	44,994	46,029
18	34,875	35,564	35,830	40,702	41,463	43,230	43,991	44,752	45,513	46,548
19	35,203	35,892	36,158	41,220	41,981	43,749	44,510	45,270	46,031	47,066
20	35,531	36,220	36,486	41,739	42,500	44,267	45,028	45,789	46,550	47,585
21	35,860	36,548	36,814	42,257	43,018	44,786	45,547	46,307	47,068	48,103
22	36,188	36,876	37,142	42,776	43,537	45,304	46,065	46,826	47,587	48,622
23	36,516	37,204	37,470	43,295	44,055	45,823	46,584	47,344	48,105	49,140
24	36,844	37,532	37,798	43,813	44,574	46,342	47,102	47,863	48,624	49,659
25	37,172	37,860	38,126	44,332	45,092	46,860	47,621	48,382	49,142	50,177
26	37,500	38,188	38,454	44,850	45,611	47,379	48,139	48,900	49,661	50,696
27	37,828	38,516	38,782	45,369	46,129	47,897	48,658	49,419	50,179	51,214
28	38,156	38,845	39,110	45,887	46,648	48,416	49,176	49,937	50,698	51,733

29	38,484	39,173	39,439	46,406	47,166	48,934	49,695	50,456	51,216	52,251
30	38,812	39,501	39,767	46,924	47,685	49,453	50,213	50,974	51,735	52,770
31	39,141	39,829	40,095	47,443	48,204	49,971	50,732	51,493	52,253	53,288
32	39,469	40,157	40,423	47,961	48,722	50,490	51,251	52,011	52,772	53,807
33	39,797	40,485	40,751	48,480	49,241	51,008	51,769	52,530	53,291	54,326
34	40,125	40,813	41,079	48,998	49,759	51,527	52,288	53,048	53,809	54,844
35	40,453	41,141	41,407	49,517	50,278	52,045	52,806	53,567	54,328	55,363

(2) For school year 2019 – 2020, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$404; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(3) For school year 2020 – 2021, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$808; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(4) For school year 2021 – 2022, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$1,212; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(c) Six hundred dollars shall be paid annually to each classroom teacher who has at least 20 years of teaching experience. The payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

(d) To meet the objective of salary equity among the counties as set forth in ~~section five of this article~~ §18A-4-5 of this code, each

teacher shall be paid an equity supplement amount as applicable for his or her classification of certification or classification of training and years of experience as follows, subject to the provisions of that section:

(1) For '4<sup>th</sup> Class' at zero years of experience, \$1,781. An additional \$38 shall be paid for each year of experience up to and including 35 years of experience;

(2) For '3<sup>rd</sup> Class' at zero years of experience, \$1,796. An additional \$67 shall be paid for each year of experience up to and including 35 years of experience;

(3) For '2<sup>nd</sup> Class' at zero years of experience, \$1,877. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(4) For 'A. B.' at zero years of experience, \$2,360. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(5) For 'A. B. + 15' at zero years of experience, \$2,452. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(6) For 'M. A.' at zero years of experience, \$2,644. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(7) For 'M. A. + 15' at zero years of experience, \$2,740. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(8) For 'M. A. + 30' at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(9) For 'M. A. + 45' at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience; and

(10) For ‘Doctorate’ at zero years of experience, \$2,927. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience.

These payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to ~~section five a of this article~~ §18A-4-5a of this code; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

**§18A-4-8a. Service personnel minimum monthly salaries.**

(a) The minimum monthly pay for each service employee shall be as follows:

(1) ~~Beginning July 1, 2014, For school year 2018 – 2019, and continuing thereafter,~~ the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the ~~state~~ State Minimum Pay Scale Pay Grade and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the ~~state~~ State Minimum Pay Scale Pay Grade set forth in this subdivision.

STATE MINIMUM PAY SCALE PAY GRADE

Years

Exp:

PAY GRADE

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
0	<del>1,660</del>	<del>1,681</del>	<del>1,723</del>	<del>1,776</del>	<del>1,829</del>	<del>1,892</del>	<del>1,924</del>	<del>1,997</del>
1	<del>1,692</del>	<del>1,714</del>	<del>1,755</del>	<del>1,808</del>	<del>1,862</del>	<del>1,925</del>	<del>1,956</del>	<del>2,030</del>
2	<del>1,725</del>	<del>1,746</del>	<del>1,788</del>	<del>1,841</del>	<del>1,894</del>	<del>1,957</del>	<del>1,989</del>	<del>2,062</del>
3	<del>1,757</del>	<del>1,779</del>	<del>1,821</del>	<del>1,874</del>	<del>1,927</del>	<del>1,990</del>	<del>2,022</del>	<del>2,095</del>

<del>4</del>	<del>1,790</del>	<del>1,812</del>	<del>1,853</del>	<del>1,906</del>	<del>1,959</del>	<del>2,023</del>	<del>2,054</del>	<del>2,129</del>
<del>5</del>	<del>1,823</del>	<del>1,844</del>	<del>1,886</del>	<del>1,939</del>	<del>1,992</del>	<del>2,055</del>	<del>2,087</del>	<del>2,161</del>
<del>6</del>	<del>1,855</del>	<del>1,877</del>	<del>1,920</del>	<del>1,972</del>	<del>2,025</del>	<del>2,088</del>	<del>2,120</del>	<del>2,194</del>
<del>7</del>	<del>1,889</del>	<del>1,909</del>	<del>1,952</del>	<del>2,004</del>	<del>2,057</del>	<del>2,121</del>	<del>2,152</del>	<del>2,227</del>
<del>8</del>	<del>1,922</del>	<del>1,942</del>	<del>1,985</del>	<del>2,037</del>	<del>2,090</del>	<del>2,153</del>	<del>2,185</del>	<del>2,259</del>
<del>9</del>	<del>1,954</del>	<del>1,975</del>	<del>2,018</del>	<del>2,071</del>	<del>2,123</del>	<del>2,186</del>	<del>2,217</del>	<del>2,292</del>
<del>10</del>	<del>1,987</del>	<del>2,008</del>	<del>2,050</del>	<del>2,103</del>	<del>2,155</del>	<del>2,220</del>	<del>2,251</del>	<del>2,325</del>
<del>11</del>	<del>2,020</del>	<del>2,041</del>	<del>2,083</del>	<del>2,136</del>	<del>2,188</del>	<del>2,252</del>	<del>2,284</del>	<del>2,357</del>
<del>12</del>	<del>2,052</del>	<del>2,074</del>	<del>2,115</del>	<del>2,169</del>	<del>2,222</del>	<del>2,285</del>	<del>2,316</del>	<del>2,390</del>
<del>13</del>	<del>2,085</del>	<del>2,106</del>	<del>2,148</del>	<del>2,201</del>	<del>2,254</del>	<del>2,317</del>	<del>2,349</del>	<del>2,423</del>
<del>14</del>	<del>2,118</del>	<del>2,139</del>	<del>2,181</del>	<del>2,234</del>	<del>2,287</del>	<del>2,350</del>	<del>2,382</del>	<del>2,455</del>
<del>15</del>	<del>2,150</del>	<del>2,172</del>	<del>2,213</del>	<del>2,266</del>	<del>2,319</del>	<del>2,383</del>	<del>2,414</del>	<del>2,488</del>
<del>16</del>	<del>2,183</del>	<del>2,204</del>	<del>2,246</del>	<del>2,299</del>	<del>2,352</del>	<del>2,415</del>	<del>2,447</del>	<del>2,521</del>
<del>17</del>	<del>2,215</del>	<del>2,237</del>	<del>2,280</del>	<del>2,332</del>	<del>2,385</del>	<del>2,448</del>	<del>2,480</del>	<del>2,554</del>
<del>18</del>	<del>2,248</del>	<del>2,270</del>	<del>2,312</del>	<del>2,364</del>	<del>2,417</del>	<del>2,481</del>	<del>2,512</del>	<del>2,587</del>
<del>19</del>	<del>2,282</del>	<del>2,302</del>	<del>2,345</del>	<del>2,397</del>	<del>2,450</del>	<del>2,513</del>	<del>2,545</del>	<del>2,619</del>
<del>20</del>	<del>2,314</del>	<del>2,335</del>	<del>2,378</del>	<del>2,431</del>	<del>2,483</del>	<del>2,546</del>	<del>2,578</del>	<del>2,653</del>
<del>21</del>	<del>2,347</del>	<del>2,367</del>	<del>2,410</del>	<del>2,463</del>	<del>2,515</del>	<del>2,579</del>	<del>2,610</del>	<del>2,687</del>
<del>22</del>	<del>2,380</del>	<del>2,401</del>	<del>2,443</del>	<del>2,496</del>	<del>2,548</del>	<del>2,612</del>	<del>2,644</del>	<del>2,719</del>
<del>23</del>	<del>2,412</del>	<del>2,434</del>	<del>2,476</del>	<del>2,529</del>	<del>2,582</del>	<del>2,646</del>	<del>2,678</del>	<del>2,753</del>
<del>24</del>	<del>2,445</del>	<del>2,466</del>	<del>2,508</del>	<del>2,561</del>	<del>2,614</del>	<del>2,680</del>	<del>2,711</del>	<del>2,787</del>
<del>25</del>	<del>2,478</del>	<del>2,499</del>	<del>2,541</del>	<del>2,594</del>	<del>2,648</del>	<del>2,712</del>	<del>2,745</del>	<del>2,819</del>

<del>26</del>	<del>2,510</del>	<del>2,532</del>	<del>2,573</del>	<del>2,628</del>	<del>2,682</del>	<del>2,746</del>	<del>2,777</del>	<del>2,853</del>
<del>27</del>	<del>2,543</del>	<del>2,564</del>	<del>2,606</del>	<del>2,660</del>	<del>2,714</del>	<del>2,778</del>	<del>2,811</del>	<del>2,886</del>
<del>28</del>	<del>2,576</del>	<del>2,597</del>	<del>2,640</del>	<del>2,694</del>	<del>2,748</del>	<del>2,812</del>	<del>2,845</del>	<del>2,920</del>
<del>29</del>	<del>2,608</del>	<del>2,631</del>	<del>2,673</del>	<del>2,726</del>	<del>2,781</del>	<del>2,846</del>	<del>2,877</del>	<del>2,954</del>
<del>30</del>	<del>2,642</del>	<del>2,663</del>	<del>2,707</del>	<del>2,760</del>	<del>2,814</del>	<del>2,878</del>	<del>2,911</del>	<del>2,987</del>
<del>31</del>	<del>2,675</del>	<del>2,697</del>	<del>2,741</del>	<del>2,794</del>	<del>2,848</del>	<del>2,912</del>	<del>2,945</del>	<del>3,020</del>
<del>32</del>	<del>2,709</del>	<del>2,730</del>	<del>2,773</del>	<del>2,827</del>	<del>2,880</del>	<del>2,946</del>	<del>2,977</del>	<del>3,054</del>
<del>33</del>	<del>2,743</del>	<del>2,763</del>	<del>2,807</del>	<del>2,861</del>	<del>2,914</del>	<del>2,978</del>	<del>3,011</del>	<del>3,087</del>
<del>34</del>	<del>2,775</del>	<del>2,797</del>	<del>2,841</del>	<del>2,895</del>	<del>2,948</del>	<del>3,012</del>	<del>3,045</del>	<del>3,120</del>
<del>35</del>	<del>2,809</del>	<del>2,831</del>	<del>2,873</del>	<del>2,927</del>	<del>2,980</del>	<del>3,046</del>	<del>3,078</del>	<del>3,154</del>
<del>36</del>	<del>2,843</del>	<del>2,864</del>	<del>2,907</del>	<del>2,961</del>	<del>3,015</del>	<del>3,079</del>	<del>3,112</del>	<del>3,186</del>
<del>37</del>	<del>2,875</del>	<del>2,898</del>	<del>2,941</del>	<del>2,995</del>	<del>3,049</del>	<del>3,113</del>	<del>3,145</del>	<del>3,220</del>
<del>38</del>	<del>2,909</del>	<del>2,930</del>	<del>2,973</del>	<del>3,027</del>	<del>3,081</del>	<del>3,146</del>	<del>3,178</del>	<del>3,254</del>
<del>39</del>	<del>2,943</del>	<del>2,964</del>	<del>3,007</del>	<del>3,061</del>	<del>3,115</del>	<del>3,179</del>	<del>3,212</del>	<del>3,286</del>
<del>40</del>	<del>2,975</del>	<del>2,998</del>	<del>3,040</del>	<del>3,094</del>	<del>3,149</del>	<del>3,213</del>	<del>3,245</del>	<del>3,320</del>

YearsExp.PAY GRADE

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
<u>0</u>	<u>1,704</u>	<u>1,725</u>	<u>1,767</u>	<u>1,820</u>	<u>1,873</u>	<u>1,936</u>	<u>1,968</u>	<u>2,041</u>
<u>1</u>	<u>1,736</u>	<u>1,758</u>	<u>1,799</u>	<u>1,852</u>	<u>1,906</u>	<u>1,969</u>	<u>2,000</u>	<u>2,074</u>
<u>2</u>	<u>1,769</u>	<u>1,790</u>	<u>1,832</u>	<u>1,885</u>	<u>1,938</u>	<u>2,001</u>	<u>2,033</u>	<u>2,106</u>
<u>3</u>	<u>1,801</u>	<u>1,823</u>	<u>1,865</u>	<u>1,918</u>	<u>1,971</u>	<u>2,034</u>	<u>2,066</u>	<u>2,139</u>

<u>4</u>	<u>1,834</u>	<u>1,856</u>	<u>1,897</u>	<u>1,950</u>	<u>2,003</u>	<u>2,067</u>	<u>2,098</u>	<u>2,173</u>
<u>5</u>	<u>1,867</u>	<u>1,888</u>	<u>1,930</u>	<u>1,983</u>	<u>2,036</u>	<u>2,099</u>	<u>2,131</u>	<u>2,205</u>
<u>6</u>	<u>1,899</u>	<u>1,921</u>	<u>1,964</u>	<u>2,016</u>	<u>2,069</u>	<u>2,132</u>	<u>2,164</u>	<u>2,238</u>
<u>7</u>	<u>1,933</u>	<u>1,953</u>	<u>1,996</u>	<u>2,048</u>	<u>2,101</u>	<u>2,165</u>	<u>2,196</u>	<u>2,271</u>
<u>8</u>	<u>1,966</u>	<u>1,986</u>	<u>2,029</u>	<u>2,081</u>	<u>2,134</u>	<u>2,197</u>	<u>2,229</u>	<u>2,303</u>
<u>9</u>	<u>1,998</u>	<u>2,019</u>	<u>2,062</u>	<u>2,115</u>	<u>2,167</u>	<u>2,230</u>	<u>2,261</u>	<u>2,336</u>
<u>10</u>	<u>2,031</u>	<u>2,052</u>	<u>2,094</u>	<u>2,147</u>	<u>2,199</u>	<u>2,264</u>	<u>2,295</u>	<u>2,369</u>
<u>11</u>	<u>2,064</u>	<u>2,085</u>	<u>2,127</u>	<u>2,180</u>	<u>2,232</u>	<u>2,296</u>	<u>2,328</u>	<u>2,401</u>
<u>12</u>	<u>2,096</u>	<u>2,118</u>	<u>2,159</u>	<u>2,213</u>	<u>2,266</u>	<u>2,329</u>	<u>2,360</u>	<u>2,434</u>
<u>13</u>	<u>2,129</u>	<u>2,150</u>	<u>2,192</u>	<u>2,245</u>	<u>2,298</u>	<u>2,361</u>	<u>2,393</u>	<u>2,467</u>
<u>14</u>	<u>2,162</u>	<u>2,183</u>	<u>2,225</u>	<u>2,278</u>	<u>2,331</u>	<u>2,394</u>	<u>2,426</u>	<u>2,499</u>
<u>15</u>	<u>2,194</u>	<u>2,216</u>	<u>2,257</u>	<u>2,310</u>	<u>2,363</u>	<u>2,427</u>	<u>2,458</u>	<u>2,532</u>
<u>16</u>	<u>2,227</u>	<u>2,248</u>	<u>2,290</u>	<u>2,343</u>	<u>2,396</u>	<u>2,459</u>	<u>2,491</u>	<u>2,565</u>
<u>17</u>	<u>2,259</u>	<u>2,281</u>	<u>2,324</u>	<u>2,376</u>	<u>2,429</u>	<u>2,492</u>	<u>2,524</u>	<u>2,598</u>
<u>18</u>	<u>2,292</u>	<u>2,314</u>	<u>2,356</u>	<u>2,408</u>	<u>2,461</u>	<u>2,525</u>	<u>2,556</u>	<u>2,631</u>
<u>19</u>	<u>2,326</u>	<u>2,346</u>	<u>2,389</u>	<u>2,441</u>	<u>2,494</u>	<u>2,557</u>	<u>2,589</u>	<u>2,663</u>
<u>20</u>	<u>2,358</u>	<u>2,379</u>	<u>2,422</u>	<u>2,475</u>	<u>2,527</u>	<u>2,590</u>	<u>2,622</u>	<u>2,697</u>
<u>21</u>	<u>2,391</u>	<u>2,411</u>	<u>2,454</u>	<u>2,507</u>	<u>2,559</u>	<u>2,623</u>	<u>2,654</u>	<u>2,731</u>
<u>22</u>	<u>2,424</u>	<u>2,445</u>	<u>2,487</u>	<u>2,540</u>	<u>2,592</u>	<u>2,656</u>	<u>2,688</u>	<u>2,763</u>
<u>23</u>	<u>2,456</u>	<u>2,478</u>	<u>2,520</u>	<u>2,573</u>	<u>2,626</u>	<u>2,690</u>	<u>2,722</u>	<u>2,797</u>
<u>24</u>	<u>2,489</u>	<u>2,510</u>	<u>2,552</u>	<u>2,605</u>	<u>2,658</u>	<u>2,724</u>	<u>2,755</u>	<u>2,831</u>
<u>25</u>	<u>2,522</u>	<u>2,543</u>	<u>2,585</u>	<u>2,638</u>	<u>2,692</u>	<u>2,756</u>	<u>2,789</u>	<u>2,863</u>



<u>26</u>	<u>2,554</u>	<u>2,576</u>	<u>2,617</u>	<u>2,672</u>	<u>2,726</u>	<u>2,790</u>	<u>2,821</u>	<u>2,897</u>
<u>27</u>	<u>2,587</u>	<u>2,608</u>	<u>2,650</u>	<u>2,704</u>	<u>2,758</u>	<u>2,822</u>	<u>2,855</u>	<u>2,930</u>
<u>28</u>	<u>2,620</u>	<u>2,641</u>	<u>2,684</u>	<u>2,738</u>	<u>2,792</u>	<u>2,856</u>	<u>2,889</u>	<u>2,964</u>
<u>29</u>	<u>2,652</u>	<u>2,675</u>	<u>2,717</u>	<u>2,770</u>	<u>2,825</u>	<u>2,890</u>	<u>2,921</u>	<u>2,998</u>
<u>30</u>	<u>2,686</u>	<u>2,707</u>	<u>2,751</u>	<u>2,804</u>	<u>2,858</u>	<u>2,922</u>	<u>2,955</u>	<u>3,031</u>
<u>31</u>	<u>2,719</u>	<u>2,741</u>	<u>2,785</u>	<u>2,838</u>	<u>2,892</u>	<u>2,956</u>	<u>2,989</u>	<u>3,064</u>
<u>32</u>	<u>2,753</u>	<u>2,774</u>	<u>2,817</u>	<u>2,871</u>	<u>2,924</u>	<u>2,990</u>	<u>3,021</u>	<u>3,098</u>
<u>33</u>	<u>2,787</u>	<u>2,807</u>	<u>2,851</u>	<u>2,905</u>	<u>2,958</u>	<u>3,022</u>	<u>3,055</u>	<u>3,131</u>
<u>34</u>	<u>2,819</u>	<u>2,841</u>	<u>2,885</u>	<u>2,939</u>	<u>2,992</u>	<u>3,056</u>	<u>3,089</u>	<u>3,164</u>
<u>35</u>	<u>2,853</u>	<u>2,875</u>	<u>2,917</u>	<u>2,971</u>	<u>3,024</u>	<u>3,090</u>	<u>3,122</u>	<u>3,198</u>
<u>36</u>	<u>2,887</u>	<u>2,908</u>	<u>2,951</u>	<u>3,005</u>	<u>3,059</u>	<u>3,123</u>	<u>3,156</u>	<u>3,230</u>
<u>37</u>	<u>2,919</u>	<u>2,942</u>	<u>2,985</u>	<u>3,039</u>	<u>3,093</u>	<u>3,157</u>	<u>3,189</u>	<u>3,264</u>
<u>38</u>	<u>2,953</u>	<u>2,974</u>	<u>3,017</u>	<u>3,071</u>	<u>3,125</u>	<u>3,190</u>	<u>3,222</u>	<u>3,298</u>
<u>39</u>	<u>2,987</u>	<u>3,008</u>	<u>3,051</u>	<u>3,105</u>	<u>3,159</u>	<u>3,223</u>	<u>3,256</u>	<u>3,330</u>
<u>40</u>	<u>3,019</u>	<u>3,042</u>	<u>3,084</u>	<u>3,138</u>	<u>3,193</u>	<u>3,257</u>	<u>3,289</u>	<u>3,364</u>

(2) For school year 2019 – 2020, and continuing thereafter, the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the State Minimum Pay Scale Pay Grade, plus \$22; and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay Scale Pay Grade, plus \$11.

~~(2)~~ (3) Each service employee shall receive the amount prescribed in the State Minimum Pay Scale Pay Grade in

accordance with the provisions of this subsection according to their class title and pay grade as set forth in this subdivision:

CLASS TITLE	PAY GRADE
Accountant I .....	D
Accountant II .....	E
Accountant III .....	F
Accounts Payable Supervisor .....	G
Aide I .....	A
Aide II .....	B
Aide III .....	C
Aide IV .....	D
Audiovisual Technician .....	C
Auditor .....	G
Autism Mentor .....	F
Braille Specialist .....	E
Bus Operator .....	D
Buyer .....	F
Cabinetmaker .....	G
Cafeteria Manager .....	D
Carpenter I .....	E
Carpenter II .....	F
Chief Mechanic .....	G
Clerk I .....	B
Clerk II .....	C
Computer Operator .....	E
Cook I .....	A
Cook II .....	B
Cook III .....	C
Crew Leader .....	F
Custodian I .....	A
Custodian II .....	B
Custodian III .....	C
Custodian IV .....	D
Director or Coordinator of Services .....	H
Draftsman .....	D
Early Childhood Classroom Assistant Teacher I .....	E
Early Childhood Classroom Assistant Teacher II .....	E

Early Childhood Classroom Assistant Teacher III .....	F
Educational Sign Language Interpreter I .....	F
Educational Sign Language Interpreter II .....	G
Electrician I .....	F
Electrician II .....	G
Electronic Technician I .....	F
Electronic Technician II .....	G
Executive Secretary .....	G
Food Services Supervisor .....	G
Foreman .....	G
General Maintenance .....	C
Glazier .....	D
Graphic Artist .....	D
Groundsman .....	B
Handyman .....	B
Heating and Air Conditioning Mechanic I .....	E
Heating and Air Conditioning Mechanic II .....	G
Heavy Equipment Operator .....	E
Inventory Supervisor .....	D
Key Punch Operator .....	B
Licensed Practical Nurse .....	F
Locksmith .....	G
Lubrication Man .....	C
Machinist .....	F
Mail Clerk .....	D
Maintenance Clerk .....	C
Mason .....	G
Mechanic .....	F
Mechanic Assistant .....	E
Office Equipment Repairman I .....	F
Office Equipment Repairman II .....	G
Painter .....	E
Paraprofessional .....	F
Payroll Supervisor .....	G
Plumber I .....	E
Plumber II .....	G
Printing Operator .....	B
Printing Supervisor .....	D
Programmer .....	H

Roofing/Sheet Metal Mechanic .....	F
Sanitation Plant Operator .....	G
School Bus Supervisor .....	E
Secretary I .....	D
Secretary II .....	E
Secretary III .....	F
Sign Support Specialist .....	E
Supervisor of Maintenance .....	H
Supervisor of Transportation .....	H
Switchboard Operator-Receptionist .....	D
Truck Driver .....	D
Warehouse Clerk .....	C
Watchman .....	B
Welder .....	F
WVEIS Data Entry and Administrative Clerk .....	B

(b) An additional \$12 per month is added to the minimum monthly pay of each service person who holds a high school diploma or its equivalent.

(c) An additional \$11 per month also is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds 12 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(2) A service person who holds 24 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(3) A service person who holds 36 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(4) A service person who holds 48 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(5) A service employee who holds 60 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(6) A service person who holds 72 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(7) A service person who holds 84 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(8) A service person who holds 96 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(9) A service person who holds 108 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(10) A service person who holds 120 college hours or comparable credit obtained in a trade or vocational school as approved by the state board.

(d) An additional \$40 per month also is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds an associate's degree;

(2) A service person who holds a bachelor's degree;

(3) A service person who holds a master's degree;

(4) A service person who holds a doctorate degree.

(e) An additional \$11 per month is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds a bachelor's degree plus 15 college hours;

(2) A service person who holds a master's degree plus 15 college hours;

(3) A service person who holds a master's degree plus 30 college hours;

(4) A service person who holds a master's degree plus 45 college hours; and

(5) A service person who holds a master's degree plus 60 college hours.

(f) To meet the objective of salary equity among the counties, each service person is paid an equity supplement, as set forth in ~~section five of this article~~ §18A-4-5 of this code, of \$164 per month, subject to the provisions of that section. These payments: (i) Are in addition to any amounts prescribed in the applicable State Minimum Pay Scale Pay Grade, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to ~~section five b of this article~~ §18A-4-5b of this code; (ii) are paid in equal monthly installments; and (iii) are considered a part of the state minimum salaries for service personnel.

(g) When any part of a school service person's daily shift of work is performed between the hours of 6:00 p. m. and 5:00 a. m. the following day, the employee is paid no less than an additional \$10 per month and one half of the pay is paid with local funds.

(h) Any service person required to work on any legal school holiday is paid at a rate one and one-half times the person's usual hourly rate.

(i) Any full-time service personnel required to work in excess of their normal working day during any week which contains a school holiday for which they are paid is paid for the additional hours or fraction of the additional hours at a rate of one and one-half times their usual hourly rate and paid entirely from county board funds.

(j) A service person may not have his or her daily work schedule changed during the school year without the employee's written consent and the person's required daily work hours may not be changed to prevent the payment of time and one-half wages or the employment of another employee.

(k) The minimum hourly rate of pay for extra duty assignments as defined in ~~section eight-b of this article~~ §18A-4-8b of this code is no less than one seventh of the person's daily total salary for each hour the person is involved in performing the assignment and paid entirely from local funds: *Provided*, That an alternative minimum hourly rate of pay for performing extra duty assignments within a particular category of employment may be used if the alternate hourly rate of pay is approved both by the county board and by the affirmative vote of a two-thirds majority of the regular full-time persons within that classification category of employment within that county: *Provided, however*, That the vote is by secret ballot if requested by a service person within that classification category within that county. The salary for any fraction of an hour the employee is involved in performing the assignment is prorated accordingly. When performing extra duty assignments, persons who are regularly employed on a one-half day salary basis shall receive the same hourly extra duty assignment pay computed as though the person were employed on a full-day salary basis.

(l) The minimum pay for any service personnel engaged in the removal of asbestos material or related duties required for asbestos removal is their regular total daily rate of pay and no less than an additional \$3 per hour or no less than \$5 per hour for service personnel supervising asbestos removal responsibilities for each hour these employees are involved in asbestos-related duties. Related duties required for asbestos removal include, but are not limited to, travel, preparation of the work site, removal of asbestos, decontamination of the work site, placing and removal of equipment and removal of structures from the site. If any member of an asbestos crew is engaged in asbestos-related duties outside of the employee's regular employment county, the daily rate of pay is no less than the minimum amount as established in the employee's regular employment county for asbestos removal and an additional \$30 per each day the employee is engaged in asbestos removal and related duties. The additional pay for asbestos removal and related duties shall be payable entirely from county funds. Before service personnel may be used in the removal of asbestos material or related duties, they shall have completed a federal Environmental

Protection Act-approved training program and be licensed. The employer shall provide all necessary protective equipment and maintain all records required by the Environmental Protection Act.

(m) For the purpose of qualifying for additional pay as provided in ~~section eight of this article~~ §18A-5-8 of this code, an aide is considered to be exercising the authority of a supervisory aide and control over pupils if the aide is required to supervise, control, direct, monitor, escort, or render service to a child or children when not under the direct supervision of a certified professional person within the classroom, library, hallway, lunchroom, gymnasium, school building, school grounds, or wherever supervision is required. For purposes of this section, ‘under the direct supervision of a certified professional person’ means that certified professional person is present, with and accompanying the aide.”

There being two amendments which would affect the same sections of the Finance Committee amendment, the Speaker explained to the members that the sponsors would be allowed to explain their amendments but the adoption of one would preclude the consideration of the other.

Delegates Miley, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson and Williams offered an amendment for which Delegate Miley was recognized to explain, as follows:

On page one, line twenty, following the end of subsection (c), by striking out all of subsection (d) in its entirety, and inserting in lieu, thereof, the following:

“(d) Beginning on July 1, 2011, members shall receive annual salaries payable at least twice per month as follows:



## ANNUAL SALARY SCHEDULE (BASE PAY)

## SUPERVISORY AND NONSUPERVISORY RANKS

Cadet During Training .....	\$ 33,994
Cadet Trooper After Training .....	\$ 41,258
Trooper Second Year .....	42,266
Trooper Third Year .....	42,649
Senior Trooper .....	43,048
Trooper First Class.....	43,654
Corporal .....	44,260
Sergeant.....	48,561
First Sergeant .....	50,712
Second Lieutenant.....	52,862
First Lieutenant .....	55,013
Captain .....	57,164
Major.....	59,314
Lieutenant Colonel.....	61,465

## ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST  
CLASSIFICATION

I .....	42,266
II .....	43,048
III .....	43,654
IV .....	44,260

V .....48,561

VI .....50,712

VII .....52,862

VIII .....55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I .....42,266

II .....43,048

III .....43,654

IV .....44,260

V .....48,561

VI .....50,712

VII .....52,862

VIII .....55,013

(1) For the fiscal year beginning July 1, 2018 each member shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$1,296 and any specific additional amounts prescribed in this section or article.

(2) For the fiscal year beginning July 1, 2019 each member shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$2,592 and any specific additional amounts prescribed in this section or article.

(3) For the fiscal year beginning July 1, 2020 and continuing thereafter each member shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$3,888 and specific additional amounts prescribed in this section or article.

Each member of the West Virginia State Police whose salary is fixed and specified in this annual salary schedule is entitled to the length of service increases set forth in subsection (e) of this section and supplemental pay as provided in subsection (g) of this section.”

And,

On page seven, section two, beginning on line four, by striking out all of subsection (b), and inserting in lieu thereof a new subsection (b) to read as follows:

“(b) Beginning July 1, 2014, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, specific additional amounts prescribed in this section or article and any county supplement in effect in a county pursuant to section five-a of this article during the contract year.

#### STATE MINIMUM SALARY SCHEDULE

Years	4th	3rd	2nd	A.B.		M.A.		M.A.		Doc-
Exp.	Class	Class	Class	A.B.	+15	M.A.	+15	+30	+45	torate
0	27,917	28,606	28,872	30,315	31,076	32,843	33,604	34,365	35,126	36,161
1	28,245	28,934	29,200	30,833	31,594	33,362	34,123	34,883	35,644	36,679
2	28,574	29,262	29,528	31,352	32,113	33,880	34,641	35,402	36,163	37,198
3	28,902	29,590	29,856	31,871	32,631	34,399	35,160	35,920	36,681	37,716
4	29,474	30,162	30,428	32,633	33,394	35,162	35,923	36,683	37,444	38,479
5	29,802	30,490	30,756	33,152	33,913	35,680	36,441	37,202	37,963	38,998
6	30,130	30,818	31,084	33,670	34,431	36,199	36,960	37,720	38,481	39,516
7	30,458	31,147	31,412	34,189	34,950	36,717	37,478	38,239	39,000	40,035
8	30,786	31,475	31,741	34,707	35,468	37,236	37,997	38,757	39,518	40,553
9	31,114	31,803	32,069	35,226	35,987	37,754	38,515	39,276	40,037	41,072
10	31,443	32,131	32,397	35,746	36,506	38,274	39,035	39,796	40,556	41,591
11	31,771	32,459	32,725	36,264	37,025	38,793	39,553	40,314	41,075	42,110

12	32,099	32,787	33,053	36,783	37,543	39,311	40,072	40,833	41,593	42,628
13	32,427	33,115	33,381	37,301	38,062	39,830	40,590	41,351	42,112	43,147
14	32,755	33,443	33,709	37,820	38,580	40,348	41,109	41,870	42,630	43,665
15	33,083	33,771	34,037	38,338	39,099	40,867	41,627	42,388	43,149	44,184
16	33,411	34,099	34,365	38,857	39,617	41,385	42,146	42,907	43,667	44,702
17	33,739	34,428	34,693	39,375	40,136	41,904	42,665	43,425	44,186	45,221
18	34,067	34,756	35,022	39,894	40,655	42,422	43,183	43,944	44,705	45,740
19	34,395	35,084	35,350	40,412	41,173	42,941	43,702	44,462	45,223	46,258
20	34,723	35,412	35,678	40,931	41,692	43,459	44,220	44,981	45,742	46,777
21	35,052	35,740	36,006	41,449	42,210	43,978	44,739	45,499	46,260	47,295
22	35,380	36,068	36,334	41,968	42,729	44,496	45,257	46,018	46,779	47,814
23	35,708	36,396	36,662	42,487	43,247	45,015	45,776	46,536	47,297	48,332
24	36,036	36,724	36,990	43,005	43,766	45,534	46,294	47,055	47,816	48,851
25	36,364	37,052	37,318	43,524	44,284	46,052	46,813	47,574	48,334	49,369
26	36,692	37,380	37,646	44,042	44,803	46,571	47,331	48,092	48,853	49,888
27	37,020	37,708	37,974	44,561	45,321	47,089	47,850	48,611	49,371	50,406
28	37,348	38,037	38,302	45,079	45,840	47,608	48,368	49,129	49,890	50,925
29	37,676	38,365	38,631	45,598	46,358	48,126	48,887	49,648	50,408	51,443
30	38,004	38,693	38,959	46,116	46,877	48,645	49,405	50,166	50,927	51,962
31	38,333	39,021	39,287	46,635	47,396	49,163	49,924	50,685	51,445	52,480
32	38,661	39,349	39,615	47,153	47,914	49,682	50,443	51,203	51,964	52,999
33	38,989	39,677	39,943	47,672	48,433	50,200	50,961	51,722	52,483	53,518
34	39,317	40,005	40,271	48,190	48,951	50,719	51,480	52,240	53,001	54,036
35	39,645	40,333	40,599	48,709	49,470	51,237	51,998	52,759	53,520	54,555

(1) For school year 2018 – 2019, each teacher shall receive the amount prescribed in the

State Minimum Salary Schedule as set forth in this section, plus \$1,212; specific additional amounts prescribed in this section or

article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(2) For school year 2019 – 2020, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$2,424; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(3) For school year 2020 – 2021, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$3,626; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.”

And,

On page twelve, section eight-a, beginning on line one, by striking out all of subsection (a) through line fourteen on page fifteen, ending at the period at the end of (a) (2) of section 8a, and inserting in lieu thereof the following:

“(a) The minimum monthly pay for each service employee shall be as follows:

(1) Beginning July 1, 2014, and continuing thereafter, the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the State Minimum Pay Scale Pay Grade and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay Scale Pay Grade set forth in this subdivision.

## STATE MINIMUM PAY SCALE PAY GRADE

Years

Exp.	Pay Grade							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
0	1,660	1,681	1,723	1,776	1,829	1,892	1,924	1,997
1	1,692	1,714	1,755	1,808	1,862	1,925	1,956	2,030
2	1,725	1,746	1,788	1,841	1,894	1,957	1,989	2,062
3	1,757	1,779	1,821	1,874	1,927	1,990	2,022	2,095
4	1,790	1,812	1,853	1,906	1,959	2,023	2,054	2,129
5	1,823	1,844	1,886	1,939	1,992	2,055	2,087	2,161
6	1,855	1,877	1,920	1,972	2,025	2,088	2,120	2,194
7	1,889	1,909	1,952	2,004	2,057	2,121	2,152	2,227
8	1,922	1,942	1,985	2,037	2,090	2,153	2,185	2,259
9	1,954	1,975	2,018	2,071	2,123	2,186	2,217	2,292
10	1,987	2,008	2,050	2,103	2,155	2,220	2,251	2,325
11	2,020	2,041	2,083	2,136	2,188	2,252	2,284	2,357
12	2,052	2,074	2,115	2,169	2,222	2,285	2,316	2,390
13	2,085	2,106	2,148	2,201	2,254	2,317	2,349	2,423
14	2,118	2,139	2,181	2,234	2,287	2,350	2,382	2,455
15	2,150	2,172	2,213	2,266	2,319	2,383	2,414	2,488
16	2,183	2,204	2,246	2,299	2,352	2,415	2,447	2,521
17	2,215	2,237	2,280	2,332	2,385	2,448	2,480	2,554

18	2,248	2,270	2,312	2,364	2,417	2,481	2,512	2,587
19	2,282	2,302	2,345	2,397	2,450	2,513	2,545	2,619
20	2,314	2,335	2,378	2,431	2,483	2,546	2,578	2,653
21	2,347	2,367	2,410	2,463	2,515	2,579	2,610	2,687
22	2,380	2,401	2,443	2,496	2,548	2,612	2,644	2,719
23	2,412	2,434	2,476	2,529	2,582	2,646	2,678	2,753
24	2,445	2,466	2,508	2,561	2,614	2,680	2,711	2,787
25	2,478	2,499	2,541	2,594	2,648	2,712	2,745	2,819
26	2,510	2,532	2,573	2,628	2,682	2,746	2,777	2,853
27	2,543	2,564	2,606	2,660	2,714	2,778	2,811	2,886
28	2,576	2,597	2,640	2,694	2,748	2,812	2,845	2,920
29	2,608	2,631	2,673	2,726	2,781	2,846	2,877	2,954
30	2,642	2,663	2,707	2,760	2,814	2,878	2,911	2,987
31	2,675	2,697	2,741	2,794	2,848	2,912	2,945	3,020
32	2,709	2,730	2,773	2,827	2,880	2,946	2,977	3,054
33	2,743	2,763	2,807	2,861	2,914	2,978	3,011	3,087
34	2,775	2,797	2,841	2,895	2,948	3,012	3,045	3,120
35	2,809	2,831	2,873	2,927	2,980	3,046	3,078	3,154
36	2,843	2,864	2,907	2,961	3,015	3,079	3,112	3,186
37	2,875	2,898	2,941	2,995	3,049	3,113	3,145	3,220
38	2,909	2,930	2,973	3,027	3,081	3,146	3,178	3,254
39	2,943	2,964	3,007	3,061	3,115	3,179	3,212	3,286
40	2,975	2,998	3,040	3,094	3,149	3,213	3,245	3,320

(2) For school year 2018 – 2019, each service employee shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$660; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(3) For school year 2019 – 2020, each service employee shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$1,320; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(4) For school year 2021 – 2022, and continuing thereafter, each service employee shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$1,980; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.”

And,

On page fifteen, section eight-a, line fifteen, by renumbering “(3)” as “(5)”.

During debate on this amendment, the Speaker stated that he was granting some leeway but reminded members to direct their remarks to the question before the House.

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

The yeas and nays having been ordered, they were taken (**Roll No. 87**), and there were—yeas 42, nays 58, absent and not voting none, with the yeas being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum,



Maynard, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Ward and Williams.

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

Delegates McGeehan and Folk offered an amendment for which Delegate McGeehan was recognized to explain, as follows:

On page seven, section two, beginning on line four, by striking out all of subsection (b) in its entirety, and inserting in lieu thereof, a new subsection (b) to read as follows:

“(b) Beginning July 1, 2014, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, specific additional amounts prescribed in this section or article and any county supplement in effect in a county pursuant to section five-a of this article during the contract year.

#### STATE MINIMUM SALARY SCHEDULE

Years	4th	3rd	2nd	A.B.		M.A.		M.A.		Doc-
Exp.	Class	Class	Class	A.B.	+15	M.A.	+15	+30	+45	torate
0	27,917	28,606	28,872	30,315	31,076	32,843	33,604	34,365	35,126	36,161
1	28,245	28,934	29,200	30,833	31,594	33,362	34,123	34,883	35,644	36,679
2	28,574	29,262	29,528	31,352	32,113	33,880	34,641	35,402	36,163	37,198
3	28,902	29,590	29,856	31,871	32,631	34,399	35,160	35,920	36,681	37,716
4	29,474	30,162	30,428	32,633	33,394	35,162	35,923	36,683	37,444	38,479
5	29,802	30,490	30,756	33,152	33,913	35,680	36,441	37,202	37,963	38,998
6	30,130	30,818	31,084	33,670	34,431	36,199	36,960	37,720	38,481	39,516
7	30,458	31,147	31,412	34,189	34,950	36,717	37,478	38,239	39,000	40,035
8	30,786	31,475	31,741	34,707	35,468	37,236	37,997	38,757	39,518	40,553
9	31,114	31,803	32,069	35,226	35,987	37,754	38,515	39,276	40,037	41,072

10	31,443	32,131	32,397	35,746	36,506	38,274	39,035	39,796	40,556	41,591
11	31,771	32,459	32,725	36,264	37,025	38,793	39,553	40,314	41,075	42,110
12	32,099	32,787	33,053	36,783	37,543	39,311	40,072	40,833	41,593	42,628
13	32,427	33,115	33,381	37,301	38,062	39,830	40,590	41,351	42,112	43,147
14	32,755	33,443	33,709	37,820	38,580	40,348	41,109	41,870	42,630	43,665
15	33,083	33,771	34,037	38,338	39,099	40,867	41,627	42,388	43,149	44,184
16	33,411	34,099	34,365	38,857	39,617	41,385	42,146	42,907	43,667	44,702
17	33,739	34,428	34,693	39,375	40,136	41,904	42,665	43,425	44,186	45,221
18	34,067	34,756	35,022	39,894	40,655	42,422	43,183	43,944	44,705	45,740
19	34,395	35,084	35,350	40,412	41,173	42,941	43,702	44,462	45,223	46,258
20	34,723	35,412	35,678	40,931	41,692	43,459	44,220	44,981	45,742	46,777
21	35,052	35,740	36,006	41,449	42,210	43,978	44,739	45,499	46,260	47,295
22	35,380	36,068	36,334	41,968	42,729	44,496	45,257	46,018	46,779	47,814
23	35,708	36,396	36,662	42,487	43,247	45,015	45,776	46,536	47,297	48,332
24	36,036	36,724	36,990	43,005	43,766	45,534	46,294	47,055	47,816	48,851
25	36,364	37,052	37,318	43,524	44,284	46,052	46,813	47,574	48,334	49,369
26	36,692	37,380	37,646	44,042	44,803	46,571	47,331	48,092	48,853	49,888
27	37,020	37,708	37,974	44,561	45,321	47,089	47,850	48,611	49,371	50,406
28	37,348	38,037	38,302	45,079	45,840	47,608	48,368	49,129	49,890	50,925
29	37,676	38,365	38,631	45,598	46,358	48,126	48,887	49,648	50,408	51,443
30	38,004	38,693	38,959	46,116	46,877	48,645	49,405	50,166	50,927	51,962
31	38,333	39,021	39,287	46,635	47,396	49,163	49,924	50,685	51,445	52,480
32	38,661	39,349	39,615	47,153	47,914	49,682	50,443	51,203	51,964	52,999
33	38,989	39,677	39,943	47,672	48,433	50,200	50,961	51,722	52,483	53,518
34	39,317	40,005	40,271	48,190	48,951	50,719	51,480	52,240	53,001	54,036
35	39,645	40,333	40,599	48,709	49,470	51,237	51,998	52,759	53,520	54,555

(1) For school year 2018 – 2019, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$1,212; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(2) For school year 2019 – 2020, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$1,616; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(3) For school year 2020 – 2021, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$2,020; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.”

And,

On page twelve, section eight-a, beginning on line one, by striking out all of subsection (a) through line fourteen of page fifteen, ending at the period at the end of (a) (2) of Section 8a, and inserting in lieu thereof the following:

“(a) The minimum monthly pay for each service employee shall be as follows:

(1) Beginning July 1, 2014, and continuing thereafter, the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the State Minimum Pay Scale Pay Grade and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay Scale Pay Grade set forth in this subdivision.

## STATE MINIMUM PAY SCALE PAY GRADE

Years Exp.	Pay Grade							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
0	1,660	1,681	1,723	1,776	1,829	1,892	1,924	1,997
1	1,692	1,714	1,755	1,808	1,862	1,925	1,956	2,030
2	1,725	1,746	1,788	1,841	1,894	1,957	1,989	2,062
3	1,757	1,779	1,821	1,874	1,927	1,990	2,022	2,095
4	1,790	1,812	1,853	1,906	1,959	2,023	2,054	2,129
5	1,823	1,844	1,886	1,939	1,992	2,055	2,087	2,161
6	1,855	1,877	1,920	1,972	2,025	2,088	2,120	2,194
7	1,889	1,909	1,952	2,004	2,057	2,121	2,152	2,227
8	1,922	1,942	1,985	2,037	2,090	2,153	2,185	2,259
9	1,954	1,975	2,018	2,071	2,123	2,186	2,217	2,292
10	1,987	2,008	2,050	2,103	2,155	2,220	2,251	2,325
11	2,020	2,041	2,083	2,136	2,188	2,252	2,284	2,357
12	2,052	2,074	2,115	2,169	2,222	2,285	2,316	2,390
13	2,085	2,106	2,148	2,201	2,254	2,317	2,349	2,423
14	2,118	2,139	2,181	2,234	2,287	2,350	2,382	2,455
15	2,150	2,172	2,213	2,266	2,319	2,383	2,414	2,488
16	2,183	2,204	2,246	2,299	2,352	2,415	2,447	2,521
17	2,215	2,237	2,280	2,332	2,385	2,448	2,480	2,554
18	2,248	2,270	2,312	2,364	2,417	2,481	2,512	2,587

19	2,282	2,302	2,345	2,397	2,450	2,513	2,545	2,619
20	2,314	2,335	2,378	2,431	2,483	2,546	2,578	2,653
21	2,347	2,367	2,410	2,463	2,515	2,579	2,610	2,687
22	2,380	2,401	2,443	2,496	2,548	2,612	2,644	2,719
23	2,412	2,434	2,476	2,529	2,582	2,646	2,678	2,753
24	2,445	2,466	2,508	2,561	2,614	2,680	2,711	2,787
25	2,478	2,499	2,541	2,594	2,648	2,712	2,745	2,819
26	2,510	2,532	2,573	2,628	2,682	2,746	2,777	2,853
27	2,543	2,564	2,606	2,660	2,714	2,778	2,811	2,886
28	2,576	2,597	2,640	2,694	2,748	2,812	2,845	2,920
29	2,608	2,631	2,673	2,726	2,781	2,846	2,877	2,954
30	2,642	2,663	2,707	2,760	2,814	2,878	2,911	2,987
31	2,675	2,697	2,741	2,794	2,848	2,912	2,945	3,020
32	2,709	2,730	2,773	2,827	2,880	2,946	2,977	3,054
33	2,743	2,763	2,807	2,861	2,914	2,978	3,011	3,087
34	2,775	2,797	2,841	2,895	2,948	3,012	3,045	3,120
35	2,809	2,831	2,873	2,927	2,980	3,046	3,078	3,154
36	2,843	2,864	2,907	2,961	3,015	3,079	3,112	3,186
37	2,875	2,898	2,941	2,995	3,049	3,113	3,145	3,220
38	2,909	2,930	2,973	3,027	3,081	3,146	3,178	3,254
39	2,943	2,964	3,007	3,061	3,115	3,179	3,212	3,286
40	2,975	2,998	3,040	3,094	3,149	3,213	3,245	3,320

(2) For school year 2018 – 2019, each service employee shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$660; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(3) For school year 2019 – 2020, each service employee shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$1,320; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(4) For school year 2021 – 2022, and continuing thereafter, each service employee shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$1,980; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.”

And,

On page fifteen, section eight-a, line fifteen, be renumbering “(3)” as “(5)”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 88**), and there were-including pairs-yeas 50, nays 50, absent and not voting none, with the paired and nays being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Marcum

Nay: Lane

Nays: Adkins, Ambler, Anderson, Atkinson, Blair, Butler, Capito, Cooper, Cowles, Criss, Deem, Ellington, Espinosa, A. Evans, Fast, Foster, Frich, Graves, Hamrick, Hanshaw, Harshbarger, Higginbotham, Hollen, Householder, Howell, Jennings, Kessinger, Martin, C. Miller, Moore, Nelson, Overington, Pack, Queen, C. Romine, R. Romine, Rowan, Shott, Sobonya, Statler, Storch, Summers, Sypolt, Upson, Walters, Westfall, White, Zatezalo and Mr. Speaker, Mr. Armstead.

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

Delegates Sponaugle, Barrett, Bates, Boggs, Brewer, Byrd, Campbell Canestraro, Caputo, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Thompson and Williams moved to amend the amendment to the committee amendment on page one, line one, by inserting the following:

**“CHAPTER 5. GENERAL POWERS AND AUTHORITY OF  
THE GOVERNOR, SECRETARY OF STATE AND  
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;  
MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES,  
PROGRAMS, ETC.**

**ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.**

**§5-5-7. Incremental Salary Increases for State Employees.**

(a) The Legislature declare that all state employee salaries are uniformly low and it is in the public interest to provide uniform fair pay increases to all state employees to counter increases in healthcare and living costs. Further, the last across the board pay increase in 2008 of \$60 a year for each year of service, has failed to even begin to keep up with healthcare costs and the cost of living for state employees, therefore this section is enacted to rectify this unfairness.

(b) Beginning July 1, 2020, the salaries of all eligible employees will be increased pursuant to this section. The annual raises shall be equally distributed between each pay scale to assure that all pay scales are equally increased by an identical amount, in the total cumulative amount increase that exceeds current pay, that equals:

For the fiscal year beginning on July 1, 2020 (Fiscal Year 2021)- \$20 million;

For the fiscal year beginning on July 1, 2021 (Fiscal Year 2022)- \$40 million;

For the fiscal year beginning on July 1, 2022 (Fiscal Year 2023)- \$60 million;

For the fiscal year beginning on July 1, 2023 (Fiscal Year 2024)- \$80 million;

For the fiscal year beginning on July 1, 2024 (Fiscal Year 2025)- \$100 million; and

For the fiscal year beginning on July 1, 2025 (Fiscal Year 2026)- \$120 million

For the fiscal year beginning on July 1, 2026 (Fiscal Year 2027 and every fiscal year thereafter)- \$140 million.”

Delegate Cowles arose to a point of order as to the germaneness of the amendment.

To the point of order the Speaker replied, stating that the amendment went beyond the fundamental purpose of the bill and therefore ruled the amendment not germane.

On motion of Delegates Nelson, Espinosa, Statler, Householder, Westfall, Graves and Atkinson the committee amendment was amended on page seven, immediately preceding “CHAPTER 18A. SCHOOL PERSONNEL.”, by inserting a new section to read as follows:



**“CHAPTER 18. EDUCATION.****ARTICLE 9A. PUBLIC SCHOOL SUPPORT.****§18-9A-8. Foundation allowance for professional student support services.**

(a) The basic foundation allowance to the county for professional student support personnel shall be the amount of money determined in accordance with the following:

(1) The sum of the state minimum salaries, as determined in accordance with the provisions of article four, chapter eighteen of this code, for all state aid eligible school nurse and counselor positions in the county during the two thousand eight fiscal year which number shall be reduced in the same proportion as the number of professional educators allowed to be funded under section four of this article to the total number of professional educators employed that are state aid eligible. In performing this calculation, the numerator shall be the number of professional educators actually funded under section four of this article and the denominator shall be the total number of professional educators employed that are eligible to be funded under section four of this article;

(2) The amount derived from the calculation in subdivision (1) of this subsection is increased by one half percent;

(3) The amount derived from the calculation in subdivision (2) of this subsection is the basic foundation allowance to the county for professional student support personnel for the two thousand nine fiscal year;

(4) For fiscal years two thousand ten, two thousand eleven, two thousand twelve and two thousand thirteen, the basic foundation allowance to the county for professional student support personnel increases by one-half percent per year over the allowance for the previous year; and

(5) For all fiscal years thereafter, the basic foundation allowance to the county for professional student support personnel

remains the same amount as in the two thousand thirteen fiscal year, plus any additional amount of funding necessary to cover the increases in the State Minimum Salary Schedule set forth in §18A-4-2 of this code effective for the fiscal year beginning July 1, 2018, and thereafter.

(b) The additional positions for counselors that may be created as a result of the one percent increase provided pursuant to this section shall be assigned to schools where the counselor can:

(1) Enhance student achievement;

(2) Provide early intervention for students in grades prekindergarten through five; and

(3) Enhance student development and career readiness.”

The Finance Committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

**Com. Sub. for H. B. 4009**, State Settlement and Recovered Funds Accountability Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Nelson, Shott, Boggs and Sponaule, the bill was amended on page five, section four, line fifteen, by striking out the word “six” and inserting in lieu thereof the word “five”.

An amendment to the bill, offered by Delegate McGeehan, was reported by the Clerk.

Whereupon,

Delegate McGeehan asked and obtained unanimous consent that the amendment be withdrawn.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4407**, Relating to eligibility for alternative program teacher certificate; 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. 2995**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia,

**Com. Sub. for H. B. 4024**, Relating generally to direct cremation or direct burial expenses for indigent persons,

**Com. Sub. for H. B. 4027**, Creating an education permit for allopathic physician resident,

**Com. Sub. for H. B. 4180**, Relating to wildlife resources,

**Com. Sub. for H. B. 4197**, Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation,

**Com. Sub. for H. B. 4279**, Relating to adult protective services system,

And,

**Com. Sub. for H. B. 4306**, Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health.

### **Miscellaneous Business**

Delegate Campbell filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4424.

Delegate Rohrbach filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4294.

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 Adkins regarding her appointment to the House of Delegates
- Delegate Sponaugle during Remarks by Members
- Delegate Eldridge during Remarks by Members
- Delegate Rowe during Remarks by Members
- All remarks during the debate regarding the amendment offered by Delegate Miley to Com. Sub. for S. B. 267
- All remarks during the debate regarding the amendment offered by Delegate McGeehan to Com. Sub. for S. B. 267
- Delegates E. Evans and Hartman during debate on Com. Sub. for H. B. 4142
- Delegate Fast regarding the death of his father-in-law
- Delegate R. Miller regarding the death of Treasurer Perdue's mother

At 2:59 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 13, 2018.

---

Tuesday, February 13, 2018

**THIRTY-FIFTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Monday, February 12, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4343**, Relating to the delivery of financial statements to bank shareholders,

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

**Com. Sub. for H. B. 4343** - “A Bill to amend and reenact §31A-4-20 of the Code of West Virginia, 1931, as amended, relating to the delivery of financial statements to bank shareholders at or prior to the annual meeting of shareholders,”

With the recommendation that the committee substitute do pass.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 4330**, Authorizing county commissions to initiate collection actions for emergency ambulance service,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4330) was referred to the Committee on Finance.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 4322**, Relating to workers' compensation insurance,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4322) was referred to the Committee on Finance.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 4324**, Relating to the employment of individuals by municipal paid fire departments under civil service,

And,

**H. B. 4436**, Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4324 and H. B. 4436) were each referred to the Committee on the Judiciary.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4444) was referred to the Committee on Government Organization.

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

Your Committee on the Judiciary has had under consideration:

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

**H. B. 4402**, Relating to the prevention of sexual abuse of children,

And,

**H. B. 4462**, Allowing off duty members and officers of the department of public safety to guard private property,

And reports the same back with the recommendation that they each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4473**, Relating to use of state funds for advertising to promote a public official or government office,

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

**Com. Sub. for H. B. 4473** - "A Bill to amend and reenact §6B-2B-1, §6B-2B-2 and §6B-2B-4 of the Code of West Virginia, 1931, as amended, all relating to use of state funds for advertising to promote a public official or government office; defining terms; and clarifying limitations on the production of educational materials and press releases produced with public funds,"

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. 2464**, Relating to disclaimers and exclusions of warranties in consumer transactions for goods,

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

**Com. Sub. for H. B. 2464** - "A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers and exclusions of warranties in consumer transactions for goods; permitting waivers of warranty for defects



and malfunctions in certain used manufactured homes; permitting waivers of express and implied warranties in the sale of certain used manufactured homes; and providing for the manner and content of waivers executed by the buyer and seller for the sale of certain used manufactured homes,”

And,

**H. B. 4400**, Relating to the West Virginia Physicians Mutual Insurance Company,

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

**Com. Sub. for H. B. 4400** - “A Bill to repeal §33-20F-6 of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-20F-3, §33-20F-5, and §33-20F-9 of said code, all relating to the West Virginia Physicians Mutual Insurance Company; removing language that is no longer relevant to the operation of the company as a private mutual insurance company; and adding language to accommodate policies written to physicians outside the State of West Virginia,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**Com. Sub. for S. B. 165**, Authorizing DHHR promulgate legislative rules,

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

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

**By Delegates Espinosa, Statler, Upson, Folk, Cooper, Rohrbach and Atkinson:**

**H. B. 4619** - “A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth; requiring amount of increase in local share to be added to preceding year appropriation for such purpose; providing factors to be taken into account in making allocations to counties; providing county may not receive less than 2016-2017 allocation from certain line items; and requiring moneys allocated to be used for implementation of comprehensive systems for teacher and leader induction and professional growth.”

**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. 272** - “A Bill to amend and reenact §16-5T-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5T-6; to amend and reenact §16-46-4 of said code; and to amend said code by adding thereto a new section, designated §16-46-7, all relating generally to drug control; requiring hospital emergency rooms and departments, as well as certain other law-enforcement and medical care providers, to report suspected or confirmed drug overdoses and other drug-related instances to the Office of Drug Control Policy; allowing the Office of Drug Control Policy to establish a pilot program for community response to persons who have experienced a recent overdose; requiring local and state governmental agencies to require first responders, regardless of frequency of drug overdoses in their communities, to carry Naloxone and be trained in its use subject to funding and availability; and providing for a statewide standing order for Naloxone by the state health officer”; which was referred to the Committee on Prevention and Treatment of Substance Abuse 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. 368** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, and §46A-6N-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer’s affirmative consent; providing acknowledgement requirements; providing that the business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanism for cancellation of the automatic renewal or continuous offer in the acknowledgement; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that the business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer’s affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period;

providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; providing the court discretion to award to plaintiff costs of the action, including reasonable attorneys' fees; providing that plaintiff is not entitled to costs and attorneys' fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions"; 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. 392** - "A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to the Emergency Medical Services Advisory Council; and reconfiguring the membership of the council"; which was referred to the Committee on Government Organization.

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. 427** - "A Bill to amend and reenact §11-6-23 of the Code of West Virginia, 1931, as amended, relating to modifying the form of notice for certain tax delinquencies due the state, county, district, or municipal corporations of the state"; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 433** - “A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; defining terms; prohibiting pyramid promotional schemes; allowing certain plan or operations which do not cause inventory loading and implement a bona fide inventory repurchase program; specifying requirements for recruiting literature, sales manuals, and contracts; providing that a bona fide inventory repurchase program is not required to apply to certain inventory; and requiring certain disclosures”; 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. 440** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-24, relating to establishing the Library Facilities Improvement Fund; setting forth general structure of fund and distribution of funds; and providing for rulemaking”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 441** - “A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health care provider taxes; extending the directed payment program tax on certain eligible acute care hospitals for three years; and providing an expiration date for the tax”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

**S. B. 464** - “A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to changing the statutory payment date for incremental salary increases due state employees”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 468** - “A Bill to amend and reenact §12-4-7 of the Code of West Virginia, 1931, as amended, relating to changing the date for submission of the Auditor’s annual report; adding the President of the Senate and the Speaker of the House of Delegates as recipients of the annual report; and adding requirement that certain salary information be included in the report for the prior calendar year”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. C. R. 11** - “Requesting Congress name the West Virginia National Guard 167<sup>th</sup> Maintenance Operations Center the ‘Evans Center for Excellence in Aircraft Maintenance’.”

Whereas, SMSgt. Kenneth “Catbird” W. Evans is a native West Virginian who was born and raised in Corton, West Virginia. Upon his high school graduation in 1955, SMSgt. Evans attended and graduated aircraft maintenance technical training at Sheppard AFB, TX. SMSgt. Evans served in the West Virginia Air National Guard at Charleston Regional Airfield, Charleston, West Virginia, until 1958, when he entered full-time service with the National Guard in Martinsburg; and

Whereas, SMSgt. Evans enlisted in the West Virginia Air National Guard in 1954 at the age of 17. He completed basic military training at Samson AFB, NY, the summer before completing his senior year of high school in Clendenin, WV; and

Whereas, On June 4, 1958, SMSgt. Evans was credited with acts of heroism when he rushed into a burning cargo plane that crashed at the airfield in Martinsburg and pulled the unconscious pilot, who was trapped in the nose section, and two other souls to safety. On October 7, 1958, SMSgt. Evans was awarded the Soldier's Medal for his heroic actions; and

Whereas, During SMSgt. Evans' 39 years of service, he flew numerous combat missions in Vietnam, logged over 10,000 flying hours as a flight engineer in multiple aircraft, led the aircraft maintenance team that resulted in two VOLANT RODEO victories (1974-1985), and was considered a subject matter expert both in aircraft maintenance and as a flight engineer. When the strut system on the C-130 began to fail, SMSgt. Evans single-handedly identified an engineering flaw and served as the subject-matter expert leading Lockheed Martin's efforts in the redesign of the aircraft's strut system. This accomplishment sustained the C-130's mission readiness for the Department of Defense; and

Whereas, The West Virginia Air National Guard, specifically the 167<sup>th</sup> Airlift Wing, has become a world-class force multiplier because of the superior leadership, mentorship, dedication, and commitment of SMSgt. Evans. SMSgt. Evans' efforts and accomplishments during his 39 years of service well exceed those of his peers and make him a significant role model for other Mountaineer Airman to follow; and

Whereas, SMSgt. Kenneth "Catbird" W. Evans will forever be a Mountaineer Airman and has earned recognition for his lifelong service and commitment to the 167<sup>th</sup> Airlift Wing, the citizens of West Virginia, and this nation; and

Whereas, It is fitting that the West Virginia National Guard 167<sup>th</sup> Maintenance Operations Center be named the "Evans Center for Excellence in Aircraft Maintenance" as an everlasting tribute to

SMSgt. Kenneth “Catbird” W. Evans for his dedicated public service to his state and nation; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests Congress name the West Virginia National Guard 167<sup>th</sup> Maintenance Operations Center the “Evans Center for Excellence in Aircraft Maintenance”; and, be it

*Further Resolved*, That the Legislature hereby requests the Congressional delegation of West Virginia advance and support efforts to name the West Virginia National Guard 167<sup>th</sup> Maintenance Operations Center the “Evans Center for Excellence in Aircraft Maintenance”; and, be it

*Further Resolved*, That the Senate extends its most sincere gratitude and appreciation to SMSgt. Kenneth “Catbird” W. Evans for his dedicated public service; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to SMSgt. Kenneth “Catbird” W. Evans, the West Virginia National Guard, and to Senator Manchin, Senator Capito, Representative McKinley, Representative Mooney, and Representative Jenkins.

### **Resolutions Introduced**

Delegates Pyles, Lynch, Ferro, Iaquinta, Caputo, Fleischauer, Love, Moye, Longstreth, Rowan and Rohrbach offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 73** - “Urging the United States Congress to increase the Social Security death benefit from \$255 to \$1000.”

Whereas, The death benefit available through Social Security offers an important benefit to many families faced with final expenses related to the death of a loved one; and

Whereas, The benefit has remained at or near its present level for more than six decades; and



Whereas, The effectiveness of the benefit now offered has been eroded over time compared to the increased costs associated with a person's final expenses; and

Whereas, The Social Security lump sum death benefit is inadequate to fulfill the historic purpose of assisting survivors of the insured; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the West Virginia Legislature hereby strongly urges the United States Congress to fund the Social Security death benefit payable to each eligible beneficiary at \$1000; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and each member of West Virginia's congressional delegation.

Delegates Thompson, Hicks, Rodighiero, R. Miller, Eldridge, Marcum and Lovejoy offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 74** - "Requesting the Division of Highways to name bridge number 50-64-2.67 EB & WB (50A208, 50A209), locally known as Hubbards Branch Bridges, carrying Interstate 64 (EB & WB) over County Route 5/1 in Wayne County, the 'U. S. Army CPT Benjamin Ronk Memorial Bridge'."

Whereas, U. S. Army Captain Benjamin Ronk, from Kenova, West Virginia, served 25 years in the United States Army, 8 years of which were spent as an enlisted man and 12 years commissioned as a Warrant Officer, during which time he flew medivac helicopters during two tours in Iraq and two tours in Afghanistan; and

Whereas, Earlier in his military career, Captain Ronk served in the Joint Services at the White House Communications Agency; and

Whereas, Upon returning from overseas assignments, Captain Ronk was stationed at Fort Campbell, Kentucky, with the 6<sup>th</sup> Battalion, 101<sup>st</sup> Aviation Regiment, where he continued his education. Later, Captain Ronk became a physician's assistant and served on medical missions during the Ebola crisis in Liberia; and

Whereas, At the time of his death, Captain Ronk was the platoon physician assistant with the 86<sup>th</sup> Combat Support Hospital and nearing retirement in March, 2016; and

Whereas, Captain Ronk brought the war back home with him and suffered from severe depression and the pain and agony of post-traumatic stress syndrome for years. On December 26, 2015, he ended his life. His death was found to be service related; and

Whereas, Captain Benjamin Ronk was a West Virginian who served his country throughout his adult life; and

Whereas, It is appropriate to honor the memory of Captain Ronk with a memorial in his home county; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is requested to name bridge number 50-64-2.67 EB & WB (50A208, 50A209), locally known as Hubbards Branch Bridges, carrying Interstate 64 (EB & WB) over County Route 5/1 in Wayne County, the "U. S. Army CPT Benjamin Ronk Memorial Bridge"; and, be it

*Further Resolved*, that the Commissioner of Highways is requested to have made and be placed at both ends of the bridge signs identifying the bridge as the "U. S. Army CPT Benjamin Ronk Memorial Bridge"; and, be it

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

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

**By Delegates Pack and Cooper:**

**H. J. R. 112** - "Proposing an amendment to the Constitution of the State of West Virginia amending section three, article VI thereof, all relating to limiting the number of years Senators and Delegates may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

**Bills Introduced**

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

**By Delegate Shott and Mr. Speaker (Mr. Armstead):**

**H. B. 4513** - "A Bill to amend and reenact §5A-3-33c, §5A-3-33d, §5A-3-33e, and §5A-3-33f of the Code of West Virginia, 1931, as amended, all relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions; updating the duties of the Director of Purchasing; specifying additional grounds for debarment of a vendor; providing that actions of an individual may be imputed to a vendor under certain circumstances; providing for the debarment of individuals in addition to vendor businesses; providing for the debarment of subcontractors; specifying mandatory conditions for the initiation of debarment proceedings; and prohibiting the state from contracting with, or soliciting bids from, certain parties related to debarred vendors"; to the Committee on the Judiciary.

**By Delegates Sobonya, C. Miller, Rohrbach, Queen, Butler, Canestraro, Summers, Higginbotham, Pack, Lovejoy and Sypolt:**

**H. B. 4514** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-415, relating to making it a felony to knowingly house drug traffickers; defining elements of the offense and establishing criminal penalties"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Isner, Moore, Cooper, Kessinger and Ward:**

**H. B. 4515** - “A Bill to repeal §3-5-6a, §3-5-6b, §3-5-6c, and §3-5-6d of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-16 and §3-1-17 of said code; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-7 of said code; to amend and reenact §51-1-1 of said code; and to amend and reenact §51-2A-5 of said code, all relating to the election of justices of the Supreme Court of Appeals; circuit court judges, magistrates and family court judges at general elections”; to the Committee on the Judiciary.

**By Delegates R. Miller, Campbell, Lovejoy, C. Miller, Miley, Hamilton and Rohrbach:**

**H. B. 4516** - “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”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Ward, Paynter and Jennings:**

**H. B. 4517** - “A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to assessment value of wind turbines; permitting counties to assess wind turbines from salvage value to true and actual value”; to the Committee on Energy then Finance.

**By Delegate A. Evans:**

**H. B. 4518** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-1B-1, §5B-1B-2, §5B-1B-3 and §5B-1B-4, all relating to establishing the Southern West Virginia Lake Development Study Commission; providing legislative findings; establishing the commission and designating its membership; defining components of commission study; authorizing the commission to create committees and utilize university and other state government resources; providing for expense reimbursement for certain commission members; and requiring reports to the Legislature”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Statler, Maynard, Cooper, R. Miller, Sponaule, Love, Jennings and Lovejoy:**

**H. B. 4519** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §9-5-27, relating to supplemental Medicaid and Medicare reimbursements for ground emergency medical transportation services providers”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Williams, Fleischauer, Longstreth, Lynch, Ellington, Barrett, Brewer, Caputo and E. Evans:**

**H. B. 4520** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education and requiring boards to provide free feminine hygiene products in grades 6 through 12”; to the Committee on Education then Finance.

**By Delegate Wilson:**

**H. B. 4521** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-27, relating to establishing the ‘Mountain State Employee Compensation Realignment Act’; providing a sunset provision for the Public Employees Insurance Agency; and transferring all responsibilities after the expiration of the Public Employees Insurance Agency to the Insurance Commissioner”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Nelson:**

**H. B. 4522** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5dd, relating to allowing certain tax information to be shared with Director of Purchasing Division, Department of Administration, and State Auditor, pursuant to written agreements; and defining terms”; to the Committee on Finance.

**By Delegate Foster:**

**H. B. 4523** - “A Bill to amend and reenact §61-10-15 of the Code of West Virginia, 1931, as amended, relating to pecuniary interest of county and district officers, teachers and school officials in contracts; making an exception to criminal violation for contract for goods or supplies when the contract has been put out for competitive bid and the contract is awarded based upon lowest

cost”; to the Committee on Government Organization then the Judiciary.

**By Delegates Ellington and Summers:**

**H. B. 4524** - “A Bill to amend and reenact §30-5-12b of the Code of West Virginia, 1931, as amended, relating to establishing guidelines for the substitution of certain biological pharmaceuticals by pharmacists”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Sobonya:**

**H. B. 4525** - “A Bill to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended, and to amend and reenact §3-2-2 of said code, all relating to residency requirements for people entitled to vote and people eligible to register to vote; requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; and defining the term ‘legal resident’”; to the Committee on the Judiciary.

**By Delegates Walters, Campbell, Cowles, R. Miller, Queen, R. Romine, Bates and Ambler:**

**H. B. 4526** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-13, relating to requiring any newly appointed chief executive of a municipal law-enforcement agency to be a certified law-enforcement officer; and providing that current chief executives are unaffected by this requirement”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Westfall:**

**H. B. 4527** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8o; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring health care insurance policies to provide coverage for

services performed by a pharmacist”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Blair:**

**H. B. 4528** - “A Bill to repeal §18-5-16A of the Code of West Virginia, 1931, as amended, and to amend and reenact §18-5-16 of said code, all relating to transfers and enrollment policies for students in public schools”; to the Committee on Education.

**By Delegate Rohrbach:**

**H. B. 4529** - “A Bill to amend and reenact §8-13-25 of the Code of West Virginia, 1931, as amended, relating to oath by municipal official certifying list of delinquent business and occupation taxes; and providing that official is not subject to penalties for disclosure”; to the Committee on the Judiciary.

**By Delegates Eldridge and Canestraro:**

**H. B. 4530** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6-9b relating to the creation of the West Virginia Natural Resources Permanent Fund to receive revenue for severance taxes and other sources; and to distribute income generated by the fund to West Virginia citizens”; to the Committee on Energy then Finance.

**By Delegate Hanshaw:**

**H. B. 4531** - “A Bill to amend and reenact §6-3-1(a)(2) of the Code of West Virginia, 1931, as amended, requiring that a deputy sheriff be paid a salary of not less than \$10.50 per hour worked”; to the Committee on Finance.

**By Delegate Foster:**

**H. B. 4532** - “A Bill to repeal §21-5-7 of the Code of West Virginia, 1931, as amended, relating to a prime contractor’s responsibility for wages and benefits”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Hornbuckle, Canestraro, Dean, Diserio, Lovejoy and R. Miller:**

**H. B. 4533** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property; creating a duty to report; creating criminal penalties; and allowing a private cause of action”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Howell:**

**H. B. 4534** - “A Bill to amend and reenact §30-1-15 of the Code of West Virginia, 1931, as amended, relating to the executive secretary of the Health Professional Licensing Boards; requiring designation of staff member to act as victims advocate”; to the Committee on Government Organization then Finance.

**By Delegate Westfall:**

**H. B. 4535** - “A Bill to amend and reenact §12-3-1a of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §12-3-1c, all relating to payment by paper warrant; directing the Enterprise Resource Planning Board to establish a schedule for payment of paper warrants and checks; authorizing a fee to be imposed and collected for payment by paper warrant or check; and authorizing a fee to be imposed and collected for payment by paper warrant or check outside of the established schedule”; to the Committee on Government Organization then Finance.

**By Delegates Walters, Byrd, E. Evans, Pushkin, Hornbuckle, Longstreth, Caputo and Lovejoy:**

**H. B. 4536** - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §11-15-9p, relating to the exemption of certain hygiene products from sales tax”; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 4537** - “A Bill to amend and reenact §11-17-3 of the Code of West Virginia, 1931, as amended, relating to increasing the tobacco products excise tax; and requiring that the increased revenue be used by the Public Employees Insurance Agency to



reduce employees premiums”; to the Committee on Health and Human Resources then Finance.

**By Delegates Pack, Cooper, Adkins, Moye and Bates:**

**H. B. 4538** - “A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to adding a magistrate position to serve Raleigh County and providing for the initial appointment of this additional magistrate”; to the Committee on the Judiciary then Finance.

**By Delegates Walters, Pethtel, Anderson, Hamilton, Hollen and E. Evans:**

**H. B. 4539** - “A Bill to amend and reenact §7-14D-7 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §7-14D-11a, all relating to providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses; and setting a minimum amount of employer contribution”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Hanshaw:**

**H. B. 4540** - “A Bill to amend and reenact §3-1-48 of the Code of West Virginia, 1931, as amended, relating to implementing a process for counties to obtain grants from an existing federal fund designated the ‘Help America Vote Act Fund’ or HAVA Fund consistent with the HAVA State Plan as amended”; to the Committee on the Judiciary then Finance.

**By Delegates Rowe, Robinson, Ward, Pushkin, Byrd, Graves, Barrett, Caputo and Miley:**

**H. B. 4541** - “A Bill to amend and reenact §11-13X-13 of the Code of West Virginia, 1931, as amended, relating to reinstating the film tax credits”; to the Committee on Government Organization then Finance.

**By Delegate Hanshaw:**

**H. B. 4542** - “A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to allowing public service districts to accept payment by credit card, and

specifying conditions”; to the Committee on Political Subdivisions then Finance.

**By Delegates Byrd, Caputo, Boggs, Bates, Barrett, Longstreth, Lovejoy, Fluharty, Diserio, Robinson and Thompson:**

**H. B. 4543** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-18-1, relating to imposing a special excise tax on Schedule II controlled drugs; providing legislative findings; requiring licensed pharmacies of the state to collect the tax; using a portion of tax to fund drug abuse treatment; using a portion of the tax to fund public employees’ insurance costs; and requiring Tax Commissioner to administer and collect the tax and promulgate rules relating thereto”; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

**By Delegate Capito:**

**H. B. 4544** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, and §5B-8-5, all relating to creating a matching program for the small business innovation and research program and the small business technology transfer program; defining terms; defining eligibility; providing terms of the grant; and defining the application process”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Hornbuckle and Moye:**

**H. B. 4545** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to establishing a pilot program to develop school-based mental and behavioral health services as an alternative to disciplinary action for disruptive student behavior”; to the Committee on Health and Human Resources then Education.

**By Delegates Sobonya, Frich, C. Romine, C. Miller, Rohrbach, Butler, Summers, Pack, Hanshaw and Lovejoy:**

**H. B. 4546** - “A Bill to amend and reenact §48-2-102 of the Code of West Virginia, 1931, as amended, relating to permitting

parties from two different counties in West Virginia to apply for and be issued a marriage license in any county in the state”; to the Committee on the Judiciary.

**By Delegates Statler, Maynard, Cooper, R. Miller, Lovejoy, Love, Sponaugle and Jennings:**

**H. B. 4547** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, §16-54-9, §16-54-10, §16-54-11, §16-54-12, §16-54-13, §16-54-14 and §16-54-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; and entering into the compact with all jurisdictions also enacting the compact”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Moore, Butler, Kessinger, Upson, Folk, Paynter, Martin and McGeehan:**

**H. B. 4548** - “A Bill to amend and reenact §6B-3-2 and §6B-3-4 of the Code of West Virginia, 1931, all relating to the registration of lobbyists; altering the registration to an annual procedure; and amending the requirements for reporting by lobbyists, so as to include a general description of subjects on which the lobbyist has lobbied and a disclosure of the legislative bill numbers of any bills and any rules on which they have lobbied, as well as the general amount of time spent on each bill or rule”; to the Committee on the Judiciary.

**By Delegates Dean, Thompson, E. Evans, Williams, Campbell and Hornbuckle:**

**H. B. 4549** - “A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to requiring school counselors in public schools to spend 100 percent of their time on comprehensive school counseling programs; and requiring county boards to ensure that school counselors are not assigned administrative or clerical duties as part of their regular work assignment or while students are present”; to the Committee on Education then Finance.

**By Delegates Barrett and Householder:**

**H. B. 4550** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-27-8c, relating to providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists"; to the Committee on Government Organization.

**By Delegate Deem:**

**H. B. 4551** - "A Bill to amend and reenact §55-12A-7 of the Code of West Virginia, 1931, as amended, relating to requiring the mineral estate of an unknown owner be sold to the legal surface owner at the fair market value of the mineral interest; providing that if the surface owner declines to purchase the estate, the estate shall be sold at auction to the highest bidder; setting forth requirements; and providing that all unclaimed royalties be transferred to the new owner"; to the Committee on Energy then the Judiciary.

**By Delegates Barrett, Byrd, Fluharty, Pack, Hornbuckle and Foster:**

**H. B. 4552** - "A Bill to amend and reenact §47-21-2 of the Code of West Virginia, 1931, as amended, relating to the definition of a 'raffle' under §47-21-1 *et seq.* of this code, governing charitable raffles, and amending the same to include raffles conducted by electronic means, but limiting the same to include only games in which one or more distributed ticket is randomly selected as a winner"; to the Committee on the Judiciary.

**By Delegates Rohrbach, Queen, Sobonya, Summers, Dean, Westfall, Frich, Ward, Pyles and Lovejoy:**

**H. B. 4553** - "A Bill to amend and reenact §17B-2-6 and §17B-2-12a of the Code of West Virginia, 1931, as amended, all relating to requiring applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors"; to the Committee on Roads and Transportation then Government Organization.

**By Delegates Hollen, Phillips, Criss, Deem, Butler, Ward, Kelly, Sobonya, Fast, Overington and Cooper:**

**H. B. 4554** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-17;

and to amend said code by adding thereto a new section, designated §8-11-6, all relating to prohibiting counties, municipalities, and cities from passing any sanctuary ordinances, policies, and procedures”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Butler, McGeehan, Hollen, Ward, Phillips, C. Miller, Jennings, Folk, Moye and Lynch:**

**H. B. 4555** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, and §15-15-5, all relating to enacting the Refugee Information Act; including short title and definitions; requiring the state office within the Department of Health and Human Resources which deals with refugees to prepare and distribute fiscal impact assessment reports; and including administrative and severability provisions”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Pack, Hamrick, Graves, Ambler, Cooper, Wagner, Higginbotham, Howell, Phillips and Eldridge:**

**H. B. 4556** - “A Bill to amend and reenact §5-10D-1 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, 20-17-4a, §20-17-5, §20-17-6, §20-17-6a, §20-17-6b, §20-17-6c, §20-17-6d, §20-17-6e, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-11a, §20-17-11b, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, and §20-17-23, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System”; to the Committee on the Judiciary then Finance.

**By Delegates Foster and Byrd:**

**H. B. 4557** - “A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating to increasing the salaries of circuit court judges, family court judges, and magistrates”; to the Committee on the Judiciary then Finance.

**By Delegate Capito:**

**H. B. 4558** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-16, relating to establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office; setting forth general structure of fund and distribution of funds”; to the Committee on Finance.

**By Delegates Westfall, Hornbuckle, Lane and R. Miller:**

**H. B. 4559** - “A Bill to amend and reenact §17B-4-6 of the Code of West Virginia, 1931, as amended, relating to modernizing rental car interactions; permitting digital and electronic rentals; providing that a rental car provider has met certain obligations when the renter has not executed a rental agreement or interacts with an employee of the provider; and defining terms”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegate Phillips:**

**H. B. 4560** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-51b; and to amend said code by adding thereto a new section, designated §17A-3-25, all relating to requiring the Tax Commissioner to include a line item on all personal income tax returns giving taxpayers the option to make a donation to veterans; requiring the Commissioner of Motor Vehicles to include a line item on vehicle registration renewals giving applicants the option to make a donation to veterans; requiring the commissioners to transfer all collected funds to the Division of Veterans’ Affairs who shall distribute those funds to veterans’ groups; and requiring yearly reports”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Frich and Sobonya:**

**H. B. 4561** - “A Bill to amend and reenact §60A-5-501 of the Code of West Virginia, 1931, as amended, relating to authorizing prosecuting attorneys to appoint the Attorney General or an assistant of the Attorney General as a special prosecutor to enforce provisions of the Uniform Controlled Substances Act”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Foster:**

**H. B. 4562** - “A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to the definition of an ‘employee’ for purposes of payment of minimum wages, maximum hours, and overtime compensation; and exempting persons employed by seasonal recreational establishments from the definition of an ‘employee’ for those purposes”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Miley and Hanshaw:**

**H. B. 4563** - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, removing the severance tax on oil and gas produced from low producing wells”; to the Committee on Energy then Finance.

**By Delegate Dean:**

**H. B. 4564** - “A Bill to amend and reenact §18-2-39 of the Code of West Virginia, 1931, as amended, relating to assessing the college-and-career-readiness of 11th and 12th grade students and removing the requirement that seniors in 12th grade transitional program classes be reassessed at the conclusion of those classes”; to the Committee on Education.

**By Delegate Eldridge:**

**H. B. 4565** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; and exempting social security benefits from personal income tax”; to the Committee on Senior Citizen Issues then Finance.

**By Delegates Maynard, Cooper, Eldridge, Phillips, Iaquina, Ward, Walters, A. Evans, Jennings, Martin and Dean:**

**H. B. 4566** - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to permitting active members of the United States military and veterans who have been honorably discharged from service to elect one item, either real or personal to be exempt from the payment of various taxes”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegate Upson:**

**H. B. 4567** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4 and §29-6A-5, all relating to enacting the Ban-the-Box Act, prohibiting public employers from asking applicants for employment to disclose information concerning the applicant’s criminal record or history, under certain circumstances”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Williams, Iaquina, Isner and Byrd:**

**H. B. 4568** - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; defining food, water, shelter and treatment; providing specifics for tethering an animal; providing for seizure of an animal for violations; increasing criminal penalties; and providing that a person in violation of this statute for a second time shall be added to a state-wide, publicly available, do not adopt or sell, registry”; to the Committee on the Judiciary.

**By Delegates Williams, Fleischauer, Fluharty, Diserio, Pushkin, Canestraro and Isner:**

**H. B. 4569** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-10A-101, §48-10A-102, §48-10A-201, §48-10A-202, §48-10A-203, §48-10A-204, §48-10A-301, §48-10A-401, §48-10A-402, §48-10A-403, §48-10A-501, §48-10A-502, §48-10A-601, §48-10A-602, §48-10A-701, §48-10A-702, §48-10A-801, §48-10A-802, §48-10A-901, §48-10A-902, §48-10A-1001, §48-10A-1002, §48-10A-1101, and §48-10A-1201; and to amend and reenact §51-2A-2 of said code, all relating to the creation of a statutory right to petition circuit and family courts in West Virginia for sibling visitation with minor children”; to the Committee on the Judiciary.

**By Delegates Campbell, R. Miller, Canestraro, Thompson, Hicks, Ambler, Cooper, Wagner, Brewer, Lynch and Dean:**

**H. B. 4570** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-221, relating to a one percent supplement to retirement benefits for certain retirees and beneficiaries in the Public Employees



Retirement System”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Campbell, Ambler, Lynch, R. Miller, Canestraro, Thompson, Hicks, Cooper, Wagner, Brewer and Dean:**

**H. B. 4571** - “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to the final day of filing announcements of candidates for a political office; and providing that the deadline is 11:59 p.m.; requiring that the office of the Secretary of State be open until that time; and requiring the offices of the County Clerks of each county be open from 12 p. m. until 6 p. m. on that date”; to the Committee on the Judiciary.

**By Delegates Miley, C. Miller, Hamrick, Queen and Iaquina:**

**H. B. 4572** - “A Bill to amend and reenact §15-12-5 of the Code of West Virginia, as amended, relating to increasing frequency of the State Police updating the state sex offender registry”; to the Committee on the Judiciary.

**By Delegates Shott and Hanshaw:**

**H. B. 4573** - “A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating to adding violations of law upon which a public servant’s retirement plan may be forfeited; changing the definition of less than honorable service; removing the exception of a misdemeanor from the definition of less than honorable service relating to impeachment and conviction of a participant or former participant under the Constitution; removing the exception for certain lesser included crimes to constitute less than honorable service; and adding additional violations of law which constitute less than honorable service”; to the Committee on Pensions and Retirement then the Judiciary.

**By Delegate Maynard:**

**H. B. 4574** - “A Bill to amend and reenact §11-13A-3a and §11-13A-5a of the Code of West Virginia, 1931, as amended, to amend and reenact §37-7-2 of said code; and to amend said code by adding thereto a new article, designated §37-16-1, §37-16-2,

§37-16-3, §37-16-4, §37-16-5, and §37-16-6, all relating to development of interests in natural gas and oil; providing an additional measure of tax for the severance of natural gas and providing for distribution of the revenues from the additional measure to be used to contribute to teacher salaries in all counties; establishing a special fund for receipt of money from the additional measure of severance tax; providing an exception to waste and trespass for certain oil or natural gas developments; providing declarations of public policy and legislative findings; defining terms; providing for development of oil and natural gas estates by persons owning three fourths of the royalty interests; providing that nonconsenting cotenants may elect a production royalty interest or a working interest share of production; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a special fund; creating the Unknown and Unlocatable Interest Owners Fund, to be administered by the State Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act; empowering the Oil and Gas Conversation Commission to enforce certain provisions hereof and to make determinations of reasonable terms and conditions; granting rulemaking authority to the Oil and Gas Conversation Commission; providing liability protection for damages resulting from the lawful use or development of oil or natural gas mineral property; establishing basic provisions for determinations of royalties and declaring that royalties shall not be reduced by production expenses incurred by an operator; specifying damages for injury to surface property; and limiting liabilities for nonconsenting cotenants”; to the Committee on Energy then Finance.

**By Delegate Householder:**

**H. B. 4575** - “A Bill to amend and reenact §11-15A-1 and §11-15A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-15A-3b, all relating to providing an exemption from use tax for sales of tangible personal property, custom software, or services generated through affiliate marketing by a retailer who has no other nexus to the state; clarifying affiliate marketing does not create nexus for the purposes of the imposition and collection of use tax;

and defining the term, ‘affiliate marketing’”; to the Committee on the Judiciary then Finance.

**By Delegates Paynter, Ward, Martin, Maynard, Cooper, Ambler and Fluharty:**

**H. B. 4576** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person’s credit history in certain insurance transactions”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Dean:**

**H. B. 4577** - “A Bill to amend and reenact §18A-4-8f of the Code of West Virginia, 1931, as amended, relating to permitting classroom teachers or school service personnel who at the time of a school merger who are the sole occupants of the same position that will exist at the new school will maintain that position at the new school; and, if posting is otherwise required, only the posting of service, professional or administrative positions for a merged school is required only when duplicate positions exist”; to the Committee on Education.

**By Delegates Paynter, Phillips, Maynard, Dean, McGeehan, Martin, Hill, Pack and Eldridge:**

**H. B. 4578** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-21-12j, relating to permitting residential customers of electric utilities to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income for personal income tax purposes”; to the Committee on Energy then Finance.

**By Delegate Ward:**

**H. B. 4579** - “A Bill to amend and reenact §3-8-8, and §3-8-12 of the Code of West Virginia, 1931, as amended, all relating generally to financing political campaigns for elections; prohibiting corporate contributions to political committees; prohibiting soliciting for certain forms of campaign contributions; updating references to federal law; prohibiting certain forms of anonymous mass communications relating to political campaigns; establishing monetary limits for various forms of contributions for

political purposes; and providing for subsequent adjustments to those limits”; to the Committee on the Judiciary.

**By Delegates Zatezalo and Householder:**

**H. B. 4580** - “A Bill to amend and reenact §5-1A-2 of the Code of West Virginia, 1931, as amended, relating to submission of the budget bill; prescribing definitions for use in this section; requiring the Governor to include appropriation limitations in the budget and a bill for all the proposed appropriations of the budget delivered to the presiding officer of each house; establishing the factors and mechanisms for setting the state appropriation limitation for specific fiscal years; requiring the Governor to use estimates of the aggregate general revenue for fiscal year 2017; requiring the Governor for any fiscal year to use the most recent published data regarding inflation and population change, as well as estimated rates of inflation and population change; and requiring the Governor to update the rates of inflation, population change, and aggregate fund appropriations to reflect the most recent published data for determination of state appropriation limitations”; to the Committee on Finance.

**By Delegates Brewer, Iaquina, Pyles and Campbell:**

**H. B. 4581** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4b, relating to requiring influenza immunizations for health care workers; providing certain exceptions; defining terms; requiring persons providing influenza immunizations to present a certificate of immunization; providing civil penalties that include monetary fines; and authorizing the director to request the Attorney General or county prosecutor to institute a civil action to recover the penalty”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Shott:**

**H. B. 4582** - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, as amended, relating to clarifying that students are not prohibited to possess a firearm or other deadly weapon on a school bus as defined in section one, article one, chapter seventeen-a of this code or in or on a public primary or secondary education building, structure, facility or grounds

including a vocational education building, structure, facility or grounds where secondary vocational education programs are conducted or at a school-sponsored function, or in or on a private primary or secondary education building, structure or facility”; to the Committee on the Judiciary.

**By Delegates Shott and Hanshaw:**

**H. B. 4583** - “A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating generally to the disclosure of certain confidential information; eliminating a disclosure exception for treatment or internal review purposes; eliminating a provision regarding disclosure from 30 days from the date of admission to a mental health facility if certain conditions are met; adopting provisions of federal law which pertain to disclosure of protected health information; providing for disclosure upon execution of a duly executed release in compliance with the Health Insurance Portability and Accountability Act of 1996; providing for disclosure in a proceeding instituted by the filing of a petition by certain persons for access to persons in a guardianship; and providing for disclosure of certain information by a guardian to relatives who have been granted access to a protected person”; to the Committee on the Judiciary.

**By Delegates Ward, Butler, Hollen, Phillips and Folk:**

**H. B. 4584** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8F-1, §61-8F-2, §61-8F-3, §61-8F-4, §61-8F-5, §61-8F-6, and §61-8F-7, all relating to prohibiting retailers from selling or leasing products that make content accessible on the Internet, unless the product contains an active and operating digital blocking capability that renders obscene material inaccessible; providing exceptions; defining terms; establishing a fee; creating a special fund; designating how moneys from the fund may be spent; and providing for injunctive relief, civil actions and criminal penalties”; to the Committee on the Judiciary.

**By Delegate Lovejoy:**

**H. B. 4585** - “A Bill to amend and reenact §11-13DD-3 of the Code of West Virginia, 1931, as amended, relating to the Farm-To-Food Bank Tax Credit; and allowing the credit to equal 100 percent

of the value of the donated edible agricultural products when the value is \$2,500 or less”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Moye:**

**H. B. 4586** - “A Bill to amend and reenact §21-1B-3 of the Code of West Virginia, 1931, as amended, relating to verification of eligibility for employment; requiring proof of identity and employment eligibility for employment; specifying that federal E-Verify Program may serve to verify employment eligibility status; requiring Commissioner of Labor to authorize by rule other forms of acceptable identification; and requiring retention of records of documents”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Miley, Pyles, Diserio, Ferro, Brewer, Iaquina, Isner, Hornbuckle, Longstreth, Pushkin and Sponaule:**

**H. B. 4587** - “A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to freezing the contribution of public employees for their health insurance costs through the Public Employees Insurance Agency; capping employee’s contributions; and removing finance board authority to increase costs”; to the Committee on Banking and Insurance then Finance.

**By Delegates Folk, McGeehan and Householder:**

**H. B. 4588** - “A Bill to amend and reenact §29A-6-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §51-2A-24; and to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, and §51-11-9, all relating generally to establishing a system of district courts of appeals to serve as an intermediate level of appeals in judicial proceedings; making legislative findings; defining the jurisdiction of the district courts of appeals and the effect of the courts’ decisions; establishing a date for operation of the district courts; providing for the transfer of appellate functions; creating appellate districts; providing for the assignment of judges; providing for rules of practice and procedure to be established

through rules of the West Virginia Supreme Court of Appeals; providing for administration of the district courts through the Supreme Court; changing other statutory provisions for certain specified appeals to district courts of appeals in lieu of appeal to the Supreme Court; and requiring biannual reporting of case information”; to the Committee on the Judiciary then Finance.

**By Delegates Miley, Fluharty, Lovejoy, Byrd, Fleischauer, Rowe, R. Miller, Marcum, Isner, Hicks and Sponaugle:**

**H. B. 4589** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-304, relating to authorizing magistrates to order emergency removal of child when parent’s drug use creates unsafe environment; requiring certain information in order; providing automatic termination of order following 96 hours unless petition filed; and providing for the department to place child with relative or the department”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Sponaugle:**

**H. B. 4590** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-804, relating to nullifying certain adoption orders, to read as follows”; to the Committee on the Judiciary.

**By Delegate Sponaugle:**

**H. B. 4591** - “A Bill to amend and reenact §8-4-10 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to cancel elections when only one person is running for each office up for election and deeming those elected by acclamation”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate C. Miller:**

**H. B. 4592** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-30, relating to probation and parole; adding certain sanctions for violations of probation and parole; providing for a system of graduated sanctions; establishing the conditions of community supervision; granting authority to impose graduated sanctions;

providing for the monitoring of graduated sanctions; defining terms; and requiring rule-making”; to the Committee on the Judiciary.

**By Delegate R. Miller:**

**H. B. 4593** - “A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to establishing motor vehicle registration plates for official vehicles of emergency management agencies”; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Thompson, Marcum and Hicks:**

**H. B. 4594** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6C-5-1, §6C-5-2, §6C-5-3 and §6C-5-4, all relating to permitting public employees the right to collectively bargain; providing for an exclusive representative; providing a procedure; and setting forth matters subject to collective bargaining”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Pyles:**

**H. B. 4595** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-3-3a, relating to providing local government the authority to place video cameras at road intersections with frequent accidents to assist in liability determinations”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Isner, Kessinger, Summers, Canestraro, Iaquina, Moore, R. Miller, Foster, Sobonya and Hollen:**

**H. B. 4596** - “A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to file a petition or otherwise seek a ruling in any pending proceeding to terminate parental rights if an infant has tested positive for a Schedule I drug”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Howell, Graves, Pack, Hamrick, Martin, Ambler, McGeehan, Criss, Ward, Butler and Hill:**

**H. B. 4597** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1A-2a, relating to the procedure to determine if an occupation or



profession should be regulated; providing when an application to regulate is prohibited; and when a license for a regulated expires”; to the Committee on Government Organization then the Judiciary.

**By Delegates Isner, Kessinger, Longstreth, Pushkin, Thompson, Hicks, Williams and Fleischauer:**

**H. B. 4598** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §28-5C-3; to amend and reenact §31-20-5f of said code; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be provided to female prisoners in regional jails or state correctional facilities and female juveniles in juvenile detention”; to the Committee on the Judiciary then Finance.

**By Delegate Pyles:**

**H. B. 4599** - “A Bill to amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended, relating to permitting retail liquor licensees to sell alcoholic beverages after one o’clock p.m. on Sundays”; to the Committee on the Judiciary then Finance.

**By Delegates Howell, Hamrick, Statler and Hill:**

**H. B. 4600** - “A Bill to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to providing an exception to the prohibitions of persons between the age of 18 and 21 of carrying concealed handguns; and authorizing employed investigators of the Board of Medicine, the Board of Osteopathy and the Board of Pharmacy to carry concealed handguns”; to the Committee on Government Organization then the Judiciary.

**By Delegates Howell, Graves, Higginbotham and Hamrick:**

**H. B. 4601** - “A Bill to amend and reenact §29-22C-2, §29-22C-3, §29-22C-4, §29-22C-6, §29-22C-13, §29-22C-14, §29-22C-15, §29-22C-16, §29-22C-17, §29-22C-18, §29-22C-19, §29-22C-29, and §29-22C-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-25-2, §29-25-3, §29-25-8, §29-25-12, §29-25-13, §29-25-14, §29-25-15, §29-25-16, §29-25-17, §29-25-18, §29-25-22, §29-25-25, and §29-25-27, all relating to changing the licensing requirement for certain casino

employees from a licensure to a registration”; to the Committee on Government Organization then the Judiciary.

**By Delegates Campbell, R. Miller, Dean, Paynter, Thompson, Hicks, Ambler, Cooper, Wagner, Moye and Boggs:**

**H. B. 4602** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating generally to school calendars; providing that the instructional term for students begins on the Tuesday after Labor Day and ends the Friday before Memorial Day; providing an exception; permitting additional instruction minutes per day; and eliminating reimagined days”; to the Committee on Education.

**By Delegates Lane, Pushkin, Byrd, Capito, Robinson and Rowe:**

**H. B. 4603** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2, and §55-7K-3, relating to providing immunity from civil liability to facilities and employees providing crisis stabilization and/or drug and alcohol detoxification services, substance use disorder services, and/or drug overdose services on a short-term basis”; to the Committee on the Judiciary.

**By Delegates Hanshaw and Shott:**

**H. B. 4604** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9, and to amend and reenact §55-12A-7 of said code, all relating to providing that proceeds from certain oil and gas wells that are due to persons whose name or address are unknown are to be kept in a special fund and if unclaimed within seven years, the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that if there is a surface disturbance those named surface owners of a leased interest subject to pooling for a horizontal well are the only surface owners insofar as the well permit is concerned; providing that if another surface owner should become known his or her name shall be added as a surface owner on the permit; providing that if proceeds from other mineral tracts in a unit or pool of a horizontal well are not claimed by an unknown, missing or abandoned owner within seven years, the proceeds shall be

transferred to the Oil and Gas Reclamation Fund; providing that certain provisions take effect beginning when funds have been unclaimed for seven years after the special commissioner's lease regardless of when the lease was signed; and authorizing rulemaking"; to the Committee on Energy then Finance.

**By Delegates Campbell, Lynch, Moye, Rowe, Boggs, Caputo and Thompson:**

**H. B. 4605** - "A Bill to amend and reenact §11-3-1 of the Code of West Virginia, 1931, as amended, and to amend and reenact §11-4-2 of said code, all relating to the assessment of nonoccupied property owned by out-of-state individuals or other legal entities; and requiring that there be an additional \$4 an acre assessed against this real property, with the revenue dedicated to the Public Employees Insurance Agency to reduce costs of insurance"; to the Committee on the Judiciary then Finance.

**By Delegates Campbell, Ambler, Cooper, Wagner, Brewer, Lynch and Dean:**

**H. B. 4606** - "A Bill to amend and reenact §29-22B-503 of the Code of West Virginia, 1931, as amended, relating to qualifications for a limited video lottery operator's license; and providing that an applicant who has a retail beer, wine or liquor license may qualify for a limited video lottery operator's license"; to the Committee on the Judiciary then Finance.

**By Delegates Hamrick, Higginbotham, Howell and Graves:**

**H. B. 4607** - "A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to parks and recreation and prohibiting the banning of the use of recreational drones at state parks except within 150 feet from lodging"; to the Committee on the Judiciary.

**By Delegate Hamrick:**

**H. B. 4608** - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to creating a consumers sales and service tax exemption for motion pictures and other commercial film or audiovisual projects in West Virginia"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegate Anderson:**

**H. B. 4609** - “A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended, relating to advertising by physicians and podiatrists; providing that the use of patient testimonials in advertising is not per se false or deceptive advertising”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Campbell:**

**H. B. 4610** - “A Bill to amend and reenact section one, chapter 180, Acts of the Legislature, regular session, 1985, authorizing the city of White Sulphur Springs, Greenbrier County, West Virginia, to expend both principal and interest from a special interest bearing fund”; to the Committee on Political Subdivisions then Finance.

**By Delegates Kessinger, Hill, Pack, Robinson and Graves:**

**H. B. 4611** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2A-1, §16-2A-2, §16-2A-3 and §16-2A-4, all relating to creating the Ryan Brown Addiction Prevention and Recovery Fund Act; providing legislative findings, purpose, rules proposed by the Director of the West Virginia Department of Health and Human Resources; and establishing the Ryan Brown Addiction Prevention and Recovery Fund to be administered by the West Virginia Department of Health and Human Resources”; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

**By Delegate Hanshaw:**

**H. B. 4612** - “A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting public utilities from prohibiting customers from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service”; to the Committee on Energy then Finance.

The following bills were introduced, pursuant to House Rule 92, and severally referred as follows:

**By Delegates Rohrbach, Barrett, Householder, Lovejoy, Ambler, Walters and Fleischauer:**

**H. B. 4613** - “A Bill to amend and reenact §29-22-18a of the Code of West Virginia, 1931, as amended, relating to providing funds from the State Excess Lottery Revenue Fund to the Ron Yost Personal Assistance Services Fund, the Employment Attendant Care Fund, and to a fund for Centers for Independent Living”; to the Committee on Finance.

**By Delegate Pushkin:**

**H. B. 4614** - “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to removing language requiring specific appropriations in order for the State Board of Education, State Department of Education, and the State Superintendent of Schools to provide education to children and adults housed in correctional facilities and regional jails”; to the Committee on Education then Finance.

**By Delegates Shott, Hanshaw, McGeehan, Folk, Paynter, Maynard, Wilson and Foster:**

**H. B. 4615** - “A Bill to repeal §60A-7-704, §60A-7-705a, §60A-7-706, and §60A-7-707, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §60A-7-702a; to amend and reenact §60A-7-703 of said code; to amend said code by adding thereto two new sections, designated §60A-7-703a and §60A-7-703b; to amend and reenact §60A-7-705 of said code; and to amend said code by adding thereto nine new sections, designated §60A-7-708, §60A-7-709, §60A-7-710, §60A-7-711, §60A-7-712, §60A-7-713, §60A-7-714, §60A-7-715 and §60A-7-716, all relating generally to forfeiture of contraband; establishing criminal forfeiture and the items and property subject to forfeiture; setting forth additional procedures for forfeiture; establishing dates; permitting a court to waive a conviction requirement; protecting innocent owners; permitting seizure of personal property with and without process; providing that there are no additional remedies and no joint and severable liability; establishing title; setting forth the disposition of forfeited property and proceeds; establishing prohibition on retaining property; establishing sales restrictions, return of property,

damages, and costs; permitting the transfer of forfeited property to the federal government; providing for preemption; and defining terms”; to the Committee on the Judiciary.

**By Delegates Moye, Campbell and Sponaugle:**

**H. B. 4616** - “A Bill to amend and reenact §8-6-5 of the Code of West Virginia, 1931, as amended, relating to requiring a majority of affected parties to authorize minor boundary annexation”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Shott and Hanshaw:**

**H. B. 4617** - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, clarifying that driving under the influence of alcohol, controlled substances, or drugs must be for circumstances where the operator is upon a public highway, or is on a private road either before or after entering or exiting a public highway”; to the Committee on the Judiciary.

**By Delegates Shott and Hanshaw:**

**H. B. 4618** - “A Bill to amend and reenact §61-6-1 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Protective Services to compel dispersal of an unlawful assemblage”; to the Committee on the Judiciary.

## Special Calendar

### Third Reading

**S. B. 62**, Adjusting requirements for hiring school attendance directors; 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. 89**), and there were—yeas 86, nays 14, absent and not voting none, with the nays being as follows:

Nays: Byrd, Canestraro, Diserio, Ferro, Fleischauer, Isner, Love, Marcum, Moye, Pethtel, Pushkin, Robinson, Rowe and Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 62) 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 S. B. 267**, Increasing salaries of certain state employees; on third reading, coming up in regular order, was read a third time.

During the debate, the Speaker admonished Delegate Fluharty regarding the content of his remarks and also reminded other members to direct their comments to the bill before the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 90**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fluharty.

Absent and Not Voting: Blair.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 267) passed.

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

**Com. Sub. for S. B. 267** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-8 of said code; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing compensation for certain public employees; increasing the annual salaries of members of the West Virginia State Police; increasing the minimum salaries payable to public school teachers and professional personnel during the contract year; and increasing the minimum monthly pay for public school service personnel.”

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 91**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Blair.

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. 267) takes effect July 1, 2018.

*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. 4009**, State Settlement and Recovered Funds Accountability Act; 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. 92**), and there were—yeas 90, nays 7, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Butler, Householder, McGeehan, Paynter, Upson, Ward and Wilson.

Absent and Not Voting: Blair, Kessinger and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4009) passed.

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 93**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Blair, Kessinger and Storch.



So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4009) takes effect July 1, 2018.

*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. 4407**, Relating to eligibility for alternative program teacher certificate; 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. 94**), and there were—yeas 50, nays 48, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Fast, Ferro, Fleischauer, Fluharty, Frich, Hamilton, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sobonya, Sponaule, Storch, Thompson, Wagner, Ward, Westfall, White and Williams.

Absent and Not Voting: Blair 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. 4407) 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**

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

**Com. Sub. for H. B. 2995**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia,

**Com. Sub. for H. B. 4024**, Relating generally to direct cremation or direct burial expenses for indigent persons,

**Com. Sub. for H. B. 4027**, Creating an education permit for allopathic physician resident,

And,

**Com. Sub. for H. B. 4180**, Relating to wildlife resources.

**Com. Sub. for H. B. 4197**, Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation; on second reading, coming up in regular order, was read a second time.

Delegates Longstreth and Rohrbach moved to amend the bill on page two, section five, line twenty-nine, after the word “training”, by inserting the words “and continuing education”.

And,

On page two, section five, line thirty-one, by striking out the word “course”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 95**), and there were—yeas 37, nays 56, absent and not voting 7, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Brewer, Byrd, Campbell, Caputo, Diserio, Eldridge, E. Evans, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaugle, Storch, Spolt, Thompson, Ward and Williams.

Absent and Not Voting: Blair, Boggs, Canestraro, Ferro, Kessinger, Lane and Marcum.

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

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4279**, Relating to adult protective services system; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Ellington and Summers, the bill was amended on page one, section one, lines sixteen through eighteen, by striking out subdivision (6) in its entirety and inserting in lieu thereof a new subdivision (6) to read as follows:

“(6) ‘Financial exploitation’ means the intentional misappropriation or misuse of funds or assets of an incapacitated adult or facility resident, but does not apply to a transaction or disposition of funds or assets where a person made a good faith effort to assist the incapacitated adult or facility resident with the management of his or her money or other things of value.”

On page three, section two, line ten, after the word “neglected”, by inserting a comma and the words “financially exploited”.

On page three, section two, line thirteen, after the word “neglect”, by inserting a comma and the words “financial exploitation”.

On page three, section two, line seventeen, after the word “neglected”, by inserting a comma and the words “financially exploited”.

And,

On page four, section two, line twenty-eight, after the word “of”, by inserting the words “financial exploitation” and a comma.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4306**, Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health; 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 S. B. 154**, Authorizing Department of Administration to promulgate legislative rules,

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

**Com. Sub. for H. B. 2694**, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas,

**Com. Sub. for H. B. 2890**, Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects,

**Com. Sub. for H. B. 3104**, Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund,

**Com. Sub. for H. B. 4015**, Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies,

**Com. Sub. for H. B. 4154**, Establishing the 2018 Regulatory Reform Act,

**Com. Sub. for H. B. 4268**, Co-tenancy Modernization and Majority Protection Act,

**Com. Sub. for H. B. 4270**, Providing for the timely payment of moneys owed from oil and natural gas production,

**Com. Sub. for H. B. 4361**, Bestowing the West Augusta Award upon each West Virginian graduating from U. S. Military Academies with the highest grade point average,

**H. B. 4433**, Declaring certain claims against an agency of the state to be moral obligations of the state,

And,

**H. B. 4434**, Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement.

At the request of Delegate Espinosa and by unanimous consent, the House of Delegates returned to further consideration of the committee report for H. B. 4619.

Pursuant to House Rule 80, the Speaker referred the bill to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

**H. B. 4376**, Expiring funds to the balance of the Department of Health and Human Resources,

**H. B. 4385**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

**H. B. 4389**, Expiring funds to the Enterprise Resource Planning System Fund,

**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,

**S. B. 385**, Decreasing and adding appropriations out of Treasury to DHHR and MAPS,

**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,

And reports the same back with the recommendation that they each do pass.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2661**, Permitting recreational gold mining,

And,

**H. B. 4394**, Relating to forest fires,

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 the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 2661 and H. B. 4394) were each referred to the Committee on the Judiciary.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4296**, Establishing the Southern West Virginia Lake Development Study Commission,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4296) was referred to the Committee on Finance.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**S. B. 143**, Permitting DNR identification tag be used to identify trap,

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 (S. B. 143) was referred to the Committee on the Judiciary.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4470**, Exempting all-terrain vehicles and utility terrain vehicles used as farm equipment from the sales tax,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4470) was referred to the Committee on Finance.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**S. B. 463**, Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (S. B. 463) was referred to the Committee on Government Organization.

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- All remarks during the debate regarding Com. Sub. for S. B. 267
- Delegate Rohrbach during the debate regarding Com. Sub. for H. B. 4009



- Delegates Folk, Hornbuckle and Moye during the debate regarding Com. Sub. for H. B. 4407
- Delegate Eldridge during Remarks by Members

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

- Delegate R. Phillips for H. B. 4512
- Delegate Cowles for H. B. 4619

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

- Delegate Lovejoy for H. B. 4287
- Delegate Summers for H. B. 4366
- Delegate Canestraro for H. B. 4491

At 2:04 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 14, 2018.



---

Wednesday, February 14, 2018

### **THIRTY-SIXTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Tuesday, February 13, 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. 4154, on Second Reading, Special Calendar, to the House Calendar.

#### **Committee Reports**

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. 4392**, Relating to Medicaid subrogation liens of the Department of Health and Human Resources,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4392) was referred to the Committee on the Judiciary.

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. 46**, Permitting pharmacists to inform customers of lower-cost alternative drugs,

And reports the same back with the recommendation that it do pass, 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. 46) was referred to the Committee on the Judiciary.

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4465) was 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:

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

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4481) was referred to the Committee on Government Organization.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

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

And,

**H. B. 4512**, Relating to the State Road Construction Account,

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 (H. B. 4347 and H. B. 4512) were each referred to the Committee on Finance.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4447) was referred to the Committee on the Judiciary.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**H. B. 4488**, Relating to the Hatfield-McCoy Recreation Authority,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4488) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 4542**, Allowing public service districts to accept payment by credit card,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4542) was referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2745**, Adding the examination of Advanced Care Technician,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2745) was referred to the Committee on Health and Human Resources.

Delegate Walters, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

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

**H. B. 4289**, Relating to disability pensions of municipal employees,

**H. B. 4290**, Requiring certain funds of a policeman's or a firemen's pension and relief fund be invested with the West Virginia Investment Management Board,

And,

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

And reports the same back with the recommendation that 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 (H. B. 4219, H. B. 4289, H. B. 4290 and H. B. 4539) were each referred to the Committee on Finance.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**H. B. 2612**, Repealing section relating to unattended motor vehicles and penalties.

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. 57** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22B-1-7a; to amend said code by adding thereto a new section, designated §24-1-7a; and to amend said code by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, §46A-6N-6, §46A-6N-7, and §46A-6N-8, all relating to third-party litigation financing; providing that a party involved in a proceeding before the environmental boards shall disclose whether their attorney is being paid for by someone other than the party involved; providing disclosure requirements; providing that a party involved in a proceeding before the Public Service Commission shall disclose whether their attorney is being paid for by someone other than the party involved; providing disclosure requirements; defining terms; providing that a litigation financier shall register as a litigation financier in this state; providing registration requirements for business entities, partnerships, and individuals; providing that litigation financiers shall secure a bond or an irrevocable letter of credit; providing to whom the bond is payable; requiring that the litigation financiers amend their registration if their information changes or becomes inaccurate; providing that the Secretary of State may promulgate rules; providing that the terms of the



litigation financing transaction shall be set forth in a completed, written contract; providing that the litigation financing contract shall contain a right of rescission; providing that a litigation financing contract shall contain certain written acknowledgements and disclosures; providing that a litigation financier shall not pay or offer to pay commissions, referral fees, or other consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees for referring a consumer to the litigation financier; providing that a litigation financier shall not accept commissions, referral fees, or other consideration; providing that a litigation financier shall not advertise false or misleading information; providing that a litigation financier shall not refer a consumer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist; providing an exception; providing that a litigation financier shall supply copies of the contract to the consumer or consumer's attorney; providing that a litigation financier shall not attempt to waive any of consumer's remedies; providing that a litigation financier shall not attempt to effect arbitration or otherwise effect waiver of a consumer's right to a jury trial; providing that a litigation financier shall not offer legal advice; providing that a litigation financier shall not assign the litigation financing contract; providing that a litigation financing contract shall contain certain disclosures and terms; providing form disclosures; providing that a violation shall render the contract unenforceable; providing that a court may award costs and attorneys' fees against defendant; clarifying authority of the Attorney General; providing that a contingent right to receive an amount under a legal claim may be assigned by a consumer; providing a priority of liens; providing exceptions for certain liens and claims; providing a maximum annual fee; providing a maximum frequency annual fee charges; providing that fees may compound semiannually but not based on any lesser time period; providing means for calculating annual percentage fee or rate of return; providing maximum terms for fees; and restricting incorporation of prior obligations"; which was referred to the Committee on Government Organization 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. 290** - “A Bill to amend and reenact § 22-11-6 of the Code of West Virginia, 1931, as amended, relating to standards of water quality and effluent limitations; providing that the secretary may issue water pollution control permits that contain water quality-based effluent limits that are adjusted to reflect credit for pollutants in the permittee’s intake water; providing that the secretary may not set benchmarks for substances in, or conditions of, discharges of stormwater that are more restrictive than the acute aquatic life water quality criterion, the federal benchmark, the chronic aquatic life water quality criterion, or the ambient aquatic life advisory concentration; providing that the secretary shall establish effluent limits for stormwater that are developed in accordance with mixing zones that are appropriate for relevant conditions, upon request by a permit applicant; and providing that the secretary shall promptly develop guidance for determining how benchmarks in permits demonstrate the adequacy of stormwater best management practices”; 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. 365** - “A Bill to amend and reenact §59-1-2c of the Code of West Virginia, 1931, as amended, relating to the Young Entrepreneur Reinvestment Act; waiving certain fees for individuals under 30 years of age creating certain business organizations; and eliminating sunset date for expiration of fee waivers”; which was referred to the Committee on Small Business, Entrepreneurship and Economic Development 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. 375** – “A Bill to amend and reenact §19-35-2, §19-35-3, and §19-35-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-35-5, all relating to farmers markets; removing local health departments from farmers market vendor permit process; transferring rules and regulations for farmers markets, cottage foods, acidified foods, nonpotentially hazardous foods, and exempted foods from Department of Health and Human Resources to Department of Agriculture; requiring rules to set forth quantity limitations for cottage foods; clarifying consignment farmers markets; defining terms; requiring registration of farmers markets; expanding farmers market vendor permit to permit the sale of cottage foods; establishing fees for farmers market vendor permits; clarifying certain farm and food products require other permits; permitting local health departments to inspect and suspend food establishment permits in certain circumstances; permitting the Department of Agriculture to establish regulations permitting the sampling of certain farm and food products; permitting local health departments to sample and inspect farmers market vendors in certain circumstances; permitting local health departments to invoke cessation of production in certain circumstances; clarifying scope, labeling, and sources of cottage foods; requiring online farmers market sales be delivered in person; permitting home, farm, community, or commercial kitchen to be used by cottage foods vendor as determined by the Department of Agriculture; and clarifying that a farmers market vendor permit is not required to sell nonpotentially hazardous foods and exempted foods”; 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. 446** - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-36-5, and §19-36-6, all relating to agritourism generally; creating the Agritourism Responsibility Act; making findings; establishing authority and duties of the Commissioner of Agriculture related to agritourism; defining terms; establishing duties of agritourism businesses and participants in agritourism activities; limiting liability of agritourism businesses, employees, and volunteers associated therewith; requiring notice of certain rights, limitations on liability, and responsibilities of participants in agritourism activities; immunizing agritourism business and agritourism professionals from certain acts of simple negligence and exceptions thereto; authorizing Commissioner of Agriculture, in consultation with the Secretary of Commerce, to promulgate and propose rules; clarifying that operation of agritourism business does not change status of the facilities and property used for building code and tax purposes; and exempting structures of agritourism business occasionally used for events from building code requirements for entities engaged in such activities on a full-time basis”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

## Special Calendar

### Third Reading

**Com. Sub. for H. B. 2995**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia; 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. 96**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Byrd, Folk, McGeehan and Pushkin.

Absent and Not Voting: Fast, Hornbuckle and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2995) 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. 4024**, Relating generally to direct cremation or direct burial expenses for indigent persons; 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. 97**), and there were—yeas 65, nays 33, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Boggs, Byrd, Campbell, Canestraro, Diserio, Eldridge, E. Evans, Ferro, Fluharty, Frich, Hicks, Hornbuckle, Iaquinta, Isner, Kelly, Lynch, Marcum, Maynard, R. Miller, Moye, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Statler, Storch, Thompson, Upson, Wagner and Williams.

Absent and Not Voting: Fast and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4024) passed.

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 98**), and there were—yeas 87, nays 11, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Eldridge, Ferro, Hicks, Hornbuckle, Howell, Isner, Marcum, Pyles, Rodighiero, Sponaugle and Thompson.

Absent and Not Voting: Fast and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4024) takes effect July 1, 2018.

*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. 4027**, Creating an education permit for allopathic physician resident; 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. 99**), 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: Fast and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4027) 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. 4180**, Relating to wildlife resources; 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. 100**), 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: Fast and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4180) 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. 4197**, Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation; 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. 101**), 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: Fast and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4197) 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. 4279**, Relating to adult protective services system; 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. 102**), 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: Fast and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4279) 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. 4306**, Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health; 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. 103**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Fast and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4306) passed.

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

### Second Reading

**Com. Sub. for S. B. 154**, Authorizing Department of Administration to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 184**, Authorizing DOT promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page one, section one, line five, after the word “authorized”, by striking out the period and inserting in lieu thereof: “with the following amendments:



On page seven, subsection 8.1, after the word ‘conditions’, by adding “unless longer lease terms have been approved by the Commissioner for utility accommodation leases.”

And, on page eight, subsection 8.4, after the word “conditions”, by adding “unless longer lease terms have been approved by the Commissioner for utility accommodation leases.”

The bill was then ordered to third reading.

**Com. Sub. for H. B. 2694**, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas; 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. 2890**, Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects; 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. 3104**, Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation 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. 4015**, Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies; 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. 4268**, Co-tenancy Modernization and Majority Protection Act; on second reading, coming up in regular order, was read a second time.

An amendment to the bill, offered by Delegates Anderson and Shott, was reported by the Clerk, as follows:

On page seven, section three, line one, after the word “article”, by striking out the comma and the words “and in the absence of specific contract language to the contrary”.

On page nine, section four, line seventeen, after the word “payments”, by inserting the words “or other non-royalty mineral payments”.

On page ten, section four, line thirty, after the word “covenant”, by inserting the words “has chosen or”.

On page twelve, section six, line one, by striking out the words “With respect to” and inserting in lieu thereof the word “When”.

On page twelve, section six, line two, by striking out the word “and”.

On page twelve, section six, line six, after the word “tracts”, by inserting the words “on which surface disturbance does not occur or tracts”.

And,

On page twelve, section six, line nine, by striking out the words “was enacted” and inserting in lieu thereof the words “is used”.

Delegates Capito, Byrd and Howell requested to be excused from voting on questions related to the amendments and passage of Com. Sub. for H. B. 4268 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegates 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 Members from voting.

Subsequently, the amendment offered by Delegates Anderson and Shott was adopted.

Delegates Fleischauer and Pethtel moved to amend the bill on page nine, section four, line three, by striking out the words “three fourths” and inserting in lieu thereof the words “nine tenths”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 104**), and there were—yeas 40, nays 57, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Fast, Marcum and Wilson.

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

Delegate Isner moved to amend the bill on page fifteen, section five, line twenty-three, after the word “transfer”, by inserting the words “50 percent of”.

And,

On page fifteen, section five, line twenty-six, after the word “code”, by striking out the period and inserting in lieu thereof a comma and the words “and 50 percent of the revenue shall be deposited into the Public Employees Insurance Agency Stability Fund and expended pursuant to §11B-2-32 of this code.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 105**), and there were—including pairs—yeas 50, nays 47, absent and not voting 3, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Marcum            Nay: Westfall

Nays: Adkins, Ambler, Anderson, Atkinson, Blair, Butler, Capito, Cooper, Cowles, Criss, Deem, Ellington, Espinosa, A. Evans, Foster, Gearheart, Graves, Hamrick, Hanshaw, Harshbarger, Higginbotham, Hollen, Householder, Howell, Jennings, Kelly, Lane, Maynard, C. Miller, Moore, Nelson, Overington, Pack, Queen, Rohrbach, C. Romine, R. Romine, Rowan, Shott, Sobonya, Summers, Wagner, Walters, White, Zatezalo and Mr. Speaker, Mr. Armstead.

Absent and Not Voting: Fast, Upson and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

An amendment to the bill, offered by Delegate Folk, was reported by the Clerk on page nine, section four, line one, by striking out the word “If” and inserting in lieu thereof the words “In cases where there are nine or more royalty owners, if”.

Whereupon,

Delegate Folk asked and obtained unanimous consent to reform the amendment.

Delegate Folk then moved to amend the bill on page nine, section four, line one, by striking out the word “If” and inserting in lieu thereof the words “In cases where there are seven or more royalty owners, if”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 106**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Capito, E. Evans, Foster, Jennings, Nelson and Zatezalo.

Absent and Not Voting: Fast, Marcum, Walters and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

Delegate Robinson moved to amend the bill on page ten, section four, line thirty-eight, by striking out the period, inserting a colon and the following proviso:

*“Provided, That the pro rata share of royalty, lease bonus and delay rental payments shall be calculated by using the highest payments by the operator, owner or their affiliates within a 10 mile radius of the subject mineral property.”*

Delegate Robinson asked unanimous to reform the amendment, which consent was not given, objection being heard.

Whereupon,

Delegate Robinson then asked and obtained unanimous consent that the amendment be withdrawn.

Delegate Jennings moved to amend the bill on page eleven, section four, line fifty-five, after the word “provisions”, by striking out the period and inserting in lieu thereof a colon and the following:

*“Provided further, That consenting cotenants and their lessees, operators, agents, contractors or assigns shall only develop the specifically targeted stratigraphic formation and 100 feet above and below said formation; nonconsenting cotenants and unknown or unlocatable interest owners will retain all rights to all other formations unless or until reasonable efforts are made to renegotiate under this section for each additional formation. If a consenting cotenant has made a lease only for the targeted formation, in that case the nonconsenting cotenants and unknown and unlocatable cotenants shall receive the highest royalty, bonus and delay rental in the lease which was executed for the targeted formation.”*

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

The yeas and nays having been ordered, they were taken (**Roll No. 107**), and there were—yeas 90, nays 5, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Capito, Kelly, Lane, Nelson and Zatezalo.

Absent and Not Voting: Fast, Householder, Marcum, Walters and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

Delegate Robinson moved to amend the bill on page ten, section four, line thirty-eight, by striking out the period, inserting a colon and the following proviso:

“Provided, That the pro rata share of royalty, lease bonus and delay rental payments shall be calculated by using the highest payments by the operator, owner or their affiliates for interests greater than 5 acres, within a 10 mile radius of the subject mineral property.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 108**), and there were—yeas 38, nays 57, absent and not voting 5, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Fast, Householder, Marcum, Walters and Wilson.

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

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4270**, Providing for the timely payment of moneys owed from oil and natural gas production; 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. 4361**, Bestowing the West Augusta Award upon each West Virginian graduating from U. S. Military Academies with the highest grade point average; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4433**, Declaring certain claims against an agency of the state to be moral obligations of the state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4434**, Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement; 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 S. B. 163**, Authorizing DEP promulgate legislative rules,

**Com. Sub. for S. B. 165**, Authorizing DHHR promulgate legislative rules,

**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,

**S. B. 385**, Decreasing and adding appropriations out of Treasury to DHHR and MAPS,

**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.

**Com. Sub. for H. B. 2464**, Relating to disclaimers and exclusions of warranties in consumer transactions for goods; on first reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

**Com. Sub. for H. B. 4343**, Relating to the delivery of financial statements to bank shareholders; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4376**, Expiring funds to the balance of the Department of Health and Human Resources; on first reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

**H. B. 4385**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4389**, Expiring funds to the Enterprise Resource Planning System Fund; on first reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.



**Com. Sub. for H. B. 4400**, Relating to the West Virginia Physicians Mutual Insurance Company; on first reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

**H. B. 4402**, Relating to the prevention of sexual abuse of children on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4462**, Allowing off duty members and officers of the department of public safety to guard private property; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4473**, Relating to use of state funds for advertising to promote a public official or government office; on first reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Storch noted to the Clerk that she was absent on yesterday when the votes were taken on Roll Nos. 92 and 93 and had she been present she would have voted “Yea” thereon.

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

- Delegate Frich for H. B. 4481
- Delegates Adkins and Upson for H. C. R. 57

At 2:14 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 15, 2018.



---

Thursday, February 15, 2018

**THIRTY-SEVENTH 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 14, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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 14<sup>th</sup> day of February, 2018, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for H. B. 4020**, Making technical corrections in the code when referencing Chapter 49.

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. 19**, World Moyamoya Awareness Day,

**H. C. R. 26**, U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge,

And,

**H. C. R. 27**, Making Grafton's Annual Memorial Day Parade the Official State Memorial Day Parade,

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

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4458**, Citizen and State Accountability Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4458) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**S. B. 350**, Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State,

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 (S. B. 350) 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:

**H. B. 4304**, Creating the Board of Nursing,

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

**Com. Sub. for H. B. 4304** - "A Bill to repeal §30-7-1a, §30-7-6a, §30-7-6b, §30-7-8a, §30-7-11a, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d, and §30-7-15e of the Code of West Virginia, 1931, as amended; to repeal §30-7A-2, §30-7A-3, §30-7A-4, §30-7A-5, §30-7A-6, §30-7A-6a, §30-7A-7, §30-7A-7a, §30-7A-8, §30-7A-9, §30-7A-10, and §30-7A-11 of said code; to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of said code; to repeal §30-7E-1, §30-7E-2, and §30-7E-3 of said code; to amend and reenact §4-10-10 of said code; to amend and reenact §9-4B-1 of said code; to amend and reenact §16-4C-14 of said code; to amend and reenact §16-4F-1 of said code; to amend and reenact §16-5B-19 of said code; to amend and reenact §16-5O-2, §16-5O-4, §16-5O-5 and §16-5O-12 of said code; to amend and reenact §16-5Y-5 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §18-5-22 of said code; to amend and reenact §18-9A-2 of said code; to amend and reenact §18A-1-1 of said code; to amend and reenact §18A-4-1 and §18A-4-8 of said code; to amend and reenact §18C-3-4 of said code; to amend and reenact §29-12B-3 of said code; to amend and reenact §29-29-3 of said code; to amend and reenact §30-1-7a and §30-1-20 of said code; to amend and reenact §30-3A-1 of said code; to amend and reenact §30-3F-1 of said code; to amend and reenact §30-7-1, §30-7-2, §30-7-3, §30-7-4, §30-7-5, §30-7-6, §30-7-7, §30-7-8, §30-7-9, §30-7-10, §30-7-11, §30-7-12, §30-7-13, §30-7-14, §30-7-15, §30-7-16, §30-7-17, §30-7-18, §30-7-19, and §30-7-20 of said code; to amend said code by adding thereto twelve new sections, designated §30-7-21, §30-7-22, §30-7-23, §30-7-24, §30-7-25, §30-7-26, §30-7-27, §30-7-28, §30-7-29, §30-7-30, §30-7-31, §30-7-32 and §30-7-33; to amend and reenact §30-7A-1 of said code; and to amend and reenact §30-7B-4 of said code; to amend and reenact §30-7C-1 and §30-7C-7 of said code; to amend

and reenact §30-24-2 and §30-24-3 of said code; to amend and reenact §60A-9-5a of said code, all relating to the regulation of certain professions by Board of Nursing, prohibiting the practice of nursing without a license; providing other applicable sections; defining terms; providing for board composition and qualifications; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and permit requirements; establishing qualifications for licensure; codifying a scope of practice; creating a temporary permit; providing for reciprocal licensure; establishing renewal requirements; providing for exemptions from licensure; creating a special volunteer license; continuing a Joint Advisory Council; providing the council's composition; providing council members' terms; providing powers of the council; providing duties of the council; setting forth limitations of the article; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing duty to warn; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal offenses are to be reported to law enforcement; providing a period of transition; eliminating the Board of Examiners for licensed practical nurses; transferring assets to the Board of Nursing; transferring employees to the Board of Nursing; repealing expired authority; and updating references.”

With the recommendation that the committee substitute do pass.

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

Your Committee on Energy has had under consideration:

**H. B. 4205**, Entitling natural resource producers to the economic opportunity tax credit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4205) was referred to the Committee on Finance.

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. 4042**, Redefining school zone to facilitate placement of school zone signs,

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

**Com. Sub. for H. B. 4042** - "A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to redefining school zone,"

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. 4449**, Relating to failure of employers to make contributions on behalf of employees to a retirement plan,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4449) was referred to the Committee on Finance.

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. 4001**, Relating to eligibility and fraud requirements for public assistance,

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

**Com. Sub. for H. B. 4001** - “A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-7-2, §9-7-5, and §9-7-6 of said code; to amend said code by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, and §9-8-12; and to amend and reenact §61-3-54 of said code, all relating to investigations, inspections, evaluations, and review conducted by the Department of Health and Human Resources to prevent fraud and abuse; dis-enrolling providers who commit fraud and requiring repayment; defining fraud as it relates to Medicaid; authorizing penalties against providers for failure to keep medical records for a specific time period; authorizing a civil cause of action for fraud when a person or entity knew or should have known a claim to be false; enlarging the statute of limitations to file health care fraud civil actions; defining terms relating to public assistance; requiring the Department of Health and Human Resources to implement work requirements for applicants of Supplemental Nutrition Assistance Program (SNAP); to limit recipients to 3 months of benefits in any 36-month period unless the recipient is working or participating in a work, educational, or volunteer program for at least 20 hours a week; requiring discontinuance of a federal waiver in certain counties; requiring a study of the impact of the SNAP work requirements in those counties where they were implemented; eliminating the federal waiver statewide within a certain time-period; requiring a report to the legislature; establishing work requirements; authorizing rulemaking; requiring a design or establishment of a computerized income, asset, and identity verification system for each public assistance program administered by the Department of Health and Human Resources; allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing



information of various federal, state, and miscellaneous sources for eligibility verification; requiring identity authentication as a condition to receive public assistance; requiring the department to study the feasibility of requiring photos on EBT cards; specifying procedures for case review of public assistance benefits; setting forth notice requirements and right to a hearing; requiring referrals for fraud, misrepresentation, and inadequate documentation; authorizing referrals of suspected cases of fraud for criminal prosecution; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; providing for rulemaking; and providing a penalty for taking the identity of another person for the purpose of gaining employment,”

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. 4488**, Relating to the Hatfield-McCoy Recreation Authority,

**H. B. 4324**, Relating to the employment of individuals by municipal paid fire departments under civil service,

And,

**H. B. 4436**, Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department,

And reports the same back with the recommendation that they each do pass.

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15<sup>th</sup> 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 H. B. 4135**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

And,

**H. B. 4146**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

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

**By Delegates Espinosa, Rohrbach, Upson, Kelly, Hicks, Statler, Higginbotham, Pyles, E. Evans, Hornbuckle and Rodighiero:**

**H. B. 4622** - "A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding Tuition and Fee Policy, Human Resources Administration, and Capital Project Management; and authorizing legislative rules for the Council for Community and Technical College Education regarding Human Resources Administration, and Capital Project Management."

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. 4428**, Allowing training hours earned through public school education or apprenticeship to count towards an applicant's occupational certification,

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

**Com. Sub. for H. B. 4428** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3 and §21-1E-4; and to amend said code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward occupational certification and/or licensure; requiring Division of Labor and occupational and licensing board rules; establishing purpose and intent; providing definitions; and establishing applicable date,"

With the recommendation that the committee substitute do pass.

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

**By Delegates Nelson, Anderson, C. Miller, Cowles, A. Evans, Storch, Walters, Frich, Butler, Ellington and Ambler:**

**H. B. 4620** - "A Bill expiring funds to the balance of the Department of Administration, Public Employees Insurance Agency – Basic Insurance Premium Fund, fund 2180, fiscal year 2018, organization 0225 for the fiscal year ending June 30, 2018, in the amount of \$29,000,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2018, organization 0701 for the fiscal year ending June 30, 2018."

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. 4379**, Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation,

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

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

Your Committee on Finance has had under consideration:

**H. B. 4285**, Relating to the West Virginia Safe Mortgage Licensing Act,

And reports the same back, with a title amendment, with the recommendation that it do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 4157**, Eliminating the refundable exemption for road construction contractors,

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

**Com. Sub. for H. B. 4157** - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the elimination of the refundable exemption for road construction contractors; prohibiting the transfer of revenues collected from the state's consumers sales and service tax and the state's use tax to the State Road Fund; updating references to certain entities; updating references to the code; removing references to obsolete dates; and specifying the effective date,"

**H. B. 4401**, Relating to the registration of business,

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

**Com. Sub. for H. B. 4401** - “A Bill to amend and reenact §21-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3C-11; to amend and reenact §21-3D-8; to amend and reenact §21-5-5c; to amend and reenact §21-9-9; to amend and reenact §21-10-4; to amend and reenact §21-11-17; to amend and reenact §21-14-9; to amend and reenact §21-15-7; to amend and reenact §21-16-10; to amend and reenact §47-1-8, §47-1-20, §47-1-21 and §47-1-22; and to amend and reenact §47-1A-14, all relating to the elimination of certain authority regarding collection and use of fees by the Commissioner of the Division of Labor; eliminating authority to use certain excess funds; eliminating requirement to charge certain fees; and eliminating certain rulemaking authority,”

And,

**H. B. 4522**, Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor,

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

**Com. Sub. for H. B. 4522** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5dd, relating to allowing certain tax information to be shared with State Auditor pursuant to written agreements; and defining terms,”

With the recommendation that the committee substitutes each do pass.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 2546**, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**S. B. 62**, Adjusting requirements for hiring school attendance directors.

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. 288** - "A Bill to repeal §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-19, §30-6-20, §30-6-21, and §30-6-22 of said code, all relating to regulation of cremation, embalming, and funeral service directing; defining terms; terminating the Board of Funeral Service Examiners; transferring the functions of the board to the Secretary of State; specifying timeline and duties for the transfer of functions and property; providing special provisions and authority to Secretary of State to facilitate transfer; providing rule-making authority for Secretary of State; continuing existing rules previously promulgated by the board; authorizing Secretary of State to request repeal of rules previously promulgated by the board; establishing timeline for promulgation of rules by Secretary of State in 2018; authorizing the promulgation of emergency rules; creating special revenue account; eliminating special revenue account utilized by Board of Funeral Service Examiners and transferring funds; providing for the transfer of assets and liabilities to new account; providing for periodic sweep of funds into General

Revenue Fund; eliminating outdated and obsolete language; authorizing Secretary of State to grant funeral service license; updating requirements for funeral service license; reclassifying certificate to operate crematory as license; authorizing Secretary of State to grant license to operate crematory; updating requirements for license to operate crematory; updating language related to license reciprocity and courtesy card holders to give authority to Secretary of State; authorizing Secretary of State to enter into reciprocity agreements; authorizing Secretary of State to issue registration to be an apprentice; updating requirements for licensure of funeral establishments; authorizing Secretary of State to issue funeral establishment license; updating requirements for licensure of crematories; authorizing Secretary of State to issue crematory license; modifying requirements for inspectors and inspections; authorizing Secretary of State to appoint inspectors; updating requirements for renewal of licenses, courtesy cards, and registrations; eliminating requirement for Board of Funeral Service Examiners to provide continuing education; modifying order of persons authorized to give written permission for cremation; updating language concerning preneed affidavit; requiring Secretary of State to refuse to issue license, renewal, or registration if certain requirements not met; authorizing Secretary of State to take action against licensee, registrant, or applicant under certain circumstances; requiring Secretary of State establish means for public to submit complaints; requiring Secretary of State to investigate all complaints received; setting procedures for investigations; specifying powers and procedures for conducting hearings and rendering disposition of contested cases; granting the authority to suspend or revoke an authorization to practice without a prior hearing under certain circumstances; setting burden of proof; providing right of appeal from determination of Secretary of State; authorizing informal disposition; making violations of article a criminal act; establishing criminal penalties; authorizing Secretary of State or interested person to seek injunctions for violations of article; providing for referral of criminal matters to appropriate authorities; permitting criminal actions to be brought by Attorney General, United States Attorney, or local prosecuting attorney; providing that single act is evidence of violation; providing for certain inapplicability of article; and correcting

references and updating terms throughout”; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 321** - “A Bill to amend and reenact §5A-11-3 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the Public Land Corporation; allowing the proceeds of public lands to be given to the agency or institution with title to the public land; authorizing the Public Land Corporation to retain proceeds to cover any expenses incurred; requiring all agencies and institutions provide an annual inventory of public lands; and including in the annual report to the Legislature those agencies or institutions that do not comply with annual inventory reporting requirements to the Public Land Corporation”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 397** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-15-9, relating to making it a misdemeanor to impersonate a person who is blind or disabled; making it a misdemeanor for a person to fraudulently represent himself or herself to be the owner or trainer of a service animal; and establishing 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. 407** - “A Bill to amend and reenact §49-1-203 and §49-1-206 of the Code of West Virginia, 1931, as amended, all relating to modifying definitions related to licensing and approval of child care programs; modifying definitions related to child advocacy, care, residential, and treatment programs eliminating ability for family child care homes, informal family child care homes or relative family child care homes to self-certify compliance with legislative rules; eliminating statutory caps on the number of children under 24 months of age in family child care facilities and family child care homes; and making technical corrections”; which was referred to the Committee on Health and Human Resources.

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. 408** - “A Bill to repeal §16-5D-16 and §16-5D-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5C-3 of said code; and to amend and reenact §16-5D-2, §16-5D-3, §16-5D-4, §16-5D-5, §16-5D-6, §16-5D-7, §16-5D-8, §16-5D-9, §16-5D-10, §16-5D-11, §16-5D-12, §16-5D-13, and §16-5D-15 of said code, all relating to the licensure of nursing homes and assisted living residences; requiring real-time online publication of certain information related to nursing homes and assisted residences by secretary of Department of Health and Human Resources in lieu of annual report; identifying information to be published online; defining terms; updating definitions; clarifying rule requirements; identifying additional legislative rules to be proposed by secretary of Department of Health and Human Resources; allowing physical and electronic delivery methods for certain reports; repealing outdated sections of code; eliminating duplicative provisions of code; clarifying enforcement action and due process procedures; setting forth actions to be taken if license is suspended, denied, limited or revoked; requiring reporting by assisted living residence administrator to secretary of Board of Pharmacy; barring certain individuals from application to operate another assisted living facility; setting maximum period of suspension on license

suspension for assisted living facility; and making technical corrections”; which was referred to the Committee on Health and Human Resources then Government Organization.

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. 411** - “A Bill to amend and reenact §16-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-17-4 of said code, all relating to removing the Commissioner of the Bureau for Public Health from the membership of the State Board of Sanitarians”; which was referred to the Committee on Health and Human Resources then Government Organization.

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. 469** - “A Bill to amend and reenact §62-15A-1, §62-15A-2, and §62-15A-3 of the Code of West Virginia, 1931, as amended, all relating to converting the Addiction Treatment Pilot Program into a permanent program”; which was referred to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

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. 473** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend said code by adding thereto a new section, designated §9-5-20a; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code

by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring insurance coverage for the prescription drug Varenicline; prohibiting insurance plans from requiring use of other methods or prescriptions prior to coverage for Varenicline; placing similar requirements on the Public Employees Insurance Agency; placing similar requirements upon the state Medicaid program; allowing a generic alternative, should one become available; and allowing health care providers to provide other medically appropriate prescription drugs”; which was referred to the Committee on Health and Human Resources then Finance.

## Special Calendar

### Third Reading

**Com. Sub. for S. B. 154**, Authorizing Department of Administration to 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. 109**), and there were—yeas 92, nays 2, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Pushkin and Walters.

Absent and Not Voting: Cowles, Fast, Moore, Upson, White and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 154) passed.

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

On this question, the yeas and nays were taken (**Roll No. 110**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fast, Moore, Upson and White.

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. 154) takes effect from its passage.

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

**Com. Sub. for S. B. 184**, Authorizing DOT 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. 111**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Walters.

Absent and Not Voting: Cowles, Fast, Moore, Upson and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 184) passed.

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

On this question, the yeas and nays were taken (**Roll No. 112**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fast, Moore, Upson and White.

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. 184) 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. 2694**, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas; 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. 113**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Marcum.

Absent and Not Voting: Cowles, Fast, Moore, Upson and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2694) 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. 2890**, Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects; 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. 114**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fast, Moore, Upson and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2890) 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. 3104**, Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund; 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. 115**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fast, Moore, Upson and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3104) 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. 4015**, Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies; 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. 116**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fast, Moore, Upson and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4015) 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. 4268**, Co-tenancy Modernization and Majority Protection Act; on third reading, coming up in regular order, was read a third time.

Delegate Shott requested to be excused from voting on the passage of Com. Sub. for H. B. 4268 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.

#### **Speaker Pro Tempore Overington in the Chair**

Delegate Summers requested to be excused from voting on the passage of Com. Sub. for H. B. 4268 under the provisions of House Rule 49.

The Speaker Pro Tempore 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.

#### **Mr. Speaker, Mr. Armstead, in the Chair**

The Speaker addressed the House stating that those who requested to be excused from voting under the provisions of House Rule 49 on yesterday and were directed to vote were also directed to vote today on the passage of the bill. Those Members were Delegates Capito, Byrd and Howell.

The Speaker informed members that if any others had similar Rule 49 requests due to royalty interests, any impact on them would

be as a member of a class of persons possibly to be affected by the passage of the bill, and they would not be excused from voting. He further stated that any such members wishing to have this noted in the Journal should inform the Clerk, which was done by Delegates Adkins, Atkinson, Criss, Eldridge, Iaquina, Lynch and Ward.

Delegate Harshbarger requested to be excused from voting on the passage of Com. Sub. for H. B. 4268 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. 117**), and there were—including pairs—yeas 60, nays 40, absent and not voting none, with the paired and nays being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Cowles	Nay: Hamilton
Yea: Fast	Nay: A. Evans
Yea: Moore	Nay: Paynter
Yea: Upson	Nay: Fleischauer
Yea: White	Nay: Eldridge

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



So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4268) 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. 4270**, Providing for the timely payment of moneys owed from oil and natural gas production; 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. 118**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Cowles, Fast, Moore, Upson and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4270) 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. 4361**, Bestowing the West Augusta Award upon each West Virginian graduating from U. S. Military Academies with the highest grade point average; 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. 119**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fast, Moore, Upson and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4361) 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. 4433**, Declaring certain claims against an agency of the state to be moral obligations of the state; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 120**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fast, Lane, Moore, Upson and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4433) passed.

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

On this question, the yeas and nays were taken (**Roll No. 121**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Fast, Lane, Moore, Upson and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4433) 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.

**H. B. 4434**, Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement; 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. 122**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Pushkin.

Absent and Not Voting: Cowles, Fast, Lane, Moore, Upson and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4434) passed.

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

At 2:42 p.m., on motion of Delegate Foster, the House of Delegates recessed for one hour.

\* \* \* \* \*

### **Afternoon Session**

\* \* \* \* \*

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

### **Reordering of the Calendar**

Delegate Foster announced that the Committee on Rules had transferred S. B. 385, on Second Reading, Special Calendar, to the House Calendar.

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

### **Committee Reports**

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:

**Com. Sub. for S. C. R. 4**, WV Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge,

And reports the same back with the recommendation that it be adopted.

### **Second Reading**

**Com. Sub. for S. B. 163**, Authorizing DEP promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 165**, Authorizing DHHR promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

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

**“ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.**

**§64-5-1. Department of Health and Human Resources.**

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-5B-8 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 30, 2017, relating to the Department of Health and Human Resources (hospital licensure, 64 CSR 12), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-1-9a of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 25, 2017, relating to the Department of Health and Human Resources (public water systems, 64 CSR 3), is authorized with the following amendment:

On page six, by striking out all of subdivision 8.1. and inserting in lieu thereof a new subdivision 8.1., to read as follows:

8.1. A public water system which artificially adjusts fluoride levels shall strive to maintain those levels between 0.6 milligrams per liter and 0.8 milligrams per liter. The optimum target concentration for artificially adjusted fluoride is 0.7 milligrams per liter. If the drinking water of a public water system is found to be outside of the 0.6 to 0.8 milligrams per liter range, the public water system shall make any treatment or operational changes necessary to return the fluoride level to within the range within 24 hours of receiving the analytical result unless doing so is impracticable, in which case, the correction shall be made as soon as possible. A public water system shall identify in its annual report to the Bureau the date and time of each instance where the fluoride levels were found to be outside the target range and how long it took to implement responsive adjustments

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-4C-6 of this code, modified by the Department of Health and Human Resources to

meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2017, relating to the Department of Health and Human Resources (emergency medical services, 64 CSR 48), is authorized.

(d) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §16-49-9 of this code, relating to the Department of Health and Human Resources (West Virginia clearance for access: registry and employment screening, 69 CSR 10), is authorized with the following amendment:

On page five, by striking out all of subdivision 7.3.a. and inserting in lieu thereof a new subdivision 7.3.a., to read as follows:

7.3.a. The passage of time. The length of time an applicant is barred from employment in direct access care starts from the date of conviction or the date of release from the penalty imposed, whichever is later.

(e) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-53-3 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 25, 2017, relating to the Department of Health and Human Resources (development of methodologies to examine needs for substance use disorder treatment facilities within the state, 69 CSR 13), is authorized with the following amendments:

On page two, subdivision 2.6, by striking out the word “six” and inserting in lieu thereof the word “seven”;

On page two, in subdivision 2.6.c, by striking out “Roane,”;

On page two, in subdivision 2.6.e, by striking out “Kanawha,” and “Clay,”;

On page two, in subdivision 2.6.f, by striking out “Fayette,” and “Nicholas,”; and

On page two, following subdivision 2.6.f, creating a new subdivision by inserting the following: “2.6.g. Region 7: Clay, Fayette, Kanawha, Nicholas, and Roane counties.”.

(f) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-5T-5 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2017, relating to the Department of Health and Human Resources (collection and exchange of data related to overdoses, 69 CSR 14), is authorized.

(g) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2017, relating to the Department of Health and Human Resources (child care centers licensing, 78 CSR 1), is authorized.

(h) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2017, relating to the Department of Health and Human Resources (family child care facility licensing requirements, 78 CSR 18), is authorized.

(i) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §49-2-121 of this code, relating to the Department of Health and Human Resources (family child care home registration requirements, 78 CSR 19), is authorized.

(j) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review

Committee and refiled in the State Register on December 11, 2017, relating to the Department of Health and Human Resources (informal and relative family child care home registration requirements, 78 CSR 20), is authorized.

(k) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §49-2-121 of this code, relating to the Department of Health and Human Resources (out-of-school-time child care center licensing requirements, 78 CSR 21), is authorized.

(l) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §9-3-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2017, relating to the Department of Health and Human Resources (pilot program for drug screening of applicants for cash assistance, 78 CSR 26), is authorized.

(m) The legislative rule effective on October 10, 2013, authorized under the authority of §16-1-4 of this code, relating to the Department of Health and Human Resources (regulation of opioid treatment programs, 69 CSR 7), is repealed.

#### **§64-5-2. Health Care Authority.**

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-29B-8 of this code, modified by the Health Care Authority to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 25, 2017, relating to the Health Care Authority (financial disclosure, 65 CSR 13), is authorized with the following amendment:

On page nine, by inserting a new section seven to read as follows:



**§65-13-7. Exemption.**

The provisions of this rule do not apply to the legally authorized practice of medicine by any one or more persons in the private office of any healthcare provider.

(b) The legislative rule effective on April 13, 2011, authorized under the authority of §16-2D-3 of this code, relating to the Health Care Authority (certificate of need rule, 65 CSR 7), is repealed.”

The bill was then ordered to third reading.

**S. B. 379**, Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 382**, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 384**, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 386**, Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 388**, Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 4343**, Relating to the delivery of financial statements to bank shareholders; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4385**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4402**, Relating to the prevention of sexual abuse of children; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4462**, Allowing off duty members and officers of the department of public safety to guard private property; 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. 2464**, Relating to disclaimers and exclusions of warranties in consumer transactions for goods,

**H. B. 4376**, Expiring funds to the balance of the Department of Health and Human Resources,

**H. B. 4389**, Expiring funds to the Enterprise Resource Planning System Fund,

**Com. Sub. for H. B. 4400**, Relating to the West Virginia Physicians Mutual Insurance Company,

And,

**Com. Sub. for H. B. 4473**, Relating to use of state funds for advertising to promote a public official or government office.

At 5:51 p.m., on motion of Delegate Foster, the House of Delegates recessed until 7:00 p.m.

\* \* \* \* \*

### **Evening Session**

\* \* \* \* \*

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

At the request of Delegate Foster 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 Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 4326**, Exempting veterans from obtaining a certificate of training in handling a firearm,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4326) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2889) was referred to the Committee on Government Organization.

Delegate Frich, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance 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, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4486) was referred to the Committee on the Judiciary.

Delegate Butler, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 4555**, Refugee Information Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4555) was referred to the Committee on Finance.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**Com. Sub. for S. B. 258**, Exempting honorably discharged veterans from fees for license to carry deadly weapons,

And reports the same back with the recommendation that it do pass, 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. 258) was referred to the Committee on the Judiciary.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Love during his prayer
- Delegates Longstreth and Miley regarding the school shooting tragedy in Florida
- Delegate C. Miller regarding Recovery Point
- Delegate Caputo during Remarks by Members
- Delegates Canestraro, Eldridge, Hanshaw, Robinson and Sponaule during the debate regarding Com. Sub. for H. B. 4268

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

- Delegate Pushkin for H. B. 4465
- Delegates Storch, Sypolt and Walters for H. B. 4490
- Delegate Rohrbach for H. B. 4524
- Delegate C. Miller for H. C. R. 8

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

- Delegate Summers for H. B. 4390
- Delegate Bates for H. B. 4401
- Delegate Moore for H. B. 4435

At 7:34 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 16, 2018.

---

Friday, February 16, 2018

**THIRTY-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 Thursday, February 15, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Ellington, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

**H. B. 4509**, Relating to the establishment of substance abuse treatment facilities,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 4509) was referred to the Committee on Health and Human Resources.

On motion for leave, a bill was introduced (Originating in the Committee on Prevention and Treatment of Substance Abuse) and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Ellington, Kessinger, Boggs, Sobonya, Hollen and Frich:**

**H. B. 4623** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, §9-5-25 and §9-5-25a; to amend and reenact §27-1-11 of said code; and to amend and reenact §61-8D-3 of said code, all relating to obtaining substance abuse treatment services; permitting certain testing; requiring reporting to the department; requiring the department to conduct an assessment; permitting a petition for involuntary commitment to be filed in certain circumstances providing rulemaking authority; permitting the department to report abuse and neglect in certain situations; and setting forth a criminal penalty.”

Pursuant to House Rule 80, the Speaker then referred the bill to the Committee on Health and Human Resources.

Delegate Ellington, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

**H. B. 4472**, West Virginia Addictions Treatment and Recovery Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4472) was referred to the Committee on Finance.

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

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



**H. B. 4215**, Relating to the involuntary hospitalization of persons administered opioid antagonists,

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

And,

**H. B. 4609**, Relating to advertising by physicians and podiatrists,

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 the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4215, H. B. 4524 and H. B. 4609) were each referred to the Committee on the Judiciary.

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

**By Delegates C. Miller, Anderson, Frich, Hamilton, Storch, Walters, Westfall, Boggs, Longstreth and Sponaule:**

**H. B. 4621** - "A Bill to amend and reenact §17-15-4 of the Code of West Virginia, 1931, as amended, relating to removing reference to certain entities with respect to work performed by prisoners; and relating to incarceration sentence reduction for the performance of certain approved work."

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**H. C. R. 13**, U. S. Army SGM Bill E. Jeffrey Memorial Road,

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

**Com. Sub. for H. C. R. 13** - “Requesting the Division of Highways to name that portion of West Virginia Route 10 between Man and Logan, the ‘U. S. Army SGM Bill E. Jeffrey Memorial Road’.”

And,

**H. C. R. 45**, U. S. Air Force Reserves 2<sup>nd</sup> Lieutenant Richard E. Tyson Memorial Bridge,

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

**Com. Sub. for H. C. R. 45** - “Requesting the Division of Highways to name bridge number 06-64-20.19 (EB-WB) (06A238, 06A237) (38.42087, -82.25220), locally known as Indian Meadows Bridges EB & WB, carrying Interstate 64 over the Mud River in Cabell County, West Virginia, the ‘U. S. Air Force 2<sup>nd</sup> Lt. Richard E. Tyson Memorial Bridge’.”

With the recommendation that the committee substitutes each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for H. C. R. 13 and Com. Sub. for H. C. R. 45) were each referred to the Committee on Rules.

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. 4478**, Authorizing public schools to distribute excess food to students,

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

**Com. Sub. for H. B. 4478** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §18-5D-5, relating to authorizing public schools to distribute excess food to students and others who suffer from food insecurity; making findings and determination establishing ‘The Shared Table’ initiative; providing for State Board rule; minimum contents of rule; consistency with health department and Food and Drug Administration requirements and guidelines; compliance and coverage under Good Samaritan Food Donation Act; and requiring county board establishment of program to assist and encourage school participation.”

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 4478) to the Committee on Finance was abrogated.

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. 4079, H. B. 4073, H. B. 4083, H. B. 4082, H. B. 4081, H. B. 4080, H. B. 4078, H. B. 4077, H. B. 4076, H. B. 4075, H. B. 4072, H. B. 4071, H. B. 4069, H. B. 4070, H. B. 4050, H. B. 4068, H. B. 4067, H. B. 4066, H. B. 4065, H. B. 4064, H. B. 4063, H. B. 4062, H. B. 4061, H. B. 4049, H. B. 4048, H. B. 4047, H. B. 4060, H. B. 4059, H. B. 4058, H. B. 4057, H. B. 4056, H. B. 4055, H. B. 4054, H. B. 4053, H. B. 4052 and H. B. 4051,** Authorizing miscellaneous boards and agencies to promulgate legislative rules,

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

**Com. Sub. for H. B. 4079** - “A Bill to amend and reenact §64-9-1, §64-9-2, §64-9-3, §64-9-4, §64-9-5, §64-9-6, §64-9-7, §64-9-8, §64-9-9, §64-9-10, §64-9-11, §64-9-12, §64-9-13 and §64-9-14 of the Code of West Virginia, 1931, as amended, all relating generally to the promulgation of administrative rules by various executive or administrative agencies of the state; authorizing certain agencies to promulgate certain legislative rules in the form

that the rules were filed in the State Register; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with amendments recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with amendments recommended by the Legislature; directing various agencies to amend and promulgate certain legislative rules; authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to noxious weeds; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia apiary law; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services; fruit; authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission; authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to licensure and renewal requirements; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to rules governing the West Virginia Board of Hearing Aid Dealers; authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education and physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and

podiatric physicians; authorizing the Board of Optometry to promulgate a legislative rule relating to rules of the West Virginia Board of Optometry; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to pharmacist recovery networks; authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists and pharmacy interns; authorizing the Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing; authorizing the Board of Pharmacy to promulgate a legislative rule relating to uniform controlled substances act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the controlled substances monitoring program; authorizing the Board of Psychologists to promulgate a legislative rule relating to fees; authorizing the Board of Psychologists to promulgate a legislative rule relating to requirements for real licensure as a psychologist and/or a school psychologist; authorizing the Board of Psychologists to promulgate a legislative rule relating to code of conduct; authorizing the Board of Real Estate Appraiser Licensing and Certification to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business; authorizing the Real Estate Commission to promulgate a legislative rule relating to schedule of fees; authorizing the Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers and instructors; authorizing the Secretary of State to promulgate a legislative rule relating to procedures for canvassing elections; authorizing the Board of Psychologists to promulgate a legislative rule relating to procedures for handling ballots and counting write-in votes in counties using optical scan ballots; authorizing the Secretary of State to promulgate a legislative rule relating to vote by mail pilot project phase 2: Voting

by Mail; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to certified animal euthanasia technicians; and authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees,”

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4334**, Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4334) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4497**, Exempting spouses of active military personnel from fees associated with occupational or professional licensing,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4497) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4011**, Requiring agencies, when submitting a new rule or changes, to also identify two existing rules that could be repealed,

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

**Com. Sub. for H. B. 4011** - "A Bill to amend and reenact §29A-3-11 of the Code of West Virginia, 1931, relating to requiring agencies, when submitting a new rule or changes to an existing rule, to also identify two existing rules that could be repealed,"

With the recommendation that the committee substitute do pass.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

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

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. 36** - "A Bill to amend and reenact §15-2B-2, §15-2B-5, §15-2B-6, and §15-2B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-9B-4, all relating generally to DNA testing; allowing the West Virginia State Police Forensic Laboratory to use qualified outside entities for DNA testing;

clarifying that the State Police shall attempt to contract with the Marshall University Forensic Science Center for certain DNA testing when outsourcing such testing; granting legislative and emergency rule-making authority to the Sexual Assault Forensic Examination Commission; directing the commission to promulgate time frames for DNA sample submission; expanding types of testing the West Virginia State Police Forensic Laboratory may outsource; authorizing law-enforcement and correctional officers to use reasonable force to obtain DNA samples; providing that DNA samples taken by law-enforcement and corrections personnel in compliance with this article are deemed to be in good faith; exempting law-enforcement and correctional officers from civil and criminal liability for good faith collection of samples done in a reasonable manner consistent with generally accepted practices; directing that erroneously obtained DNA samples be removed from database and samples destroyed; and clarifying that judicial expungement proceedings proceed by 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. 341** - “A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-5-10 of said code; to amend said code by adding thereto a new section, designated §23-5-11a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2018; terminating the Workers’ Compensation Board of Review and transferring duties to the



Intermediate Court of Appeals; requiring board to dispose of cases by a certain date; requiring contested cases under State Administrative Procedures Act to go to the Intermediate Court of Appeals; transferring jurisdiction for review of family court final orders from circuit courts to Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; altering the residency requirements for membership on the Judicial Vacancy Advisory Commission; creating the Intermediate Court of Appeals; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring three-judge panels for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; specifically excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing that no two judges of the Intermediate Court of Appeals may be residents of the same state senatorial district or of the same county; providing a process for appointment of judges to the Intermediate Court of Appeals to staggered judicial terms; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected office during judicial term; providing for temporary filling of judicial vacancy occurring before the expiration of an appointed judge's term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the chief judge of each Intermediate Court of Appeals district to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority of the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of

Appeals; providing that Intermediate Court of Appeals proceedings take place in publicly available facilities across the state; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for respective districts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing for sunset of the Intermediate Court of Appeals on certain date unless continued by the Legislature; and providing that certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right”; 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. 347** - “A Bill to amend and reenact §20-7-11, §20-7-12, §20-7-13, §20-7-14, §20-7-18, §20-7-18d, and §20-7-19 of the Code of West Virginia, 1931, as amended, all relating to the operation of motorboats; defining the term ‘state of principle operation’; establishing a fee schedule for motorboat registration; establishing motorboat numbering, lighting, fire extinguishers, engine bilges, and flotation device requirements; increasing the financial amount of property damage before certain accidents need to be reported; clarifying the requirements for the operation of personal watercrafts; limiting the hours during the day water skiing and surfboarding are permitted; and authorizing

rulemaking”; 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. 348** - “A Bill to amend and reenact §20-7-1d and §20-7-1f of the Code of West Virginia, 1931, as amended, all relating to awarding service sidearm or handgun to natural resources police officers and special natural resources police officers upon retirement; modifying terms to reference sidearm or handguns rather than revolvers; modifying provisions relating to disposal of service sidearm or handgun when they are replaced due to routine wear; exempting sidearm or handguns replaced due to routine wear from surplus property provisions and authorizing sale of such sidearm or handguns to officers at fair market value; and furnishing uniform for burial”; 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. 355** - “A Bill to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-4 and §5A-6-8 of said code; and to amend said code by adding thereto two new sections, designated §5A-6-4d and §5A-6-4e, all relating to dissolving the Information Services and Communications Division; repealing article related to Information Services and Communications Division; authorizing Chief Technology Officer to provide training and other services; authorizing Chief Technology Officer provide information services; authorizing Chief Technology Officer to assess fees for services provided; requiring Chief Technology Officer provide fixed schedule of fees for providing information services; setting forth procedure to be

followed if spending unit contests schedule; requiring the Chief Technology Officer to oversee telecommunications services to state spending units; requiring the Chief Technology Officer to supervise and maintain the central mailing office; directing the deposit of any moneys received for services; continuing special revenue account for administration of telecommunications services; directing Chief Technology Officer to review receipt of charges received from members; setting forth grounds for Chief Technology Officer to challenge charges with vendor and process for doing so; requiring Office of Technology apportion charges among spending units and bill spending units; requiring Office of Technology pay uncontested amounts due for telecommunications services; requiring state spending units pay statements from Office of Technology; authorizing the secretary to direct the transfer of funds into the special revenue account for unpaid telecommunications services; authorizing the secretary to assess a penalty with notice on spending units for unpaid amounts for telecommunications services; authorizing Chief Technology Officer to invoice spending units for amounts paid on behalf of the spending unit; providing a process for state spending units to contest amounts due; authorizing the Secretary of the Department of Administration to make a final decision on contested amounts due; authorizing Chief Technology Officer to discontinue telecommunication services to spending unit that fails to comply with provisions of article; authorizing a proportional fee be assessed against spending units; defining terms; granting rule-making authority; making technical corrections; authorizing a special fund to receive moneys for services provided by the agency; transferring Information Services and Communication Fund to Office of Technology; closing Chief Technology Officer Administration Fund and transferring any remaining balance; authorizing the Chief Technology Officer to grant waivers for certain services required by statute; and requiring waiver be granted to constitutional officers for certain services upon request"; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 370** - “A Bill to amend and reenact §23-2-1a of the Code of West Virginia, 1931, as amended, all relating to employees subject to workers’ compensation laws; exempting from workers’ compensation those persons who volunteer time or services, without wages, for a ski area operator, or a program or activity sponsored by a ski area operator; providing notice requirements; and defining a term”; 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. 458** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, and §21-5A-4, all relating to prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; defining terms; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing an exception; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution or other legal requirement which requires an employer to pay a wage higher than any applicable state or federal law; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates work stoppage, strike activity, or means by which

employees organize; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship training program not required by federal or state law; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and scheduling; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing an exception; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct of certain professions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act"; 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. 461** - "A Bill to amend and reenact §11-14C-9 and §11-14C-31 of the Code of West Virginia, 1931, as amended, all relating to petitions for tax refunds; and extending the time period to file a petition for motor fuel excise tax refunds"; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 524** - “A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to disposition of complaint proceedings; and making technical corrections”; which was referred to the Committee on Government Organization.

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. 525** - “A Bill to repeal §16-4C-6c of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22A-10-3, relating to emergency medical technicians – mining; and transferring certification requirements for emergency medical technician – mining to the chapter governing miners’ health, safety and training”; which was referred to the Committee on Energy then Government Organization.

A message from the Senate, by

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

**S. C. R. 20** - “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, Ambulance squads are dedicated to providing the utmost health care to the citizens of West Virginia; and

Whereas, 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

Whereas, Ambulance agencies are critical to the state's response to the declared national emergency related to opioid and other drug overdoses often administering life-saving care; and

Whereas, The state's rural population and mountain topography make it difficult and increasingly costly to maintain rapid emergency response; and

Whereas, Most ambulance agencies in West Virginia receive minimal funding from state, county, and local governments to support their services; and

Whereas, 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; 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; and

Whereas, 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

Whereas, 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 Senate 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 Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Health and Human Resources and the Commissioner of the Bureau for Medical Services.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of a joint resolution, which was read by its title and referred to the Committee on Finance then the Judiciary as follows:

**Com. Sub. for S. J. R. 3** - "Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the authority of the Legislature with regard to the state budget; giving the Legislature the authority to reduce items in the budget relating to the judiciary; providing that the Legislature may not make any law that conditions an increase or decrease of an item relating to the judiciary upon a particular ruling, order, or decision of a court of this state; amending obsolete language regarding when the Governor shall submit the budget to

the Legislature and matters that may be considered during an extended session, to accurately reflect current constitutional requirements; making numerous technical corrections; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

### **Petitions**

Delegate Kelly presented a resolution from the Wood County Board of Education requesting the Legislature improve teacher and service employee compensation; which was referred to the Committee on Finance.

### **Motions**

Delegates Marcum, Eldridge, Love, Ferro, Diserio, Rodighiero, Sponaugle, Pethtel, Boggs, Lynch, Caputo, Hartman, Williams, Iaquinta, Lovejoy, E. Evans, Campbell, Hicks, Brewer, Canestraro, Thompson, Longstreth, Fluharty, R. Miller and Rowe filed a written motion, pursuant to House Rule 82, to discharge **H. B. 4341** from the Committee on Energy.

Delegate Foster moved that the previous motion be tabled.

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

The yeas and nays having been ordered, they were taken (**Roll No. 123**), and there were—yeas 52, nays 44, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Anderson, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hicks, Hornbuckle, Iaquinta, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sobonya, Sponaugle, Thompson, Ward and Williams.

Absent and Not Voting: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members present and voting having voted in the affirmative, the motion to table the motion to discharge H. B. 4341 prevailed.

### **Special Calendar**

#### **Unfinished Business**

**Com. Sub. for S. C. R. 4**, WV Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge; coming up in regular order, as unfinished business, was read by the Clerk.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 124**), 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: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for S. C. R. 4) adopted.

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

**H. C. R. 19**, World Moyamoya Awareness Day; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

**H. C. R. 26**, U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

**H. C. R. 27**, Making Grafton's Annual Memorial Day Parade the Official State Memorial Day Parade; coming up in regular order, as unfinished business, was reported by the Clerk.

The question now being on the adoption of the resolution, Delegate Summers demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 125**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Ellington, Isner, Marcum and C. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. C. R. 27) adopted.

*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 S. B. 163**, Authorizing DEP 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. 126**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fast, Fleischauer, Fluharty, Hornbuckle, Longstreth, Pushkin, Rowe and Storch.

Absent and Not Voting: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 163) passed.

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

On this question, the yeas and nays were taken (**Roll No. 127**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fast, Fleischauer and Rowe.

Absent and Not Voting: Cowles, Ellington, Isner and C. Romine.

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. 163) takes effect from its passage.

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

**Com. Sub. for S. B. 165**, Authorizing DHHR 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. 128**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Longstreth, Pushkin and Walters.

Absent and Not Voting: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 165) passed.

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

**Com. Sub. for S. B. 165** - “A Bill to amend and reenact §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as amended, relating generally to authorizing various health agencies to promulgate certain legislative rules as filed, modified, and amended by the legislature; authorizing various health agencies to repeal certain legislative rules; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access: registry and employment screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; authorizing the Department of Health and Human Resources to promulgate a

legislative rule relating to out-of-school-time child care center licensing requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance; directing the Department of Health and Human Resources to repeal a legislative rule relating to regulation of opioid treatment programs; authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosure; and repealing a Health Care Authority legislative rule relating to certificate of need.”

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

On this question, the yeas and nays were taken (**Roll No. 129**), 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: Cowles, Ellington, Isner and C. Romine.

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. 165) 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.

**S. B. 379**, Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR; 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. 130**), 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: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 379) passed.

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

On this question, the yeas and nays were taken (**Roll No. 131**), 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: Cowles, Ellington, Isner and C. Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 379) takes effect from its passage.

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

**S. B. 382**, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund; on third reading, coming up in regular order, was, at the request of Delegate Foster, and by unanimous consent, postponed until the completion of S. B. 384.

**S. B. 384**, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR; 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. 132**), and there were—yeas 81, nays 15, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Brewer, Canestraro, Caputo, Diserio, E. Evans, Ferro, Hicks, Hornbuckle, Miley, Moye, Sponaule, Thompson and Williams.



Absent and Not Voting: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill S. B. 384 passed.

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

On this question, the yeas and nays were taken (**Roll No. 133**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Marcum.

Absent and Not Voting: Cowles, Ellington, Isner and C. Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 384) takes effect from its passage.

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

**S. B. 382**, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund; on third reading, having been postponed until this time, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 134**), 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: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 382) passed.

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

On this question, the yeas and nays were taken (**Roll No. 135**), 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: Cowles, Ellington, Isner and C. Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 382) takes effect from its passage.

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

**Com. Sub. for S. B. 386**, Decreasing and increasing appropriations from Treasury to Higher Education Policy 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. 136**), 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: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 386) passed.

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

On this question, the yeas and nays were taken (**Roll No. 137**), 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: Cowles, Ellington, Isner and C. Romine.

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. 386) takes effect from its passage.

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

**S. B. 388**, Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration; 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. 138**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bates.

Absent and Not Voting: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 388) passed.

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

On this question, the yeas and nays were taken (**Roll No. 139**), 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: Cowles, Ellington, Isner and C. Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 388) takes effect from its passage.

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

**Com. Sub. for H. B. 4343**, Relating to the delivery of financial statements to bank shareholders; 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. 140**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Eldridge, Ellington, Isner and C. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4343) 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. 4385**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 141**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Ellington, Hamilton, Isner and C. Romine.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4385) passed.

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

On this question, the yeas and nays were taken (**Roll No. 142**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Ellington, Hamilton, Isner and C. Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4385) 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.

**H. B. 4402**, Relating to the prevention of sexual abuse of children; 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. 143**), 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: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4402) 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. 4462**, Allowing off duty members and officers of the department of public safety to guard private property; 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. 144**), 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: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4462) 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. 2464**, Relating to disclaimers and exclusions of warranties in consumer transactions for goods; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page two, section one hundred seven, line twenty-five, after the word “malfunction” and the semicolon, by inserting the word “and”.

And,

On page two, section one hundred seven, lines twenty-six through twenty-nine, by striking out subsections (d) and (e) in their entirety and inserting in lieu thereof a new subdivision, designated subdivision (6), to read as follows:

“(6) is signed by both the consumer who actually in writing indicates the non-habitation use for the home and the dealer before the sales contract is executed.”

The bill was then ordered to engrossment and third reading.

**H. B. 4376**, Expiring funds to the balance of the Department of Health and Human Resources; on second reading, coming up in

regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4389**, Expiring funds to the Enterprise Resource Planning System 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. 4400**, Relating to the West Virginia Physicians Mutual Insurance Company; 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. 4473**, Relating to use of state funds for advertising to promote a public official or government office; 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. 4001**, Relating to eligibility and fraud requirements for public assistance,

**Com. Sub. for H. B. 4042**, Redefining school zone to facilitate placement of school zone signs,

**Com. Sub. for H. B. 4157**, Eliminating the refundable exemption for road construction contractors,

**H. B. 4285**, Relating to the West Virginia Safe Mortgage Licensing Act,

**Com. Sub. for H. B. 4304**, Creating the Board of Nursing,

**H. B. 4324**, Relating to the employment of individuals by municipal paid fire departments under civil service,

**H. B. 4379**, Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation,

**Com. Sub. for H. B. 4401**, Relating to the registration of business,

**Com. Sub. for H. B. 4428**, Allowing training hours earned through public school education or apprenticeship to count towards an applicant's occupational certification,

**H. B. 4436**, Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department,

**H. B. 4488**, Relating to the Hatfield-McCoy Recreation Authority,

And,

**Com. Sub. for H. B. 4522**, Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor.

**H. B. 4620**, Expiring funds to the balance of the Department of Administration, Public Employees Insurance Agency; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Delegate Foster moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 145**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Ellington, Isner, Pyles and C. Romine.



So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was read a third time.

Delegate Frich requested to be excused from voting on the passage of H. B. 4620 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 Speaker informed members that if any others had similar Rule 49 requests due to PEIA participation by themselves or family members, any impact on them would be as a member of a class of persons possibly to be affected by the passage of the bill, and they would not be excused from voting. He further stated that any such members wishing to have this noted in the Journal should inform the Clerk, which was done by Delegates Campbell, Zatezalo, Pack, Ambler, Iaquinta, E. Evans, Anderson, Lynch, Moye, Nelson, Ferro, Pethtel, R. Miller and Mr. Speaker, Mr. Armstead.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 146**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Blair.

Absent and Not Voting: Cowles, Ellington, Isner and C. Romine.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4620) passed.

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

On this question, the yeas and nays were taken (**Roll No. 147**), 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: Cowles, Ellington, Isner and C. Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4620) 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.

**H. B. 4622**, Relating to authorizing legislative rules regarding higher education; on first reading, coming up in regular order, was read a first time and ordered to second reading.

### **Leaves of Absence**

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

Delegate Sponaugle moved that the House adjourn until 12:00 noon, Saturday, February 17, 2018.

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

The yeas and nays having been ordered, they were (**Roll No. 148**), and there were—yeas 37, nays 54, absent and not voting 9, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquinta, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye,

Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Sponaugle, Thompson, Ward and Williams.

Absent and Not Voting: Cowles, Ellington, A. Evans, Isner, Marcum, Rohrbach, C. Romine, Rowe and Walters.

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

### **Miscellaneous Business**

Delegate Pyles announced that he was absent on today when the vote was taken on Roll No. 145 and had he been present he would have voted “Yea” thereon.

Delegate Storch noted to the Clerk that she was absent on Monday, January 22, 2018, when the vote was taken on Roll Nos. 6, 7 and 8 and had she been present she would have voted “Yea” thereon.

Delegate Hamilton noted to the Clerk that he was absent on today when the vote was taken on Roll Nos. 141 and 142 and had he been present he would have voted “Yea” thereon.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegates Wagner and Folk during the debate regarding H. B. 4620
- Delegate Summers during Remarks by Members
- Delegate Butler during Remarks by Members
- Delegate Miley during Remarks by Members
- Delegate Pushkin during Remarks by Members
- Delegate Love during Remarks by Members
- Delegate Eldridge during Remarks by Members

- Delegate Hornbuckle during Remarks by Members
- Delegate Bates during Remarks by Members
- Delegate Fluharty during Remarks by Members
- Delegate Caputo during Remarks by Members
- Delegate Sponaugle during Remarks by Members
- Delegate Pyles during Remarks by Members

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

- Delegate Rowe for H. B. 2755
- Delegate Frich for H. B. 3061, H. B. 4215 and H. B. 4509
- Delegate Deem for H. B. 4609
- Delegate Maynard for H. B. 4621

Pursuant to House Rule 94b, Delegate Maynard filed a form with the Clerk's Office to be removed as a cosponsor of H. B. 4615.

Delegate Foster moved that the House adjourn until 11:00 a.m., Monday, February 19, 2018.

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

The yeas and nays having been ordered, they were taken (**Roll No. 149**), and there were—yeas 58, nays 30, absent and not voting 12, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Blair, Cowles, Ellington, A. Evans, Ferro, Isner, Marcum, C. Miller, Rohrbach, C. Romine, Rowe and Walters.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

At 2:22 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 19, 2018.



---

Monday, February 19, 2018

**FORTY-FIRST DAY**

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

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

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

The Clerk proceeded to read the Journal of Friday, February 16, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4597**, Relating to the procedure to determine if an occupation or profession should be regulated,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4597) was referred to the Committee on the Judiciary.

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

**H. R. 7**, Urging federal policymakers to support legislation advancing the development of an Appalachian Storage Hub,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. R. 7) was referred to the Committee on Rules.

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

**H. B. 4490**, Relating to oil and gas permits not to be on flat well royalty leases,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4490) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**Com. Sub. for S. B. 71**, Defining "veteran" as it pertains to veteran-owned business,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 71) to the Committee on the Judiciary was abrogated.

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 16<sup>th</sup> 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:

**H. B. 2612**, Repealing section relating to unattended motor vehicles and penalties.

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. 4422**, Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds and corporate bonds,

And reports the same back, with the recommendation that it do pass.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 3061**, Encouraging mastery-based education through the Innovation In Schools program,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 3061** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5E-8, relating to encouraging mastery-based education through the Innovation In Schools program; making findings and stating purpose; providing definitions; specifying duties of Department of Education with respect to program; requiring participation in incubator process; incorporating statutory provisions related to Innovation In Education schools; prohibiting penalties for student who transfers from mastery-based

to nonmastery-based schools; and requiring institutions of higher education to recognize and accept high school diplomas on equal footing,”

**H. B. 4022**, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4022** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9p, relating to providing an exemption from the consumer sales and service tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of aircraft operated under a fractional ownership program; defining terms; specifying a method for claiming exemption; authorizing emergency rules and promulgation of legislative rules; and establishing the effective date of the section,”

And,

**H. B. 4296**, Establishing the Southern West Virginia Lake Development Study Commission,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. B. 4296** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-1B-1, §5B-1B-2, §5B-1B-3, and §5B-1B-4, all relating to establishing the Southern West Virginia Lake Development Study Commission; providing legislative findings; establishing the commission and designating its membership; providing the scope of commission study; authorizing the commission to create committees and utilize university and other state government resources; providing for expense reimbursement for certain commission members; and requiring reports to the Legislature,”

With the recommendation that the committee substitutes each do pass.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for H. B. 4022) 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:

**Com. Sub. for S. B. 237**, Authorizing Department of Revenue promulgate legislative rules,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

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. 4451**, Creating the West Virginia Sentencing Commission,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4451** – “A Bill to amend and reenact §15-9-4 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4 and §15-9C-5, all relating to creating the West Virginia Sentencing Commission; establishing the commission as a standing subcommittee of the Governor’s committee on crime, delinquency and correction; authorizing the commission to seek and utilize funding and grants; setting forth legislative findings; setting forth the purpose of the commission; establishing composition and membership of commission; setting forth the powers and duties of the commission; setting forth

objectives for the commission; directing commission provide annual assessment and recommendations to the Legislature; and authorizing the commission to make additional recommendations to the Legislature,”

**H. B. 4511**, Modifying bail requirements,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4511** – “A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to the authorization to release a defendant or a person arrested upon his or her own recognizance; requires a court or magistrate to release a person charged with certain misdemeanor offenses on his or her own recognizance except for good cause shown,”

And,

**H. B. 4618**, Relating to the authority of the Division of Protective Services,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4618** – “A Bill to amend and reenact §61-6-1, §61-6-1a, §61-6-3, §61-6-4, and §61-6-5 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Protective Services to compel dispersal of a riot or unlawful assemblage; to the authority of the Division of Protective Services to control riots and unlawful assemblages; to include officers of the Division of Protective Services among those officers on whom the penalty for failure to exercise power at riots and unlawful assemblages may be imposed; allowing Division of Protective Services officers to summon persons to suppress unlawful assemblages; to hold harmless Division of Protective Services officers from liability for the death of persons in riots and unlawful assemblages; and to make technical corrections,”

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. 4617**, Clarifying where a charge of DUI may be brought against an individual,

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. 4207**, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4207** - "A Bill to amend and reenact §39-4-20 of the Code of West Virginia, 1931, as amended, relating to receiving a commission to act as a notary public; authorizing an online electronic application process to apply to receive a commission to act as a notary public; removing the oath of office and requiring an applicant to swear or affirm under penalty of perjury that answers to questions in the application are true and if appointed, the applicant will perform faithfully all notarial acts in accordance with the law; and eliminating the \$1000 bond requirement,"

**H. B. 4368**, Relating to voluntary assignments of wages by state employees who have been overpaid,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4368** - "A Bill to amend and reenact §21-5-3 of the Code of West Virginia, 1931, as amended, relating to

voluntary assignments of wages by state employees who have been overpaid; clarifying exemption from wages; and requiring written acknowledgement and waiver as part of a voluntary authorization or order.”

And,

**H. B. 4424**, Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4424** - “A Bill to amend and reenact §6B-1-3 of the Code of West Virginia, 1931, as amended, all relating to providing that the Ethics Act applies to certain persons providing services without pay to elected officials,”

With the recommendation that the committee substitutes each do pass.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 4242**, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 184**, Authorizing DOT promulgate legislative rules.

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. 273** - “A Bill to amend and reenact §16-5H-2 and §16-5H-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5Y-2, §16-5Y-4, and §16-5Y-5 of said code; to amend said code by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, and §16-54-9; to amend and reenact §30-3-14 of said code; to amend and reenact §30-3A-1, §30-3A-2, §30-3A-3, and §30-3A-4 of said code; to amend and reenact §30-4-19 of said code; to amend and reenact §30-5-6 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-8-18 of said code; to amend and reenact §30-10-19 of said code; to amend and reenact §30-14-12a of said code; to amend and reenact §30-36-2 of said code; to amend said code by adding thereto a new section, designated §60A-5-509; and to amend and reenact §60A-9-4, §60A-9-5, and §60A-9-5a of said code, all relating to reducing the use of certain prescription drugs; providing for an exemption from registration for office-based, medication-assisted treatment program in specified cases; making clarifying amendments to provide for an exemption for medication-assisted treatment programs; clarifying physician responsibility for medication-assisted treatment; clarifying definition of ‘pain management clinic’; providing for emergency rulemaking; defining terms; providing for an advance directive; requiring consultation with patients prior to prescribing an opioid; limiting the amount of opioid prescriptions; requiring a narcotics contract in certain circumstances; providing exceptions to prescribing limits; providing for referral to a pain clinic or pain specialist; providing reports to licensing boards regarding abnormal or unusual prescribing practices; providing for consideration of other treatment options prior to prescribing an opioid; requiring insurance coverage for certain procedures to treat chronic pain; requiring the Board of Pharmacy to report quarterly to various licensing boards; exempting the Board of Pharmacy from certain purchasing requirements; clarifying who must report to the

Controlled Substances Monitoring Database; precluding retaliation against a health care provider for declining to prescribe a narcotic; clarifying the practice of acupuncture; and permitting the investigation and discipline for abnormal and unusual prescribing and dispensing of prescription drugs”; which was referred to the Committee on Health and Human Resources and 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. 358** - “A Bill to amend and reenact §50-3-2 of the Code of West Virginia, 1931, as amended, relating to authorizing the imposition of a \$25 clerk’s fee for processing criminal bonds; establishing person responsible for payment of fee by type of bond issued; exempting personal recognizance bonds from fee; and providing that fees collected be deposited in the Magistrate Court Fund”; which was referred to the Committee on the Judiciary and Finance.

### Special Calendar

#### Third Reading

**Com. Sub. for H. B. 2464**, Relating to disclaimers and exclusions of warranties in consumer transactions for goods; 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. 150**), 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: Ellington, Hartman, C. Romine and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2464) 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. 4376**, Expiring funds to the balance of the Department of Health and Human Resources; 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. 151**), and there were—yeas 80, nays 17, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Adkins, Espinosa, Fast, Foster, Frich, Hollen, Isner, Jennings, Love, Marcum, Martin, Robinson, Sobonya, Sponaugle, Summers, Upson and Williams.

Absent and Not Voting: Ellington, Hartman and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4376) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 152**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fast, Marcum and Martin.

Absent and Not Voting: Ellington, Hartman and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4376) 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.

**H. B. 4389**, Expiring funds to the Enterprise Resource Planning System Fund; 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. 153**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Folk, Marcum and McGeehan.

Absent and Not Voting: Ellington, Hartman and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4389) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 154**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Folk, Marcum and McGeehan.

Absent and Not Voting: Ellington, Hartman and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4389) 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. 4400**, Relating to the West Virginia Physicians Mutual Insurance Company; 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. 155**), 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: Ellington, Hartman and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4400) 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. 4473**, Relating to use of state funds for advertising to promote a public official or government office; 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. 156**), 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: Ellington, Hartman, White and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4473) 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. 4001**, Relating to eligibility and fraud requirements for public assistance; on second reading, coming up in regular order, was read a second time.

Delegate E. Evans move to amend the bill on page eleven, section two, line seven, by striking out the words “Beginning October 1, 2018, the” and inserting in lieu thereof the word “The”.

On page eleven, section two, line seven, by striking out the words “discontinue and shall not”.

And,

On page eleven, section two, lines fifteen and sixteen, by striking out the following: “Notwithstanding any provision in this code to the contrary, all counties shall be ineligible for any such waiver effective October 1, 2021.”

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. 157**), and there were—yeas 36, nays 61, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquina, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Statler, Thompson, Ward and Williams.

Absent and Not Voting: Ellington, Hartman and White.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4042**, Redefining school zone to facilitate placement of school zone signs; 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. 4157**, Eliminating the refundable exemption for road construction contractors; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4285**, Relating to the West Virginia Safe Mortgage Licensing Act; 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. 4304**, Creating the Board of Nursing; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page eighty-three, section twenty, line two, by striking out the word "or".

And,

On page eighty-three, section twenty, after line four, by inserting a new subdivision, designated subdivision (3), to read as follows:

"(3) Caring for the sick when done in connection with the practice of religious tenets of any church and by and for its members."

And, renumbering the remaining subdivisions accordingly.

The bill was then ordered to engrossment and third reading.

**H. B. 4324**, Relating to the employment of individuals by municipal paid fire departments under civil service; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4379**, Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation; 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. 4401**, Relating to the registration of business; 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. 4428**, Allowing training hours earned through public school education or apprenticeship to count towards an applicant's occupational certification; on second reading, coming up in regular order, was read a second time.

An amendment to the bill, offered by Delegate Robinson, was reported by the Clerk, on page two, after section three, by inserting a new section, designated section four, to read as follows:

**“§21-1E-4. Career and technical education information for high school students.**

(a) The Division of Labor shall coordinate with the State Board of Education and the Commerce Department to create a list of existing apprenticeships throughout the state, as well as a list of certifications and other credentials that reflect current workforce needs, in order to educate and prepare high school students regarding career and technical education (CTE) opportunities and careers following graduation.

(b) Each county school district shall annually provide each student, beginning in the ninth grade, with the following information:

(1) Career and technical education programs within the district and adjoining districts; and

(2) The EDGE program, established by §18-3-1 *et seq.* of this code, which provides the opportunity for the student to obtain dual credits that count toward the high school graduation requirements, as well as to count toward the student's achievement of a certificate or Associate Degree.

(3) A list of apprenticeships created pursuant to subsection (a) of this section.

(4) A list of certificates and credentials created pursuant to subsection (a) of this section.

(5) Details regarding enlistment and opportunities within the armed forces, including local recruiter contact information.”

And renumbering the remaining section.

And,

On page two, section four, after line nine, by inserting a new subdivision, designated subdivision (3), to read as follows:

“(3) After conferring with the State Board of Education, guidelines for collection and dissemination of information collected pursuant to §21-1E-4.”

On motion of Delegate Espinosa, the amendment offered by Delegate Robinson was amended, on page two, section four (new section five), subdivision (3), line two, after “§21-1E-4”, by inserting the words “in a manner easily accessible to both students and their parents”.

The amendment to the bill, as amended, was then adopted.

The bill was ordered to engrossment and third reading.

**H. B. 4436**, Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4488**, Relating to the Hatfield-McCoy Recreation Authority; 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. 4522**, Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4622**, Relating to authorizing legislative rules regarding higher education; 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. 4011**, Requiring agencies, when submitting a new rule or changes, to also identify two existing rules that could be repealed,

**Com. Sub. for H. B. 4079**, Promulgating administrative rules by various executive or administrative agencies of the state,

**Com. Sub. for H. B. 4478**, Authorizing public schools to distribute excess food to students,

And,

**H. B. 4621**, Relating to removing reference to certain entities with respect to work.

### Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Hartman and White.

### Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal: Delegates Brewer, Caputo, Cowles, Diserio, E. Evans, Fleischauer, Folk, Love, Marcum, Moye, Pushkin, Pyles, Rowe, Thompson and Zatezalo during Remarks by Members.

Delegate C. Romine noted to the Clerk that he was absent on today when the vote was taken on Roll No. 150, and that had he been present, he would have voted "Yea" thereon.

Pursuant to House Rule 94b, Members filed forms with the Clerk's Office to be added as a cosponsor of the following bills:



- Delegate E. Nelson for H. B. 4357 and H. B. 4558
- Delegate Dean for H. C. R. 57

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 Pushkin for H. B. 4344.

At 1:56 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 20, 2018.



---

Tuesday, February 20, 2018

**FORTY-SECOND DAY**

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Monday, February 19, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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 19<sup>th</sup> 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:

**S. B. 62**, Adjusting requirements for hiring school attendance directors,

And,

**Com. Sub. for H. B. 2546**, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

On motion for leave, a bill was introduced (Originating in the Committee on Finance with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Nelson, Ambler, Butler, Espinosa, Frich, Householder, C. Miller, Storch, Walters and Westfall:**

**H. B. 4625** - “A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund; providing limit on balance of fund that suspends allocation; modifying portion allocated to revenue shortfall reserve fund; and terminating provisions.”

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (H. B. 4625) 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. 4219**, Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System,

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. 4540**, Implementing a process for counties to obtain grants from an existing federal fund designated the Help America Vote Act Fund,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4540) was referred to the Committee on Finance.

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. 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,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4502** - "A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, as amended, relating to adding murder, armed robbery, sex crimes, treason, and organized crimes to the list of offenses for which a prosecutor may apply for an order authorizing interception,"

And,

**H. B. 4607**, Prohibiting the banning of the use of recreational drones at state parks,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4607** - "A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to parks and recreation permitting the use of recreational drones at state parks; requiring persons who intend to operate drones to register with the superintendent prior to participating in the use of any drone; establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails; and

clarifying that persons who operate drones assume full responsibility and liability.”

With the recommendation that the committee substitutes each do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4431**, Establishing the Mountaineer Trail Network Recreation Authority,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4431) 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:

**H. B. 4534**, Relating to the executive secretary of the Health Professional Licensing Boards,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4534) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4600**, Authorizing employed investigators of the Board of Medicine, the Board of Osteopathy and the Board of Pharmacy to carry concealed handguns,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4600) was referred to the Committee on the Judiciary.

On motion for leave, a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Howell, Hamrick, Pack, Brewer, Jennings, Iaquina, Ferro, Hill, Diserio, Marcum and Maynard:**

**H. B. 4624** - "A Bill to amend and reenact §1-1-5 of the Code of West Virginia, 1931, as amended, relating to West Virginia coordinate systems; defining terms; and updating references."

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. 2983**, Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 2983** - "A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Highways to implement reasonable design techniques intended to minimize damage that may result from recurring floods within the purpose

and need of the state road system, and relating to updating certain statutory references,”

**H. B. 4241**, Transitioning foster children into managed care,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. B. 4241** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to transitioning foster children into managed care,”

And,

**H. B. 4289**, Relating to disability pensions of municipal employees,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. B. 4289** - “A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to disability pensions of municipal employees; removing provision relating to limitation of nonduty disability retirement; increasing amount of income that may be earned before an offset of benefits is required; and increasing that limit automatically when the minimum wage increases,”

With the recommendation that the committee substitutes each do pass.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2831**, Relating to the reconstitution of the Driver’s Licensing Advisory Board.



On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the title by the Senate:

On page one, by striking out the title and inserting therefor a new title, to read as follows:

**Com. Sub. for H. B. 2831** - “A Bill to amend and reenact §17B-2-7a of the Code of West Virginia, 1931, as amended, relating to the Driver’s Licensing Advisory Board; requiring one member of the advisory board to be a board certified neurologist licensed to practice medicine in this state; reducing number of physicians or surgeons serving on advisory board from four to three; permitting current appointees to advisory board to continue to serve until successors have been appointed; authorizing Commissioner of Motor Vehicles to request opinion of advisory board; requiring the board to respond to requests of the commissioner for opinions; providing reimbursement for advisory board members for actual and necessary expenses; requiring reimbursement to be consistent with guidelines of Travel Management Office; and eliminating sunset provision for advisory board.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 158**), 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: Capito, Deem, Lane and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2831) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

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. 47** - “A Bill to amend and reenact §49-2-802 of the Code of West Virginia, 1931, as amended, relating to requiring Department of Defense family advocacy groups to be notified about any abuse or neglect of a child of a military person”; which was referred to the Committee on Veterans’ Affairs and Homeland Security 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. 87** - “A Bill to amend and reenact §20-2-42x of the Code of West Virginia, 1931, as amended, relating to allowing a person to purchase a Class XS resident senior hunting, fishing, and trapping license at the beginning of the year he or she becomes 65, if otherwise eligible”; which was referred to the Committee on Senior Citizen Issues then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 165**, Authorizing DHHR promulgate legislative rules.

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. 339** - “A Bill to amend and reenact §5-16D-1, §5-16D-3, §5-16D-4, and §5-16D-6 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Retirement Health Benefit Trust Fund within the Public Employees Insurance

Agency; modifying definitions to provide flexibility for compliance with the Governmental Accounting Standards Board guidance; defining new terms; and allowing the current allocation process for unfunded liability to continue”; 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 and requested the concurrence of the House of Delegates in the passage, of

**S. B. 444** - “A Bill to repeal §17C-15-29 and §17C-15-38 of the Code of West Virginia, 1931, as amended, relating to repealing antiquated and inoperative provisions of the code regarding approval of safety glass and lighting in motor vehicles”; which was referred to the Committee on Roads and Transportation then Government Organization.

### **Resolutions Introduced**

Delegates Walters, C. Miller, Higginbotham, Espinosa, Graves, C. Romine, Rohrbach, Jennings, R. Romine, A. Evans, Deem, Ambler, Anderson, Cooper, Ellington, Harshbarger, Hollen, Kelly, Lane, Maynard, Overington, Pack, Paynter, Phillips, Storch, Ward and Westfall offered the following resolution, which was read by its title and referred to the Committee on Banking and Insurance then Rules:

**H. R. 8** - “Urging the United States Congress and the President of the United States to enact legislation that would reinstate the separation of commercial and investment banking function that was in effect under the Glass-Steagall Act.”

Whereas, An effective money and banking system is essential to the functioning of the United States economy. Such a system must function in the public interest without any bias; and

Whereas, Since 1933, the Federal Banking Act, also referred to as the Glass-Steagall Act, has protected the public interest through the regulation of commercial and investment banking, insurance companies, and securities. Important provisions of the Glass-

Steagall Act were repealed in 1999, partially contributing to the greatest speculative bubble and worldwide recession since the Great Depression; and

Whereas, The worldwide recession greatly affected our country's economy and citizens' lives. It left millions of homes in foreclosure and caused the loss of millions of jobs nationwide. The recession also put severe financial strains on states, counties, cities, and other municipalities, exacerbating unemployment and the loss of public services; and

Whereas, The United States House of Representatives and United States Senate have been making efforts to restore the protections of the Glass-Steagall Act. United States Representative Marcy Kaptur has introduced H.R. 381, known as the Return to Prudent Banking Act of 2015, which would revive the separation between commercial banking and the securities business in the manner provided by the Glass-Steagall Act. United States Senator Elizabeth Warren, along with Senators John McCain, Maria Cantwell, Angus King, and others have introduced the 21<sup>st</sup> Century Glass-Steagall Act (S. 1709), which would reduce risk for American taxpayers in the financial system and decrease the likelihood of future financial crises; and

Whereas, The Glass-Steagall Act has widespread national support from prominent economic and business leaders and national publications, including Thomas Hoenig of the Federal Deposit Insurance Corporation, former CEO of Citigroup Sanford Weill, economist Luigi Zingales, the New York Times, the St. Louis Post-Dispatch, the Los Angeles Times, and many others; and

Whereas, Resolutions demanding action to return to Glass-Steagall protections have been introduced in over 25 states since 2013. Maine and South Dakota passed resolutions on the matter in both chambers of their legislatures in 2013. Alabama and Indiana houses of representatives adopted resolutions urging action to reinstate Glass-Steagall in the same year. Most recently, the Ohio House of Representatives introduced a resolution in its current session; and

Whereas, Overwhelming pressure must be brought to bear on members of the United States House of Representatives and the United States Senate to take action to pass this important legislation; therefore, be it

*Resolved by the House of Delegates:*

That we, in adopting this resolution, urge the United States Congress and the President of the United States to enact legislation that, in order to prevent American taxpayers from being called upon to fund hundreds of billions of dollars to bail out financial institutions, would reinstate the separation of commercial and investment banking functions that was in effect under the Glass-Steagall Act, prohibiting commercial banks and bank holding companies from investing in stocks, from underwriting securities, and from investing in or acting as guarantors to derivative transaction; and, be it

*Further Resolved*, That the Clerk of the West Virginia House of Delegates is hereby requested to distribute a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the West Virginia congressional delegation.

Delegates Thompson, Hicks, Rodighiero, R. Miller, Eldridge, Marcum and Lovejoy offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 71** - "Requesting that the Division of Highways name bridge number 50-37-22.70 (50A076) (38.16807, -82.37858), locally known as East Lynn Bridge, carrying WV 37 over the East Fork of Twelvepole Creek in Wayne County, the 'U. S. Army CPL Lee Roy Young Memorial Bridge'."

Whereas, U. S. Army CPL Lee Roy Young was born in 1933 in Genoa, Wayne County, West Virginia; and

Whereas, CPL Young joined the United States Army and served with the 8<sup>th</sup> Cavalry Regiment, 1<sup>st</sup> Cavalry Division, in the Chorwon Area in the Korean War; and

Whereas, CPL Young was seriously wounded while fighting the enemy in South Korea on May 26, 1951. He returned to duty on May 29, 1951; and

Whereas, CPL Young was killed in action while fighting the enemy in North Korea on October 17, 1951. He is buried in the Young Family Cemetery in Genoa, Wayne County, West Virginia.

Whereas, Naming this bridge is an appropriate recognition of CPL Young's contributions and sacrifice to his country and to the State of West Virginia—the state of his birth; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-37-22.70 (50A076) (38.16807, -82.37858), locally known as East Lynn Bridge, carrying WV 37 over the East Fork of Twelvepole Creek in Wayne County, the “U. S. Army CPL Lee Roy Young Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army CPL Lee Roy Young Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of the Department of Transportation.

Delegates A. Evans, Rowan, R. Romine and Hamilton offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 75** - “Requesting the Division of Highways name WV Route 46, from its intersection with County Route 3 to its intersection with County Route 42/3 in Mineral County the ‘PVT George Howell, Continental Army Memorial Highway’.”

Whereas, PVT George Howell was an early settler of Hampshire County, Virginia (now West Virginia). In June 1775, following the outbreak of the American Revolutionary war, the

Second Continental Congress formed the Continental Army. The Continental Army was comprised of local militias and troops from throughout the colonies that became the United States of America; and

Whereas, PVT George Howell joined the Continental Army, which was led by General George Washington. PVT George Howell died while in the service of the United States. His widow was awarded 10 pounds per year; and

Whereas, PVT George Howell's service in Hampshire County, contributed to the winning of the Revolutionary War and our nation's freedom; and

Whereas, It is fitting that an enduring memorial be established to commemorate PVT George Howell's contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name WV Route 46, from its intersection with County Route 3 to its intersection with County Route 42/3 in Mineral County the "PVT George Howell, Continental Army Memorial Highway"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "PVT George Howell, Continental Army Memorial Highway"; and, be it

*Further Resolved*, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Rowe, Robinson, Pushkin, Byrd, Lane and White offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 76** - "Requesting the Division of Highways to name bridge number 20-61-13.51 (20A817), locally known as New Chesapeake Bridge, carrying WV 61 over the Fields Creek in

Kanawha County, the ‘U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge’.”

Whereas, Michael Linn Cooper, the son of Joseph A. and Eula T. Cooper of Chesapeake, Kanawha County, West Virginia, was born March 1, 1949; and

Whereas, Michael Linn Cooper enlisted in the United States Marine Corps on August 9, 1967, in Ashland, Kentucky; and

Whereas, LCpl Michael Linn Cooper arrived in Vietnam on February 16, 1968, where he began serving with Company E, 2<sup>nd</sup> Battalion, 27<sup>th</sup> Marines, 1<sup>st</sup> Marine Division, (REIN) FMF; and

Whereas, During the month of August the battalion continued to patrol the “Rocket Belt” of their area of responsibility that surrounded the Da Nang Military Complex in Quang Nam Province; and

Whereas, On August 24, 1968, during an ongoing joint operation with the 51<sup>st</sup> ARVN Regiment in the vicinity of the Qua Giang village complex and the Cam Le Bridge the Marines engaged the enemy in battle. During the fire fight Lance Corporal Michael Linn Cooper was killed in action after receiving multiple fragmentation wounds; and

Whereas, It is appropriate to honor this Marine and his family for their sacrifice to the nation; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-61-13.51 (20A817), locally known as New Chesapeake Bridge, carrying WV 61 over the Fields Creek in Kanawha County, the “U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is requested to have made and be placed at both ends of the bridge signs identifying the bridge as the “U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge” and, be it



*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of Highways.

Delegates R. Miller, Rodighiero, Eldridge and Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 77** - "Requesting the Division of Highways to name a portion of West Virginia Route 85, Pond Fork Road, near Wharton, Boone County, West Virginia, beginning at the intersection of Secondary Rt. 11/1, James Creek Rd., and West Virginia Route 85, and traveling approximately 2.1 miles, between Bald Knob and Wharton, the 'Deputy Sheriff Jesse R. Browning Memorial Road'."

Whereas, Deputy Sheriff Jesse R. Browning was born September 12, 1878, in Bald Knob, Boone County, West Virginia, to Benjamin H. and Venila Browning; and

Whereas, Deputy Browning was the younger sibling to a brother Joseph Andrew Browning, who served as a West Virginia State Senator, and grew up in Bald Knob, Boone County, West Virginia; and

Whereas, On April 7, 1917, at 2:00 p.m., Deputy Browning was guarding an inmate in custody at the Boone County Jail in Madison, WV; and

Whereas, While guarding the inmate, he was attacked. The inmate obtained control of Deputy Browning's firearm and shot the Deputy twice, once in the abdomen and once in the face; and

Whereas, The inmate escaped the confines of the jail, running from Madison into the Town of Danville, as he exchanged shots with several citizens who pursued the escapee until his capture after emptying the deputy's firearm, whereupon he was ultimately transferred to the asylum in Weston, West Virginia; and

Whereas, Deputy Browning was taken to the Kanawha Valley Hospital in Charleston, West Virginia, by train the following

morning where he clung onto life for several days until he passed from the Earth on April 15, 1917, leaving behind a wife, Orpha Pauley Browning, and seven children: Glenn, Marie, Gladys, Dennis, Clyde, Dassie, and Georgia. At the time of his death, Deputy Browning's youngest child was only three months old. He was predeceased by a son, Alvin Browning; and

Whereas, At risk of losing his life, he showed never-ending bravery, ingenuity, and resolve to fight for the safety of his fellow citizens of Boone County until he left this earth; and

Whereas, Deputy Sheriff Jesse R. Browning's body lies in a grave on a remote hillside in Barrett, W.Va., overlooking West Virginia Route 85; and

Whereas, All of his children remained life-long residents of West Virginia; and

Whereas, Deputy Sheriff Jesse R. Browning's descendants include 36 grandchildren and many great grandchildren. Several of these have been behind the effort to have their grandfather recognized for his service and sacrifice to Boone County, West Virginia; and

Whereas, At 38 years of age, having served Boone County and the State of West Virginia for 15 years, Deputy Sheriff Jesse R. Browning was a young man who devoted his life to his county and gave his life fighting for the safety that we all enjoy because of men and women like him; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of West Virginia Route 85, Pond Fork Road, near Wharton, Boone County, West Virginia, beginning at the intersection of Secondary Rt. 11/1, James Creek Rd., and West Virginia Route 85, and traveling approximately 2.1 miles, between Bald Knob and Wharton, the "Deputy Sheriff Jesse R. Browning Memorial Road"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends of the road identifying the road as the “Deputy Sheriff Jesse R. Browning Memorial Road”; and, be it

*Further Resolved*, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Kelly, Anderson, Atkinson, Hollen, Deem, Criss, Harshbarger, Cooper, Longstreth, Iaquina and Hartman offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 78** - “Requesting the Division of Highways to name bridge number 54-1-1.97 (54A001), locally known as Waverly Road Bridge, carrying County Route 1 over the Carpenter Run in Wood County the ‘U. S. Marine Corps PFC Danny Marshall Memorial Bridge’.”

Whereas, U. S. Marine Corps PFC Danny Marshall was born March 9, 1957, in Parkesburg, West Virginia. He grew up in Waverly and attended Waverly Elementary School and Williamstown High School. Danny was one of eight children of Mrs. Faye Marie Marshall Kemp (deceased January 2009). His brothers and sisters are: Barbara Phillis (Williamstown, WV), Robert (New York), Joey (Parkersburg, WV), Dale (deceased), Dorothy Miller (Marietta, OH), Rex (deceased), and Susan Evans (Marietta, OH). Robert and Joey also served, in the Army and Navy respectively. Danny was an active youth and outdoorsman. He enjoyed wrestling while at Williamstown High and earned several trophies; and

Whereas, At age 17, Danny joined the Marine Corps in 1974. In 1975 he was based in Okinawa, and his unit would be called upon to rescue the crew of a merchant ship captured by the ruthless Cambodian communists who perpetrated the Killing Fields, the Khmer Rouge. U. S. Marine Corps PFC Danny Marshall and another marine were captured and taken to the mainland for interrogation at a former Buddhist temple called Wat In Nean near

Sihanoukville. After a week of interrogation and torture, they were killed and buried on the temple grounds. His death date is uncertain, so has been designated by the family as May 15, 1975. He was awarded the Bronze Star, the Purple Heart, the National Defense Service Military Ribbon, the Vietnam Service Military Ribbon, the Defense Distinguished Service Military Ribbon and The Republic of Vietnam Gallantry Cross. On May 23, 1986, the Academic 1 Facility at Marine Corps Base Camp Lejeune in Jacksonville, North Carolina, was dedicated to PFC Phelps and seven other marines who also gave their lives for their country; and

Whereas, Naming the bridge across Carpenter Run near Waverly in Wood County, the “U. S. Marine Corps PFC Danny Marshall Memorial Bridge” is an appropriate recognition of his contributions to his country, state, community and Wood County; therefore, be it,

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 54-1-1.97 (54A001), locally known as Waverly Road Bridge, carrying County Route 1 over the Carpenter Run in Wood County. the “U. S. Marine Corps PFC Danny Marshall Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the U. S. Marine Corps PFC Danny Marshall Memorial Bridge”; and, be it  
it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Sponaule offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 79** - “Requesting the Division of Highways to name bridge number 16-48-54 EB & WB (16A132, 16A133), locally known as the Sauerkraut Run Bridges, carrying US 48 (EB & WB)

over Sauerkraut Run & CR 23/8 in Hardy County, the ‘John and Wilbur Hahn Dutch Hollow Pioneers Bridge’.”

Whereas, John and Wilbur Hahn, the youngest sons of Lorenza and Amanda Rebecca Michael Hahn, family of five girls and three boys, went to school at Maple Grove, where they only had school for about four months. The Hahns trace their ancestry back to the Rhine Valley of Germany and immigrants from there who arrived in the United States sometime in the mid-to late 1800’s. The Hahns came over on a boat with members of the Michael family, and branches of both families settled in Dutch Hollow. They farmed and, when the demand arose, cut timber in the woods around their homesteads. John is deceased and Wilbur, (age 89 has recently had a leg amputated), carried on that pioneering tradition of farming and pulpwood sawmill from 1939. They owned and operated a small gasoline-powered sawmill on their farm, with some help from John’s son Mickey in Dutch Hollow, Hardy County, despite the changes brought to the industry by modern technology. The brothers have remained part of a close-knit family, still enjoying Sunday dinners with relatives at the Hahn farmhouse, located near the site of the sawmill; and

Whereas, Naming that bridge on Route 259 (Corridor H) crossing Sauerkraut Road at Dutch Hollow in Hardy County, the “John and Wilbur Hahn Dutch Hollow Pioneers Bridge” is an appropriate recognition of their family’s pioneering contributions to their state, community and Hardy County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 16-48-54 EB & WB (16A132, 16A133), locally known as the Sauerkraut Run Bridges, carrying US 48 (EB & WB) over Sauerkraut Run & CR 23/8 in Hardy County, the “John and Wilbur Hahn Dutch Hollow Pioneers Bridge”; and, be it

*Further Resolved,* That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “John and Wilbur Hahn Dutch Hollow Pioneers Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Rowe, Robinson and White offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 80** - "Requesting Division of Highways to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the 'U. S. Army SGT Tommy Meadows Memorial Road'."

Whereas, Sergeant Meadows was born on February 17, 1948, in Charleston and passed away on March 5, 2017; and

Whereas, Sergeant Meadows was president of his class for Sophomore, Junior and Senior years at DuPont High School; and

Whereas, Sergeant Meadows served in the United States Army from 1968 to 1970; and

Whereas, While serving in Vietnam Sergeant Meadows was exposed to Agent Orange, which eventually contributed to his death; and

Whereas, Sergeant Meadows served as a Kanawha County Deputy Sheriff for five years; and

Whereas, Sergeant Meadows retired from Union Carbide with a disability because of exposure to Agent Orange; and

Whereas, Sergeant Meadows was an officer and active member of Charleston Moose 1444; and

Whereas, Sergeant Meadows was a volunteer with Community of Rand Association performing community services for the betterment of Rand; and

Whereas, Sergeant Meadows bought and delivered meals to senior citizens in the area and was forever lending assistance to anyone in need; and

Whereas, It is fitting that a proper memorial be established for this man who so ably served his country and the State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the “U. S. Army SGT Tommy Meadows Memorial Road”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying that portion of the highway as the “U. S. Army SGT Tommy Meadows Memorial Road”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Pushkin, Rowe and Fleischauer offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

**H. C. R. 81** - “Proposing to rescind H. C. R. 36 passed by the Regular Session of the Legislature 2016, applying for an Article V Amendments Convention to Propose a Constitutional Amendment.”

Whereas, The 2016 Regular Session of the Legislature on February 6, 2016, passed H. C. R. 36 making formal application to Congress to call an Article V constitutional convention, or convention of the states, for the sole purpose of altering the Constitution of the United States of America; and

Whereas, Article V of the Constitution of the United States reserves exclusively to Congress the federal authority to call a constitutional convention, or convention of the states; and

Whereas, The Supreme Court of the United States ruled that Congress alone reserves the power to “deal with subsidiary matters

of detail and Article V is no exception to the rule”, including matters regarding convention delegates and constitutional conventions called by Congress under Article V; and

Whereas, Article V of the Constitution of the United States declares the “Mode of Ratification” of amendments arising from a constitutional convention, or convention of the states, shall be determined not by the states or by the delegates, but by Congress; and

Whereas, The States have no authority to impose any penalty, sanction, or limitation on convention delegates, for such delegates represent the “People”, and the sovereign “Right of the People to alter or to abolish [their Government], and to institute new Government”; and

Whereas, The States have no constitutional authority to establish, or to predetermine, the rules of order or operational aspects of a constitutional convention, or convention of the states, called by Congress under Article V of the Constitution of the United States; and

Whereas, James Madison wrote in The Federalist No. 43 that Article V of the Constitution of the United States should be utilized only for repairing “discovered [constitutional] faults” or for “amendment of [constitutional] errors”; and

Whereas, Nothing in Article V of the Constitution of the United States provides for, nor can any state application guarantee, equal suffrage or equal franchise, to each state at the constitutional convention, or convention of the states; and

Whereas, Nothing in Article V of the Constitution of the United States limits the constitutional convention, or convention of the states, to any specific topic or to any specific list of topics; and

Whereas, Nothing in Article V of the Constitution of the United States guarantees, nor can any state application guarantee, state legislatures the right to a ratification vote on amendments arising from a constitutional convention, or convention of the states; and



Whereas, The West Virginia Legislature joins the legislatures of the States of Delaware, Idaho, Maryland, Nevada, New Mexico, Oregon, South Carolina, South Dakota and Virginia, who, having recently rescinded their Article V balanced budget applications, no longer support a Congressional call for a constitutional convention, or convention of the states; therefore, be it

*Resolved by the Legislature of West Virginia:*

That H. C. R. 36 passed by the 2016 Regular Session of the Legislature, be rescinded; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward copies of this resolution to the President and Secretary of the United States Senate, to the Speaker and Secretary of the United States House of Representatives, the members of the West Virginia Congressional Delegation, and to the presiding officers of each house of the several State Legislatures, attesting the adoption of this resolution by the West Virginia Legislature.

Delegates Gearheart, Shott, Ellington and Paynter offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 82** - "Designating Mercer County, McDowell County, Mingo County, Logan County, Wyoming County, Lincoln County, Boone County and Wayne County as an ATV Recreation Area."

Whereas, Mercer County and McDowell County are the southern gateway to the Hatfield-McCoy Regional Trail Authority in West Virginia because of the Interstate 77, and Mingo County, Logan County, Wyoming County, Lincoln County, Boone County and Wayne Counties are the western gateway to the Hatfield-McCoy Regional Trail because of the Kentucky border; and

Whereas, The Mercer County Convention and Visitors Bureau and Hatfield-McCoy Convention and Visitors Bureau have entered into a partnership with the Hatfield-McCoy Regional Trail Authority to utilize an Appalachian Regional Commission federal POWER grant which will enhance marketing efforts for ATV tourism in the region; and

Whereas, Nearly 40,000 trail passes for the Hatfield-McCoy Regional Trail Authority were sold in 2016 to visitors from across the United States and Canada. The Hatfield-McCoy Regional Trail Authority is a leading location for outdoor, off-road adventure in the Eastern United States and has built high name recognition among outdoor enthusiasts. A recreation area designation will help market the area as a premier destination for outdoor riders from all over the county and help with marketing efforts by the state and local convention bureaus; and

Whereas, Hotel Occupancy Taxes are up 5.6 percent in 2016-2017 in Mercer County due to the opening of new lodging facilities and the higher occupancy rates at existing facilities. The Mercer County Convention and Visitors Bureau and the Hatfield-McCoy Convention and Visitors Bureau has built partnerships with entities such as county commissions, local Chambers of Commerce, and area municipalities in an effort to recognize ATV tourism as the leading tourism activity in the region, and seek to assist entrepreneurs establish businesses in these area, and diversify the local economy providing new business ventures for residents in the hospitality and tourism industry; therefore, be it

*Resolved by the Legislature of West Virginia:*

That Mercer County, McDowell County, Wyoming County, be designated as an ATV Recreational Area; and, be it

*Further Resolved,* That the Commissioner of Highways and the Executive Director of the West Virginia Tourism Office cause appropriate signage to be installed and maintained to properly designate the recreational area; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways and the Executive Director of the West Virginia Tourism Office.

Delegates Cooper, Ambler, Harshbarger, Pack, Hollen, Foster, Maynard, Paynter, Walters and Wilson offered the following

resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 83** - “Requesting the Division of Highways to name a portion of WV 3, starting at the eastern city limits of Union and ending at the intersection with CR 11, Keenan Road, in Monroe County, the ‘Vietnam Veterans Memorial Highway’.”

Whereas, The members of Vietnam Veterans of America, Chapter 1108, of Union, West Virginia, seek to honor the service of Vietnam veterans from all branches of our nation’s military; and

Whereas, The Members of Vietnam Veterans of America, Chapter 1108, request that a portion of WV 3 be dedicated to the memory of these men and women; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of WV 3, starting at the eastern city limits of Union and ending at the intersection with CR 11, Keenan Road, in Monroe County, the “Vietnam Veterans Memorial Highway”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends of the road identifying the road as the “Vietnam Veterans Memorial Highway”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

## **Special Calendar**

### **Third Reading**

**Com. Sub. for H. B. 4001**, Relating to eligibility and fraud requirements for public assistance; on third reading, coming up in regular order, was read a third time.

During debate on the bill, the Speaker reminded the members to confine remarks to the question before the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 159**), and there were, including pairs-yeas 78, nays 19, absent and not voting 3, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Capito Nay: Byrd

Nays: Bates, Caputo, Eldridge, E. Evans, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquinta, Love, Lovejoy, R. Miller, Pushkin, Pyles, Robinson, Rowe, Thompson and Williams.

Absent and Not Voting: Deem, Lane and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4001) 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. 4042**, Redefining school zone to facilitate placement of school zone signs; 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. 160**), 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: Capito, Deem, Lane and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4042) 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. 4157**, Eliminating the refundable exemption for road construction contractors; 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. 161**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4157) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 162**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4157) 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.

**H. B. 4285**, Relating to the West Virginia Safe Mortgage Licensing Act; 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. 163**), and there were—yeas 90, nays 5, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barrett, Folk, Howell, McGeehan and Summers.

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4285) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**H. B. 4285** - “A Bill to amend and reenact §31-17A-4, §31-17A-6 and §31-17A-9 of the Code of West Virginia, 1931, as amended, all relating to the licensing requirements of mortgage loan originators; increasing the number of hours of education required for licensure and to meet continuing education requirements; and increasing the licensure application fee.”

*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. 4304**, Creating the Board of 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. 164**), and there were, including pairs—yeas 70, nays 27, absent and not voting 3, with the paired, nays and absent and not voting being as follows:

Nays: Barrett, Boggs, Brewer, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Folk, Hicks, Hornbuckle, Iaquina, Isner, Lovejoy, Lynch, McGeehan, Miley, R. Miller, Pethtel, Pyles, Rowe, Sponaugle, Thompson and Williams.

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Capito                      Nay: Zatezalo

Yea: Lane                        Nay: Marcum

Absent and Not Voting: Deem, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4304) 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. 4324**, Relating to the employment of individuals by municipal paid fire departments under civil service; 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. 165**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4324) 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. 4379**, Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department

of Transportation; 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. 166**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4379) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 167**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4379) 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. 4401**, Relating to the registration of 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. 168**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:



Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4401) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 169**), 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, Lane, C. Miller and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4401) 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. 4428**, Allowing training hours earned through public school education or apprenticeship to count towards an applicant's occupational certification; 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. 170**), 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, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4428) passed.

On motion of Delegate Espinosa, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4428** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4 and §21-1E-5; and to amend said code by adding thereto a new article designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor and by licensing boards and commissions; providing for creation of lists of existing apprenticeships, certifications and other credentials that reflect existing workforce needs and for dissemination to high school students; and requiring Commissioner of Labor rule to include guidelines for collection and dissemination in manner easily accessible to both students and their parents.”

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 4436**, Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department; 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. 171**), 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, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4436) 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. 4488**, Relating to the Hatfield-McCoy Recreation Authority; 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. 172**), and there were—yeas 83, nays 13, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Dean, Eldridge, E. Evans, Folk, Hicks, Hornbuckle, Marcum, Maynard, McGeehan, Paynter, Rodighiero, Sobonya and Thompson.

Absent and Not Voting: Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4488) 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. 4522**, Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor; 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. 173**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Upson and Wilson.

Absent and Not Voting: Boggs, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4522) 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. 4622**, Relating to authorizing legislative rules regarding higher education; 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. 174**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Folk and Walters.

Absent and Not Voting: Boggs, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4622) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

At 2:04 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 6:30 p.m.

\* \* \* \* \*

### **Evening Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with further amendment, and the passage, as amended, to take effect July 1, 2018, of

**Com. Sub. for S. B. 267**, Increasing salaries of certain state employees.

Delegate Cowles moved that the House concur in the following amendment by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

#### “CHAPTER 15. PUBLIC SAFETY

#### ARTICLE 2. WEST VIRGINIA STATE POLICE.

#### **§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.**

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant, and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class, or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.

(b) The superintendent may propose legislative rules for promulgation in accordance with ~~article three, chapter twenty-nine~~ ~~a~~ §29A-3-1 et seq. of this code for the purpose of ensuring consistency, predictability, and independent review of any system developed under the provisions of this section.

(c) The superintendent shall provide to each member a written manual governing any system established under the provisions of this section and specific procedures shall be identified for the evaluation and testing of members for promotion or reclassification and the subsequent placement of any members on a promotional eligibility or reclassification recommendation list.

(d) Beginning on ~~July 1, 2011~~ July 1, 2018, members shall receive annual salaries payable at least twice per month as follows:

~~ANNUAL SALARY SCHEDULE (BASE PAY)~~

~~SUPERVISORY AND NONSUPERVISORY RANKS~~

<del>Cadet During Training</del> .....	<del>\$ 33,994</del>
<del>Cadet Trooper After Training</del> .....	<del>\$ 41,258</del>
<del>Trooper Second Year</del> .....	<del>42,266</del>
<del>Trooper Third Year</del> .....	<del>42,649</del>
<del>Senior Trooper</del> .....	<del>43,048</del>
<del>Trooper First Class</del> .....	<del>43,654</del>
<del>Corporal</del> .....	<del>44,260</del>
<del>Sergeant</del> .....	<del>48,561</del>
<del>First Sergeant</del> .....	<del>50,712</del>
<del>Second Lieutenant</del> .....	<del>52,862</del>
<del>First Lieutenant</del> .....	<del>55,013</del>
<del>Captain</del> .....	<del>57,164</del>
<del>Major</del> .....	<del>59,314</del>
<del>Lieutenant Colonel</del> .....	<del>61,465</del>

~~ANNUAL SALARY SCHEDULE (BASE PAY)~~

~~ADMINISTRATION SUPPORT SPECIALIST  
CLASSIFICATION~~

I .....	42,266
II .....	43,048
III .....	43,654
IV .....	44,260
V .....	48,561
VI .....	50,712
VII .....	52,862
VIII .....	55,013

~~ANNUAL SALARY SCHEDULE (BASE PAY)~~

~~CRIMINALIST CLASSIFICATION~~

I .....	42,266
II .....	43,048
III .....	43,654
IV .....	44,260
V .....	48,561
VI .....	50,712
VII .....	52,862
VIII .....	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

<u>Cadet During Training.....</u>	<u>\$ 34,858</u>
<u>Cadet Trooper After Training.....</u>	<u>\$ 42,122</u>
<u>Trooper Second Year.....</u>	<u>43,130</u>
<u>Trooper Third Year.....</u>	<u>43,513</u>
<u>Senior Trooper.....</u>	<u>43,912</u>
<u>Trooper First Class.....</u>	<u>44,518</u>
<u>Corporal.....</u>	<u>45,124</u>
<u>Sergeant.....</u>	<u>49,425</u>
<u>First Sergeant.....</u>	<u>51,576</u>
<u>Second Lieutenant.....</u>	<u>53,726</u>
<u>First Lieutenant.....</u>	<u>55,877</u>
<u>Captain.....</u>	<u>58,028</u>
<u>Major.....</u>	<u>60,178</u>
<u>Lieutenant Colonel.....</u>	<u>62,329</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST  
CLASSIFICATION

<u>I.....</u>	<u>43,130</u>
<u>II.....</u>	<u>43,912</u>
<u>III.....</u>	<u>44,518</u>
<u>IV.....</u>	<u>45,124</u>
<u>V.....</u>	<u>49,425</u>
<u>VI.....</u>	<u>51,576</u>



VII .....53,726

VIII .....55,877

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I .....43,130

II .....43,912

III .....44,518

IV .....45,124

V .....49,425

VI .....51,576

VII .....53,726

VIII .....55,877

Beginning July 1, 2019, the annual salaries for members of each of the West Virginia State Police, the Administration Support Specialists, and the Criminalist classifications set forth in the schedules in this subsection shall be increased an additional \$432.

Each member of the West Virginia State Police whose salary is fixed and specified in this annual salary schedule is entitled to the length of service increases set forth in subsection (e) of this section and supplemental pay as provided in subsection (g) of this section.

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in subsection (d) of this section for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: Beginning on January 1, 2015, and continuing thereafter, at the end

of two years of service with the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

(f) In applying the salary schedules set forth in this section where salary increases are provided for length of service, members of the West Virginia State Police in service at the time the schedules become effective shall be given credit for prior service and shall be paid the salaries the same length of service entitles them to receive under the provisions of this section.

(g) The Legislature finds and declares that because of the unique duties of members of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour laws to them. Accordingly, members of the West Virginia State Police are excluded from the provisions of state wage and hour law. This express exclusion shall not be construed as any indication that the members were or were not covered by the wage and hour law prior to this exclusion.

In lieu of any overtime pay they might otherwise have received under the wage and hour law, and in addition to their salaries and increases for length of service, members who have completed basic training and who are exempt from federal Fair Labor Standards Act guidelines may receive supplemental pay as provided in this section.

The authority of the superintendent to propose a legislative rule or amendment thereto for promulgation in accordance with ~~article three, chapter twenty nine a~~ §29A-3-1 et seq. of this code to establish the number of hours per month which constitute the standard pay period for the members of the West Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in excess of the standard pay period. The superintendent shall certify at least twice per month to the West Virginia State Police's payroll officer the names of those members who have worked in excess of the standard pay period and the amount of their entitlement to

supplemental payment. The supplemental payment may not exceed \$200 per pay period. The superintendent and civilian employees of the West Virginia State Police are not eligible for any supplemental payments.

(h) Each member of the West Virginia State Police, except the superintendent and civilian employees, shall execute, before entering upon the discharge of his or her duties, a bond with security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful performance of his or her duties, and the bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor.

(i) In consideration for compensation paid by the West Virginia State Police to its members during those members' participation in the West Virginia State Police Cadet Training Program pursuant to ~~section eight, article twenty nine, chapter thirty~~ §30-29-8 of this code, the West Virginia State Police may require of its members by written agreement entered into with each of them in advance of such participation in the program that, if a member should voluntarily discontinue employment any time within one year immediately following completion of the training program, he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal to that part of such year which the member has chosen not to remain in the employ of the West Virginia State Police.

(j) Any member of the West Virginia State Police who is called to perform active duty training or inactive duty training in the National Guard or any reserve component of the armed forces of the United States annually shall be granted, upon request, leave time not to exceed 30 calendar days for the purpose of performing the active duty training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia State Police.

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

**§18-9A-8. Foundation allowance for professional student support services.**

(a) The basic foundation allowance to the county for professional student support personnel shall be the amount of money determined in accordance with the following:

(1) The sum of the state minimum salaries, as determined in accordance with the provisions of article four, chapter eighteen of this code, for all state aid eligible school nurse and counselor positions in the county during the two thousand eight fiscal year which number shall be reduced in the same proportion as the number of professional educators allowed to be funded under section four of this article to the total number of professional educators employed that are state aid eligible. In performing this calculation, the numerator shall be the number of professional educators actually funded under section four of this article and the denominator shall be the total number of professional educators employed that are eligible to be funded under section four of this article;

(2) The amount derived from the calculation in subdivision (1) of this subsection is increased by one half percent;

(3) The amount derived from the calculation in subdivision (2) of this subsection is the basic foundation allowance to the county for professional student support personnel for the two thousand nine fiscal year;

(4) For fiscal years two thousand ten, two thousand eleven, two thousand twelve and two thousand thirteen, the basic foundation allowance to the county for professional student support personnel increases by one-half percent per year over the allowance for the previous year; and

(5) For all fiscal years thereafter, the basic foundation allowance to the county for professional student support personnel remains the same amount as in the two thousand thirteen fiscal year, plus any additional amount of funding necessary to cover the increases in the State Minimum Salary Schedule set forth in §18A-

4-2 of this code effective for the fiscal year beginning July 1, 2018, and thereafter.

(b) The additional positions for counselors that may be created as a result of the one percent increase provided pursuant to this section shall be assigned to schools where the counselor can:

- (1) Enhance student achievement;
- (2) Provide early intervention for students in grades prekindergarten through five; and
- (3) Enhance student development and career readiness.

**CHAPTER 18A. SCHOOL PERSONNEL.**

**ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.**

**§18A-4-2. State minimum salaries for teachers.**

(a) It is the goal of the Legislature to increase the state minimum salary for teachers with zero years of experience and an A. B. degree, including the equity supplement, to at least \$43,000 by fiscal year 2019.

(b) ~~Beginning July 1, 2014~~ (1) For school year 2018 – 2019, and continuing thereafter, each teacher shall receive the amount prescribed in the ~~state~~ State Minimum Salary Schedule as set forth in this section; ~~specific additional amounts prescribed in this section or article;~~ and any county supplement in effect in a county pursuant to ~~section five a of this article~~ §18A-4-5a of this code during the contract year.

STATE MINIMUM SALARY SCHEDULE

Years	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	A.B.	M.A.	M.A.	M.A.	Dee		
Exp	Class	Class	Class	A.B.	+15	M.A.	+15	+30	+45	terate

0	27,917	28,606	28,872	30,315	31,076	32,843	33,604	34,365	35,126	36,161
1	28,245	28,934	29,200	30,833	31,594	33,362	34,123	34,883	35,644	36,679
2	28,574	29,262	29,528	31,352	32,113	33,880	34,641	35,402	36,163	37,198
3	28,902	29,590	29,856	31,871	32,631	34,399	35,160	35,920	36,681	37,716
4	29,474	30,162	30,428	32,633	33,394	35,162	35,923	36,683	37,444	38,479
5	29,802	30,490	30,756	33,152	33,913	35,680	36,441	37,202	37,963	38,998
6	30,130	30,818	31,084	33,670	34,431	36,199	36,960	37,720	38,481	39,516
7	30,458	31,147	31,412	34,189	34,950	36,717	37,478	38,239	39,000	40,035
8	30,786	31,475	31,741	34,707	35,468	37,236	37,997	38,757	39,518	40,553
9	31,114	31,803	32,069	35,226	35,987	37,754	38,515	39,276	40,037	41,072
10	31,443	32,131	32,397	35,746	36,506	38,274	39,035	39,796	40,556	41,591
11	31,771	32,459	32,725	36,264	37,025	38,793	39,553	40,314	41,075	42,110
12	32,099	32,787	33,053	36,783	37,543	39,311	40,072	40,833	41,593	42,628
13	32,427	33,115	33,381	37,301	38,062	39,830	40,590	41,351	42,112	43,147
14	32,755	33,443	33,709	37,820	38,580	40,348	41,109	41,870	42,630	43,665
15	33,083	33,771	34,037	38,338	39,099	40,867	41,627	42,388	43,149	44,184
16	33,411	34,099	34,365	38,857	39,617	41,385	42,146	42,907	43,667	44,702
17	33,739	34,428	34,693	39,375	40,136	41,904	42,665	43,425	44,186	45,221
18	34,067	34,756	35,022	39,894	40,655	42,422	43,183	43,944	44,705	45,740
19	34,395	35,084	35,350	40,412	41,173	42,941	43,702	44,462	45,223	46,258
20	34,723	35,412	35,678	40,931	41,692	43,459	44,220	44,981	45,742	46,777
21	35,052	35,740	36,006	41,449	42,210	43,978	44,739	45,499	46,260	47,295
22	35,380	36,068	36,334	41,968	42,729	44,496	45,257	46,018	46,779	47,814
23	35,708	36,396	36,662	42,487	43,247	45,015	45,776	46,536	47,297	48,332
24	36,036	36,724	36,990	43,005	43,766	45,534	46,294	47,055	47,816	48,851
25	36,364	37,052	37,318	43,524	44,284	46,052	46,813	47,574	48,334	49,369
26	36,692	37,380	37,646	44,042	44,803	46,571	47,331	48,092	48,853	49,888
27	37,020	37,708	37,974	44,561	45,321	47,089	47,850	48,611	49,371	50,406
28	37,348	38,037	38,302	45,079	45,840	47,608	48,368	49,129	49,890	50,925

29	37,676	38,365	38,631	45,598	46,358	48,126	48,887	49,648	50,408	51,443
30	38,004	38,693	38,959	46,116	46,877	48,645	49,405	50,166	50,927	51,962
31	38,333	39,021	39,287	46,635	47,396	49,163	49,924	50,685	51,445	52,480
32	38,661	39,349	39,615	47,153	47,914	49,682	50,443	51,203	51,964	52,999
33	38,989	39,677	39,943	47,672	48,433	50,200	50,961	51,722	52,483	53,518
34	39,317	40,005	40,271	48,190	48,951	50,719	51,480	52,240	53,001	54,036
35	39,645	40,333	40,599	48,709	49,470	51,237	51,998	52,759	53,520	54,555

Years	<u>4<sup>th</sup></u>	<u>3<sup>rd</sup></u>	<u>2<sup>nd</sup></u>	A.B.	M.A.	M.A.	M.A.	Doc-		
Exp	Class	Class	Class	A.B.	+ 15	M.A.	+ 15	+ 30	+ 45	torate
0	<u>28,725</u>	<u>29,414</u>	<u>9,680</u>	<u>31,123</u>	<u>31,884</u>	<u>33,651</u>	<u>34,412</u>	<u>35,173</u>	<u>35,934</u>	<u>36,969</u>
1	<u>29,053</u>	<u>29,742</u>	<u>30,008</u>	<u>31,641</u>	<u>32,402</u>	<u>34,170</u>	<u>34,931</u>	<u>35,691</u>	<u>36,452</u>	<u>37,487</u>
2	<u>29,382</u>	<u>30,070</u>	<u>30,336</u>	<u>32,160</u>	<u>32,921</u>	<u>34,688</u>	<u>35,449</u>	<u>36,210</u>	<u>36,971</u>	<u>38,006</u>
3	<u>29,710</u>	<u>30,398</u>	<u>30,664</u>	<u>32,679</u>	<u>33,439</u>	<u>35,207</u>	<u>35,968</u>	<u>36,728</u>	<u>37,489</u>	<u>38,524</u>
4	<u>30,282</u>	<u>30,970</u>	<u>31,236</u>	<u>33,441</u>	<u>34,202</u>	<u>35,970</u>	<u>36,731</u>	<u>37,491</u>	<u>38,252</u>	<u>39,287</u>
5	<u>30,610</u>	<u>31,298</u>	<u>31,564</u>	<u>33,960</u>	<u>34,721</u>	<u>36,488</u>	<u>37,249</u>	<u>38,010</u>	<u>38,771</u>	<u>39,806</u>
6	<u>30,938</u>	<u>31,626</u>	<u>31,892</u>	<u>34,478</u>	<u>35,239</u>	<u>37,007</u>	<u>37,768</u>	<u>38,528</u>	<u>39,289</u>	<u>40,324</u>
7	<u>31,266</u>	<u>31,955</u>	<u>32,220</u>	<u>34,997</u>	<u>35,758</u>	<u>37,525</u>	<u>38,286</u>	<u>39,047</u>	<u>39,808</u>	<u>40,843</u>
8	<u>31,594</u>	<u>32,283</u>	<u>32,549</u>	<u>35,515</u>	<u>36,276</u>	<u>38,044</u>	<u>38,805</u>	<u>39,565</u>	<u>40,326</u>	<u>41,361</u>
9	<u>31,922</u>	<u>32,611</u>	<u>32,877</u>	<u>36,034</u>	<u>36,795</u>	<u>38,562</u>	<u>39,323</u>	<u>40,084</u>	<u>40,845</u>	<u>41,880</u>
10	<u>32,251</u>	<u>32,939</u>	<u>33,205</u>	<u>36,554</u>	<u>37,314</u>	<u>39,082</u>	<u>39,843</u>	<u>40,604</u>	<u>41,364</u>	<u>42,399</u>
11	<u>32,579</u>	<u>33,267</u>	<u>33,533</u>	<u>37,072</u>	<u>37,833</u>	<u>39,601</u>	<u>40,361</u>	<u>41,122</u>	<u>41,883</u>	<u>42,918</u>
12	<u>32,907</u>	<u>33,595</u>	<u>33,861</u>	<u>37,591</u>	<u>38,351</u>	<u>40,119</u>	<u>40,880</u>	<u>41,641</u>	<u>42,401</u>	<u>43,436</u>
13	<u>33,235</u>	<u>33,923</u>	<u>34,189</u>	<u>38,109</u>	<u>38,870</u>	<u>40,638</u>	<u>41,398</u>	<u>42,159</u>	<u>42,920</u>	<u>43,955</u>
14	<u>33,563</u>	<u>34,251</u>	<u>34,517</u>	<u>38,628</u>	<u>39,388</u>	<u>41,156</u>	<u>41,917</u>	<u>42,678</u>	<u>43,438</u>	<u>44,473</u>
15	<u>33,891</u>	<u>34,579</u>	<u>34,845</u>	<u>39,146</u>	<u>39,907</u>	<u>41,675</u>	<u>42,435</u>	<u>43,196</u>	<u>43,957</u>	<u>44,992</u>
16	<u>34,219</u>	<u>34,907</u>	<u>35,173</u>	<u>39,665</u>	<u>40,425</u>	<u>42,193</u>	<u>42,954</u>	<u>43,715</u>	<u>44,475</u>	<u>45,510</u>
17	<u>34,547</u>	<u>35,236</u>	<u>35,501</u>	<u>40,183</u>	<u>40,944</u>	<u>42,712</u>	<u>43,473</u>	<u>44,233</u>	<u>44,994</u>	<u>46,029</u>
18	<u>34,875</u>	<u>35,564</u>	<u>35,830</u>	<u>40,702</u>	<u>41,463</u>	<u>43,230</u>	<u>43,991</u>	<u>44,752</u>	<u>45,513</u>	<u>46,548</u>

19	<u>35,203</u>	<u>35,892</u>	<u>36,158</u>	<u>41,220</u>	<u>41,981</u>	<u>43,749</u>	<u>44,510</u>	<u>45,270</u>	<u>46,031</u>	<u>47,066</u>
20	<u>35,531</u>	<u>36,220</u>	<u>36,486</u>	<u>41,739</u>	<u>42,500</u>	<u>44,267</u>	<u>45,028</u>	<u>45,789</u>	<u>46,550</u>	<u>47,585</u>
21	<u>35,860</u>	<u>36,548</u>	<u>36,814</u>	<u>42,257</u>	<u>43,018</u>	<u>44,786</u>	<u>45,547</u>	<u>46,307</u>	<u>47,068</u>	<u>48,103</u>
22	<u>36,188</u>	<u>36,876</u>	<u>37,142</u>	<u>42,776</u>	<u>43,537</u>	<u>45,304</u>	<u>46,065</u>	<u>46,826</u>	<u>47,587</u>	<u>48,622</u>
23	<u>36,516</u>	<u>37,204</u>	<u>37,470</u>	<u>43,295</u>	<u>44,055</u>	<u>45,823</u>	<u>46,584</u>	<u>47,344</u>	<u>48,105</u>	<u>49,140</u>
24	<u>36,844</u>	<u>37,532</u>	<u>37,798</u>	<u>43,813</u>	<u>44,574</u>	<u>46,342</u>	<u>47,102</u>	<u>47,863</u>	<u>48,624</u>	<u>49,659</u>
25	<u>37,172</u>	<u>37,860</u>	<u>38,126</u>	<u>44,332</u>	<u>45,092</u>	<u>46,860</u>	<u>47,621</u>	<u>48,382</u>	<u>49,142</u>	<u>50,177</u>
26	<u>37,500</u>	<u>38,188</u>	<u>38,454</u>	<u>44,850</u>	<u>45,611</u>	<u>47,379</u>	<u>48,139</u>	<u>48,900</u>	<u>49,661</u>	<u>50,696</u>
27	<u>37,828</u>	<u>38,516</u>	<u>38,782</u>	<u>45,369</u>	<u>46,129</u>	<u>47,897</u>	<u>48,658</u>	<u>49,419</u>	<u>50,179</u>	<u>51,214</u>
28	<u>38,156</u>	<u>38,845</u>	<u>39,110</u>	<u>45,887</u>	<u>46,648</u>	<u>48,416</u>	<u>49,176</u>	<u>49,937</u>	<u>50,698</u>	<u>51,733</u>
29	<u>38,484</u>	<u>39,173</u>	<u>39,439</u>	<u>46,406</u>	<u>47,166</u>	<u>48,934</u>	<u>49,695</u>	<u>50,456</u>	<u>51,216</u>	<u>52,251</u>
30	<u>38,812</u>	<u>39,501</u>	<u>39,767</u>	<u>46,924</u>	<u>47,685</u>	<u>49,453</u>	<u>50,213</u>	<u>50,974</u>	<u>51,735</u>	<u>52,770</u>
31	<u>39,141</u>	<u>39,829</u>	<u>40,095</u>	<u>47,443</u>	<u>48,204</u>	<u>49,971</u>	<u>50,732</u>	<u>51,493</u>	<u>52,253</u>	<u>53,288</u>
32	<u>39,469</u>	<u>40,157</u>	<u>40,423</u>	<u>47,961</u>	<u>48,722</u>	<u>50,490</u>	<u>51,251</u>	<u>52,011</u>	<u>52,772</u>	<u>53,807</u>
33	<u>39,797</u>	<u>40,485</u>	<u>40,751</u>	<u>48,480</u>	<u>49,241</u>	<u>51,008</u>	<u>51,769</u>	<u>52,530</u>	<u>53,291</u>	<u>54,326</u>
34	<u>40,125</u>	<u>40,813</u>	<u>41,079</u>	<u>48,998</u>	<u>49,759</u>	<u>51,527</u>	<u>52,288</u>	<u>53,048</u>	<u>53,809</u>	<u>54,844</u>
35	<u>40,453</u>	<u>41,141</u>	<u>41,407</u>	<u>49,517</u>	<u>50,278</u>	<u>52,045</u>	<u>52,806</u>	<u>53,567</u>	<u>54,328</u>	<u>55,363</u>

(2) For school year 2019 – 2020, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$404; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(3) For school year 2020 – 2021, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$808; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(c) Six hundred dollars shall be paid annually to each classroom teacher who has at least 20 years of teaching experience. The payments: (i) Shall be in addition to any amounts prescribed in the



applicable State Minimum Salary Schedule; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

(d) To meet the objective of salary equity among the counties as set forth in ~~section five of this article~~ §18A-4-5 of this code, each teacher shall be paid an equity supplement amount as applicable for his or her classification of certification or classification of training and years of experience as follows, subject to the provisions of that section:

(1) For '4th Class' at zero years of experience, \$1,781. An additional \$38 shall be paid for each year of experience up to and including 35 years of experience;

(2) For '3rd Class' at zero years of experience, \$1,796. An additional \$67 shall be paid for each year of experience up to and including 35 years of experience;

(3) For '2nd Class' at zero years of experience, \$1,877. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(4) For 'A. B.' at zero years of experience, \$2,360. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(5) For 'A. B. + 15' at zero years of experience, \$2,452. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(6) For 'M. A.' at zero years of experience, \$2,644. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(7) For 'M. A. + 15' at zero years of experience, \$2,740. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(8) For ‘M. A. + 30’ at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(9) For ‘M. A. + 45’ at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience; and

(10) For ‘Doctorate’ at zero years of experience, \$2,927. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience.

These payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to ~~section five-a of this article~~ §18A-4-5a of this code; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

**§18A-4-8a. Service personnel minimum monthly salaries.**

(a) The minimum monthly pay for each service employee shall be as follows:

(1) ~~Beginning July 1, 2014, For school year 2018 – 2019, and continuing thereafter,~~ the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the ~~state~~ State Minimum Pay Scale Pay Grade and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the ~~state~~ State Minimum Pay Scale Pay Grade set forth in this subdivision.

STATE MINIMUM PAY SCALE PAY GRADE

<u>Years</u>	<u>PAY GRADE</u>							
<u>Exp.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>

0	1,660	1,681	1,723	1,776	1,829	1,892	1,924	1,997
1	1,692	1,714	1,755	1,808	1,862	1,925	1,956	2,030
2	1,725	1,746	1,788	1,841	1,894	1,957	1,989	2,062
3	1,757	1,779	1,821	1,874	1,927	1,990	2,022	2,095
4	1,790	1,812	1,853	1,906	1,959	2,023	2,054	2,129
5	1,823	1,844	1,886	1,939	1,992	2,055	2,087	2,161
6	1,855	1,877	1,920	1,972	2,025	2,088	2,120	2,194
7	1,889	1,909	1,952	2,004	2,057	2,121	2,152	2,227
8	1,922	1,942	1,985	2,037	2,090	2,153	2,185	2,259
9	1,954	1,975	2,018	2,071	2,123	2,186	2,217	2,292
10	1,987	2,008	2,050	2,103	2,155	2,220	2,251	2,325
11	2,020	2,041	2,083	2,136	2,188	2,252	2,284	2,357
12	2,052	2,074	2,115	2,169	2,222	2,285	2,316	2,390
13	2,085	2,106	2,148	2,201	2,254	2,317	2,349	2,423
14	2,118	2,139	2,181	2,234	2,287	2,350	2,382	2,455
15	2,150	2,172	2,213	2,266	2,319	2,383	2,414	2,488
16	2,183	2,204	2,246	2,299	2,352	2,415	2,447	2,521
17	2,215	2,237	2,280	2,332	2,385	2,448	2,480	2,554
18	2,248	2,270	2,312	2,364	2,417	2,481	2,512	2,587
19	2,282	2,302	2,345	2,397	2,450	2,513	2,545	2,619
20	2,314	2,335	2,378	2,431	2,483	2,546	2,578	2,653
21	2,347	2,367	2,410	2,463	2,515	2,579	2,610	2,687
22	2,380	2,401	2,443	2,496	2,548	2,612	2,644	2,719
23	2,412	2,434	2,476	2,529	2,582	2,646	2,678	2,753
24	2,445	2,466	2,508	2,561	2,614	2,680	2,711	2,787
25	2,478	2,499	2,541	2,594	2,648	2,712	2,745	2,819
26	2,510	2,532	2,573	2,628	2,682	2,746	2,777	2,853
27	2,543	2,564	2,606	2,660	2,714	2,778	2,811	2,886

28	<u>2,576</u>	<u>2,597</u>	<u>2,640</u>	<u>2,694</u>	<u>2,748</u>	<u>2,812</u>	<u>2,845</u>	<u>2,920</u>
29	<u>2,608</u>	<u>2,631</u>	<u>2,673</u>	<u>2,726</u>	<u>2,781</u>	<u>2,846</u>	<u>2,877</u>	<u>2,954</u>
30	<u>2,642</u>	<u>2,663</u>	<u>2,707</u>	<u>2,760</u>	<u>2,814</u>	<u>2,878</u>	<u>2,911</u>	<u>2,987</u>
31	<u>2,675</u>	<u>2,697</u>	<u>2,741</u>	<u>2,794</u>	<u>2,848</u>	<u>2,912</u>	<u>2,945</u>	<u>3,020</u>
32	<u>2,709</u>	<u>2,730</u>	<u>2,773</u>	<u>2,827</u>	<u>2,880</u>	<u>2,946</u>	<u>2,977</u>	<u>3,054</u>
33	<u>2,743</u>	<u>2,763</u>	<u>2,807</u>	<u>2,861</u>	<u>2,914</u>	<u>2,978</u>	<u>3,011</u>	<u>3,087</u>
34	<u>2,775</u>	<u>2,797</u>	<u>2,841</u>	<u>2,895</u>	<u>2,948</u>	<u>3,012</u>	<u>3,045</u>	<u>3,120</u>
35	<u>2,809</u>	<u>2,831</u>	<u>2,873</u>	<u>2,927</u>	<u>2,980</u>	<u>3,046</u>	<u>3,078</u>	<u>3,154</u>
36	<u>2,843</u>	<u>2,864</u>	<u>2,907</u>	<u>2,961</u>	<u>3,015</u>	<u>3,079</u>	<u>3,112</u>	<u>3,186</u>
37	<u>2,875</u>	<u>2,898</u>	<u>2,941</u>	<u>2,995</u>	<u>3,049</u>	<u>3,113</u>	<u>3,145</u>	<u>3,220</u>
38	<u>2,909</u>	<u>2,930</u>	<u>2,973</u>	<u>3,027</u>	<u>3,081</u>	<u>3,146</u>	<u>3,178</u>	<u>3,254</u>
39	<u>2,943</u>	<u>2,964</u>	<u>3,007</u>	<u>3,061</u>	<u>3,115</u>	<u>3,179</u>	<u>3,212</u>	<u>3,286</u>
40	<u>2,975</u>	<u>2,998</u>	<u>3,040</u>	<u>3,094</u>	<u>3,149</u>	<u>3,213</u>	<u>3,245</u>	<u>3,320</u>

Years  
Exp.

PAY GRADE

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
<u>0</u>	<u>1,704</u>	<u>1,725</u>	<u>1,767</u>	<u>1,820</u>	<u>1,873</u>	<u>1,936</u>	<u>1,968</u>	<u>2,041</u>
<u>1</u>	<u>1,736</u>	<u>1,758</u>	<u>1,799</u>	<u>1,852</u>	<u>1,906</u>	<u>1,969</u>	<u>2,000</u>	<u>2,074</u>
<u>2</u>	<u>1,769</u>	<u>1,790</u>	<u>1,832</u>	<u>1,885</u>	<u>1,938</u>	<u>2,001</u>	<u>2,033</u>	<u>2,106</u>
<u>3</u>	<u>1,801</u>	<u>1,823</u>	<u>1,865</u>	<u>1,918</u>	<u>1,971</u>	<u>2,034</u>	<u>2,066</u>	<u>2,139</u>
<u>4</u>	<u>1,834</u>	<u>1,856</u>	<u>1,897</u>	<u>1,950</u>	<u>2,003</u>	<u>2,067</u>	<u>2,098</u>	<u>2,173</u>
<u>5</u>	<u>1,867</u>	<u>1,888</u>	<u>1,930</u>	<u>1,983</u>	<u>2,036</u>	<u>2,099</u>	<u>2,131</u>	<u>2,205</u>
<u>6</u>	<u>1,899</u>	<u>1,921</u>	<u>1,964</u>	<u>2,016</u>	<u>2,069</u>	<u>2,132</u>	<u>2,164</u>	<u>2,238</u>
<u>7</u>	<u>1,933</u>	<u>1,953</u>	<u>1,996</u>	<u>2,048</u>	<u>2,101</u>	<u>2,165</u>	<u>2,196</u>	<u>2,271</u>
<u>8</u>	<u>1,966</u>	<u>1,986</u>	<u>2,029</u>	<u>2,081</u>	<u>2,134</u>	<u>2,197</u>	<u>2,229</u>	<u>2,303</u>

9	<u>1,998</u>	<u>2,019</u>	<u>2,062</u>	<u>2,115</u>	<u>2,167</u>	<u>2,230</u>	<u>2,261</u>	<u>2,336</u>
10	<u>2,031</u>	<u>2,052</u>	<u>2,094</u>	<u>2,147</u>	<u>2,199</u>	<u>2,264</u>	<u>2,295</u>	<u>2,369</u>
11	<u>2,064</u>	<u>2,085</u>	<u>2,127</u>	<u>2,180</u>	<u>2,232</u>	<u>2,296</u>	<u>2,328</u>	<u>2,401</u>
12	<u>2,096</u>	<u>2,118</u>	<u>2,159</u>	<u>2,213</u>	<u>2,266</u>	<u>2,329</u>	<u>2,360</u>	<u>2,434</u>
13	<u>2,129</u>	<u>2,150</u>	<u>2,192</u>	<u>2,245</u>	<u>2,298</u>	<u>2,361</u>	<u>2,393</u>	<u>2,467</u>
14	<u>2,162</u>	<u>2,183</u>	<u>2,225</u>	<u>2,278</u>	<u>2,331</u>	<u>2,394</u>	<u>2,426</u>	<u>2,499</u>
15	<u>2,194</u>	<u>2,216</u>	<u>2,257</u>	<u>2,310</u>	<u>2,363</u>	<u>2,427</u>	<u>2,458</u>	<u>2,532</u>
16	<u>2,227</u>	<u>2,248</u>	<u>2,290</u>	<u>2,343</u>	<u>2,396</u>	<u>2,459</u>	<u>2,491</u>	<u>2,565</u>
17	<u>2,259</u>	<u>2,281</u>	<u>2,324</u>	<u>2,376</u>	<u>2,429</u>	<u>2,492</u>	<u>2,524</u>	<u>2,598</u>
18	<u>2,292</u>	<u>2,314</u>	<u>2,356</u>	<u>2,408</u>	<u>2,461</u>	<u>2,525</u>	<u>2,556</u>	<u>2,631</u>
19	<u>2,326</u>	<u>2,346</u>	<u>2,389</u>	<u>2,441</u>	<u>2,494</u>	<u>2,557</u>	<u>2,589</u>	<u>2,663</u>
20	<u>2,358</u>	<u>2,379</u>	<u>2,422</u>	<u>2,475</u>	<u>2,527</u>	<u>2,590</u>	<u>2,622</u>	<u>2,697</u>
21	<u>2,391</u>	<u>2,411</u>	<u>2,454</u>	<u>2,507</u>	<u>2,559</u>	<u>2,623</u>	<u>2,654</u>	<u>2,731</u>
22	<u>2,424</u>	<u>2,445</u>	<u>2,487</u>	<u>2,540</u>	<u>2,592</u>	<u>2,656</u>	<u>2,688</u>	<u>2,763</u>
23	<u>2,456</u>	<u>2,478</u>	<u>2,520</u>	<u>2,573</u>	<u>2,626</u>	<u>2,690</u>	<u>2,722</u>	<u>2,797</u>
24	<u>2,489</u>	<u>2,510</u>	<u>2,552</u>	<u>2,605</u>	<u>2,658</u>	<u>2,724</u>	<u>2,755</u>	<u>2,831</u>
25	<u>2,522</u>	<u>2,543</u>	<u>2,585</u>	<u>2,638</u>	<u>2,692</u>	<u>2,756</u>	<u>2,789</u>	<u>2,863</u>
26	<u>2,554</u>	<u>2,576</u>	<u>2,617</u>	<u>2,672</u>	<u>2,726</u>	<u>2,790</u>	<u>2,821</u>	<u>2,897</u>
27	<u>2,587</u>	<u>2,608</u>	<u>2,650</u>	<u>2,704</u>	<u>2,758</u>	<u>2,822</u>	<u>2,855</u>	<u>2,930</u>
28	<u>2,620</u>	<u>2,641</u>	<u>2,684</u>	<u>2,738</u>	<u>2,792</u>	<u>2,856</u>	<u>2,889</u>	<u>2,964</u>
29	<u>2,652</u>	<u>2,675</u>	<u>2,717</u>	<u>2,770</u>	<u>2,825</u>	<u>2,890</u>	<u>2,921</u>	<u>2,998</u>
30	<u>2,686</u>	<u>2,707</u>	<u>2,751</u>	<u>2,804</u>	<u>2,858</u>	<u>2,922</u>	<u>2,955</u>	<u>3,031</u>
31	<u>2,719</u>	<u>2,741</u>	<u>2,785</u>	<u>2,838</u>	<u>2,892</u>	<u>2,956</u>	<u>2,989</u>	<u>3,064</u>
32	<u>2,753</u>	<u>2,774</u>	<u>2,817</u>	<u>2,871</u>	<u>2,924</u>	<u>2,990</u>	<u>3,021</u>	<u>3,098</u>
33	<u>2,787</u>	<u>2,807</u>	<u>2,851</u>	<u>2,905</u>	<u>2,958</u>	<u>3,022</u>	<u>3,055</u>	<u>3,131</u>

34	<u>2,819</u>	<u>2,841</u>	<u>2,885</u>	<u>2,939</u>	<u>2,992</u>	<u>3,056</u>	<u>3,089</u>	<u>3,164</u>
35	<u>2,853</u>	<u>2,875</u>	<u>2,917</u>	<u>2,971</u>	<u>3,024</u>	<u>3,090</u>	<u>3,122</u>	<u>3,198</u>
36	<u>2,887</u>	<u>2,908</u>	<u>2,951</u>	<u>3,005</u>	<u>3,059</u>	<u>3,123</u>	<u>3,156</u>	<u>3,230</u>
37	<u>2,919</u>	<u>2,942</u>	<u>2,985</u>	<u>3,039</u>	<u>3,093</u>	<u>3,157</u>	<u>3,189</u>	<u>3,264</u>
38	<u>2,953</u>	<u>2,974</u>	<u>3,017</u>	<u>3,071</u>	<u>3,125</u>	<u>3,190</u>	<u>3,222</u>	<u>3,298</u>
39	<u>2,987</u>	<u>3,008</u>	<u>3,051</u>	<u>3,105</u>	<u>3,159</u>	<u>3,223</u>	<u>3,256</u>	<u>3,330</u>
40	<u>3,019</u>	<u>3,042</u>	<u>3,084</u>	<u>3,138</u>	<u>3,193</u>	<u>3,257</u>	<u>3,289</u>	<u>3,364</u>

(2) For school year 2019 – 2020, and continuing thereafter, the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the State Minimum Pay Scale Pay Grade, plus \$22; and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay Scale Pay Grade, plus \$11.

~~(2)~~ (3) Each service employee shall receive the amount prescribed in the State Minimum Pay Scale Pay Grade in accordance with the provisions of this subsection according to their class title and pay grade as set forth in this subdivision:

CLASS TITLE	PAY GRADE
Accountant I .....	D
Accountant II .....	E
Accountant III .....	F
Accounts Payable Supervisor .....	G
Aide I .....	A
Aide II .....	B

Aide III .....	C
Aide IV .....	D
Audiovisual Technician .....	C
Auditor .....	G
Autism Mentor .....	F
Braille Specialist .....	E
Bus Operator .....	D
Buyer .....	F
Cabinetmaker .....	G
Cafeteria Manager .....	D
Carpenter I .....	E
Carpenter II .....	F
Chief Mechanic .....	G
Clerk I .....	B
Clerk II .....	C
Computer Operator .....	E
Cook I .....	A
Cook II .....	B
Cook III .....	C
Crew Leader .....	F
Custodian I .....	A
Custodian II .....	B

Custodian III .....	C
Custodian IV .....	D
Director or Coordinator of Services .....	H
Draftsman .....	D
Early Childhood Classroom Assistant Teacher I .....	E
Early Childhood Classroom Assistant Teacher II .....	E
Early Childhood Classroom Assistant Teacher III .....	F
Educational Sign Language Interpreter I .....	F
Educational Sign Language Interpreter II .....	G
Electrician I .....	F
Electrician II .....	G
Electronic Technician I .....	F
Electronic Technician II .....	G
Executive Secretary .....	G
Food Services Supervisor .....	G
Foreman .....	G
General Maintenance .....	C
Glazier .....	D
Graphic Artist .....	D
Groundsman .....	B
Handyman .....	B
Heating and Air Conditioning Mechanic I .....	E



Heating and Air Conditioning Mechanic II .....	G
Heavy Equipment Operator .....	E
Inventory Supervisor .....	D
Key Punch Operator .....	B
Licensed Practical Nurse .....	F
Locksmith .....	G
Lubrication Man .....	C
Machinist .....	F
Mail Clerk .....	D
Maintenance Clerk .....	C
Mason .....	G
Mechanic .....	F
Mechanic Assistant .....	E
Office Equipment Repairman I .....	F
Office Equipment Repairman II .....	G
Painter .....	E
Paraprofessional .....	F
Payroll Supervisor .....	G
Plumber I .....	E
Plumber II .....	G
Printing Operator .....	B
Printing Supervisor .....	D

Programmer .....H

Roofing/Sheet Metal Mechanic ..... F

Sanitation Plant Operator .....G

School Bus Supervisor ..... E

Secretary I .....D

Secretary II ..... E

Secretary III ..... F

Sign Support Specialist ..... E

Supervisor of Maintenance .....H

Supervisor of Transportation .....H

Switchboard Operator-Receptionist .....D

Truck Driver .....D

Warehouse Clerk ..... C

Watchman .....B

Welder ..... F

WVEIS Data Entry and Administrative Clerk .....B

(b) An additional \$12 per month is added to the minimum monthly pay of each service person who holds a high school diploma or its equivalent.

(c) An additional \$11 per month also is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds 12 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(2) A service person who holds 24 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(3) A service person who holds 36 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(4) A service person who holds 48 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(5) A service employee who holds 60 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(6) A service person who holds 72 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(7) A service person who holds 84 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(8) A service person who holds 96 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(9) A service person who holds 108 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(10) A service person who holds 120 college hours or comparable credit obtained in a trade or vocational school as approved by the state board.

(d) An additional \$40 per month also is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds an associate's degree;

(2) A service person who holds a bachelor's degree;

(3) A service person who holds a master's degree;

(4) A service person who holds a doctorate degree.

(e) An additional \$11 per month is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds a bachelor's degree plus 15 college hours;

(2) A service person who holds a master's degree plus 15 college hours;

(3) A service person who holds a master's degree plus 30 college hours;

(4) A service person who holds a master's degree plus 45 college hours; and

(5) A service person who holds a master's degree plus 60 college hours.

(f) To meet the objective of salary equity among the counties, each service person is paid an equity supplement, as set forth in ~~section five of this article~~ §18A-4-5 of this code, of \$164 per month, subject to the provisions of that section. These payments: (i) Are in addition to any amounts prescribed in the applicable State Minimum Pay Scale Pay Grade, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to ~~section five b of this article~~ §18A-4-5b of this code; (ii) are paid in equal monthly installments; and (iii) are considered a part of the state minimum salaries for service personnel.

(g) When any part of a school service person's daily shift of work is performed between the hours of 6:00 p. m. and 5:00 a. m. the following day, the employee is paid no less than an additional \$10 per month and one half of the pay is paid with local funds.

(h) Any service person required to work on any legal school holiday is paid at a rate one and one-half times the person's usual hourly rate.

(i) Any full-time service personnel required to work in excess of their normal working day during any week which contains a school holiday for which they are paid is paid for the additional hours or fraction of the additional hours at a rate of one and one-half times their usual hourly rate and paid entirely from county board funds.

(j) A service person may not have his or her daily work schedule changed during the school year without the employee's written consent and the person's required daily work hours may not be changed to prevent the payment of time and one-half wages or the employment of another employee.

(k) The minimum hourly rate of pay for extra duty assignments as defined in ~~section eight b of this article~~ §18A-4-8b of this code is no less than one seventh of the person's daily total salary for each hour the person is involved in performing the assignment and paid entirely from local funds: *Provided*, That an alternative minimum hourly rate of pay for performing extra duty assignments within a particular category of employment may be used if the alternate hourly rate of pay is approved both by the county board and by the affirmative vote of a two-thirds majority of the regular full-time persons within that classification category of employment within that county: *Provided, however*, That the vote is by secret ballot if requested by a service person within that classification category within that county. The salary for any fraction of an hour the employee is involved in performing the assignment is prorated accordingly. When performing extra duty assignments, persons who are regularly employed on a one-half day salary basis shall receive the same hourly extra duty assignment pay computed as though the person were employed on a full-day salary basis.

(l) The minimum pay for any service personnel engaged in the removal of asbestos material or related duties required for asbestos removal is their regular total daily rate of pay and no less than an additional \$3 per hour or no less than \$5 per hour for service

personnel supervising asbestos removal responsibilities for each hour these employees are involved in asbestos-related duties. Related duties required for asbestos removal include, but are not limited to, travel, preparation of the work site, removal of asbestos, decontamination of the work site, placing and removal of equipment and removal of structures from the site. If any member of an asbestos crew is engaged in asbestos-related duties outside of the employee's regular employment county, the daily rate of pay is no less than the minimum amount as established in the employee's regular employment county for asbestos removal and an additional \$30 per each day the employee is engaged in asbestos removal and related duties. The additional pay for asbestos removal and related duties shall be payable entirely from county funds. Before service personnel may be used in the removal of asbestos material or related duties, they shall have completed a federal Environmental Protection Act-approved training program and be licensed. The employer shall provide all necessary protective equipment and maintain all records required by the Environmental Protection Act.

(m) For the purpose of qualifying for additional pay as provided in ~~section eight of this article~~ §18A-5-8 of this code, an aide is considered to be exercising the authority of a supervisory aide and control over pupils if the aide is required to supervise, control, direct, monitor, escort, or render service to a child or children when not under the direct supervision of a certified professional person within the classroom, library, hallway, lunchroom, gymnasium, school building, school grounds, or wherever supervision is required. For purposes of this section, 'under the direct supervision of a certified professional person' means that certified professional person is present, with and accompanying the aide."

During the debate, the Speaker instructed members to confine remarks to the question before the House and reminded all members to abide by the Rules of the House and show respect to fellow Delegates in their remarks.

On the question of concurring in the Senate amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 175**), and there were—yeas 53, nays 43, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, Miley, R. Miller, Moye, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaule, Storch, Thompson, Ward and Williams.

Absent and Not Voting: Deem, Lane, Phillips and White.

So, a majority of the members present and voting having voted in the affirmative, the House concurred in the Senate amendment.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 176**), and there were—yeas 59, nays 37, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson and Williams.

Absent and Not Voting: Deem, Lane, Phillips and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 267) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 177**), and there were—yeas 84, nays 12, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barrett, Eldridge, Fleischauer, Fluharty, Hartman, Love, Lynch, R. Miller, Pyles, Rodighiero, Sponaugle and Williams.

Absent and Not Voting: Deem, Lane, Phillips and White.

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. 267) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

### **Special Calendar**

-continued-

#### **Second Reading**

The following bills on second reading, coming up in regular order, were each read a second time and ordered to engrossment and third reading:

**Com. Sub. for H. B. 4011**, Requiring agencies, when submitting a new rule or changes, to also identify two existing rules that could be repealed,

**Com. Sub. for H. B. 4022**, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft,

**Com. Sub. for H. B. 4079**, Promulgating administrative rules by various executive or administrative agencies of the state,

**Com. Sub. for H. B. 4478**, Authorizing public schools to distribute excess food to students,

And,



**H. B. 4621**, Relating to removing reference to certain entities with respect to work.

**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 S. B. 71**, Defining “veteran” as it pertains to veteran-owned business,

**Com. Sub. for S. B. 237**, Authorizing Department of Revenue promulgate legislative rules,

**Com. Sub. for H. B. 3061**, Encouraging mastery-based education through the Innovation In Schools program,

**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,

**Com. Sub. for H. B. 4296**, Establishing the Southern West Virginia Lake Development Study Commission,

**Com. Sub. for H. B. 4368**, Relating to voluntary assignments of wages by state employees who have been overpaid,

**H. B. 4422**, Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds,

**Com. Sub. for H. B. 4424**, Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials,

**Com. Sub. for H. B. 4451**, Creating the West Virginia Sentencing Commission,

**Com. Sub. for H. B. 4511**, Modifying bail requirements,

**H. B. 4617**, Clarifying where a charge of DUI may be brought against an individual,

And,

**Com. Sub. for H. B. 4618**, Relating to the authority of the Division of Protective Services.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to further consideration of H. B. 4625.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 178**), and there were—yeas 59, nays 36, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson and Williams.

Absent and Not Voting: Deem, Lane, Phillips, White and Wilson.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

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 Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2843**, Permitting Class III and Class IV municipalities to be included in the West Virginia Tax Increment Act,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 2843** – “A Bill to amend and reenact §7-11B-3, §7-11B-4 and §7-11B-7 of the Code of West Virginia, 1931, as amended, all relating to permitting Class III municipalities to be included in the West Virginia Tax Increment Act,”

**H. B. 4347**, Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. B. 4347** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-6a, relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund; permitting each person applying for the issuance of or renewal of a driver’s license to voluntarily contribute to the State Police Forensic Laboratory Fund; requiring the Division of Motor Vehicles to provide a form through which such voluntary contributions can be made; and requiring the Division of Motor Vehicles to remit the voluntary contributions on a monthly basis to the State Treasurer for deposit in the State Police Forensic Laboratory Fund,”

**H. B. 4542**, Allowing public service districts to accept payment by credit card,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4542** – “A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to allowing public service districts to accept certain methods of payment; allowing public service districts to charge certain fees related thereto; and requiring public service districts to obtain

certain bids; and removing and replacing reference to certain obsolete entities,”

And,

**H. B. 4619**, Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4619** – “A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth; requiring amount of increase in local share to be added to preceding year appropriation for such purpose; providing factors to be taken into account in making allocations to counties; providing county may not receive less than the 2016-2017 allocation from certain line items; requiring moneys allocated to be used for implementation of comprehensive systems for teacher and leader induction and professional growth; and removing obsolete cross-references,”

With the recommendation that the committee substitutes each 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, Lane and White.

### **Miscellaneous Business**

Pursuant to House Rule 94b, Members filed forms with the Clerk’s Office to be added as a cosponsor of the following:

- Delegates Graves, Longstreth and Pyles for H. B. 4584
- Delegate Hanshaw for H. B. 4625

- Delegates Jennings and Marcum for H. C. R. 57

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 R. Miller for H. B. 4344

At 9:03 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 21, 2018.



---

Wednesday, February 21, 2018

**FORTY-THIRD DAY**

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Tuesday, February 20, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 4214**, Increasing penalties for unlawfully possessing or digging ginseng,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4214** - “A Bill to amend and reenact §19-1A-3a of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-3-35 of said code, all relating to ginseng; requiring a dealer to keep a photocopy of a valid identification card of all persons involved in a purchase or sale of ginseng, increasing civil and criminal penalties for violations of uncertified ginseng.”

And,

**H. B. 4546**, Relating to where an application for a marriage license may be made,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4546** - “A Bill to amend and reenact §48-2-102 of the Code of West Virginia, 1931, as amended, relating to where marriage license applicants may apply for a marriage license in this state,”

With the recommendation that the committee substitutes each do pass.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**Com. Sub. for S. B. 181**, Authorizing MAPS promulgate legislative rules,

And,

**Com. Sub. for S. B. 348**, Allowing for disposal of service weapons of special DNR police officers,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 4153**, Imposing a health care related provider tax on certain health care organizations,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4153) was referred to the Committee on Finance.



Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 4366**, Relating to the approval of additional beds for intermediate care facilities,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4366) was referred to the Committee on the Judiciary.

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

**H. B. 4563**, Removing the severance tax on oil and gas produced from low producing wells,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4563) was referred to the Committee on Finance.

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

**H. B. 2534**, Authorizing local units of government to adopt local energy efficiency,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2534) was referred to the Committee on Finance.

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 21<sup>st</sup> day of February, 2018, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for H. B. 4162**, Granting authority to the State Conservation Committee to contract for flood response.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 4623**, Relating to obtaining substance abuse treatment services,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4623** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, §16-53-4 and §16-53-5; to amend and reenact §27-1-11 of said code; and to amend and reenact §61-8D-3 of said code, all relating to obtaining substance abuse treatment services; permitting certain testing; requiring reporting to the department; requiring the department to conduct an assessment; permitting a petition for involuntary commitment to be filed in certain circumstances providing rulemaking authority; permitting the department to report abuse and neglect in certain situations; and setting forth a criminal penalty,"

With the recommendation that the committee substitute do pass.

### **Messages from the Executive**

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on February 20, 2018, he approved **Com. Sub. for H. B. 4020**.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 4380**, Making a supplementary appropriation to the Department of Agriculture.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 4381**, Making a supplementary appropriation to the Department of Education.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 4384**, Making a supplementary appropriation to the Department of Transportation.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 4386**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2018, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 319** - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to allowing, in certain instances, individuals completing a secondary education program in a public, private, or home school and individuals obtaining a GED or equivalent to be eligible for the PROMISE scholarship; and eliminating the requirement of a 3.0 grade point average for eligibility”; which was referred to the Committee on Education then Finance.

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**S. B. 398** - “A Bill to amend and reenact §46A-4-101 and §46A-4-107 of the Code of West Virginia, 1931, as amended, all relating to requirements for making consumer loans in West Virginia; modifying the authority to make regulated consumer loans; providing that a person must first obtain a license from the Commissioner of Banking authorizing him or her to make regulated consumer loans before engaging in the business of making regulated consumer loans, taking assignments of, or undertaking direct collection of, payments from or enforcement of rights against consumers arising from regulated consumer loans; and adjusting threshold amounts of consumer loans for which certain finance charges can be imposed”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**S. B. 406** - “A Bill to amend and reenact §9-5-26 of the Code of West Virginia, 1931, as amended, relating to supplemental Medicare and Medicaid reimbursement; and clarifying that ground emergency medical transportation services providers are eligible for reimbursement from Medicare”; which was referred to the Committee on Banking and Insurance then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 415** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22D-1, §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-5, §29-22D-6, §29-22D-7, §29-22D-8, §29-22D-9, §29-22D-10, §29-22D-11, §29-22D-12, §29-22D-13, §29-22D-14, §29-22D-15, §29-22D-16, §29-22D-17, §29-22D-18, §29-22D-19, §29-22D-20, §29-22D-21, §29-22D-22, §29-22D-23, and §29-22D-24, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery sports wagering activities, after a federal law against such wagering is no longer in effect; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; limiting sports wagering to existing racetrack casinos and the casino in a historic resort hotel; providing for four types of licenses to be issued related to sports betting; establishing license requirements and prohibitions; authorizing licensing fees; requiring adoption and posting of house rules; defining duties of an operator conducting sports wagering; requiring the posting of betting limits; authorizing sports wagering agreements with other governments; prohibiting unauthorized sports wagering in this state; creating the West Virginia Lottery Sports Wagering Fund; authorizing the collection of license fees; authorizing the West Virginia Lottery to collect an administrative allowance from gross sports wagering receipts; authorizing the West Virginia Lottery to levy and collect a tax in the amount of 10 percent of adjusted gross sports wagering receipts; clarifying that privilege tax is in lieu of certain other taxes;

providing that credits are not allowed against the privilege tax; providing that certain expenditures related to sports wagering are facility modernization improvements eligible for recoupment; defining how moneys deposited in the West Virginia Lottery Sports Wagering Fund shall be distributed; authorizing certain agreements between the West Virginia Lottery and law enforcement; imposing civil penalties for certain violations; establishing crimes related to unauthorized sports wagering and imposing criminal penalties; establishing crimes related to authorized sports wagering and imposing criminal penalties; providing for the forfeiture of property for certain violations; preempting this article from state and local law; and establishing certain exemptions from federal law”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 450** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to collecting and analyzing statistical information pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by physicians; providing for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 451** - “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §20-7-9 of said code, all relating generally to hunting

and fishing; authorizing the use of certain technologies for hunting coyote, fox, racoon, opossum, and skunk; regulating firearm use and possession in certain places; prohibiting the use of a drone or unmanned aircraft to wound, harass, or transport wildlife; allowing certain persons to carry a rifle or shotgun for self-defense, with certain exceptions; creating a misdemeanor and providing penalties for catching, taking, killing or attempting to catch, take, or kill any fish by any means within 200 feet of agency personnel stocking fish into public waters; removing limit on starting time for Sunday hunting on private lands with the landowner's permission; providing that the misdemeanor offenses of hunting, trapping, or fishing on the lands of another person, entering posted lands, violations of trout fishing laws and rules, and destroying posted land signs will all carry penalties equivalent to the penalty for the offense of criminal trespass; providing increased penalties upon conviction of second and subsequent violations of certain natural resources laws; permitting Sunday hunting on public lands; permitting noodling, or fishing for catfish using one's bare hands; and making technical changes"; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 475** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-16-3a, all relating generally to industrial hemp; authorizing the Commissioner of Agriculture to create and administer an industrial hemp seed certification program; authorizing the commissioner to obtain and develop seed varieties for industrial hemp production; permitting holders of an industrial hemp license to obtain a license for the development of industrial hemp varieties for certification; authorizing imposition of a fee to be determined by the commissioner; authorizing emergency rulemaking and requiring legislative rulemaking; and requiring the program be consistent with state and federal law”; which was

referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 479** - “A Bill to amend and reenact §6-9-1a, §6-9-7, §6-9-8, and §6-9-9a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §6-9-9b, all relating to audits, reviews, and monitoring of local government offices; defining terms; clarifying applicable audit requirements; establishing a small government monitoring program; authorizing the Auditor, acting in the capacity as chief inspector, to oversee and maintain the monitoring program; directing the Auditor to prescribe policies and procedures for the monitoring program; authorizing cooperative agreements with higher education institutions to perform and participate in the monitoring program; changing the expenditure threshold for performance of annual audits; clarifying the notification and publication requirements when misfeasance, malfeasance, or nonfeasance is discovered as part of an audit, examination, or investigation; lowering the time frame in which a legal authority has to take action upon recommendations from an audit; raising the cost limits for certain municipalities for performance of services by the chief inspector; removing Class III municipalities from the cost limits; adding cost limits for municipalities policemen and firemen pension and relief funds; authorizing chief inspector to designate certain reports as confidential; and declaring that audit work papers created by the chief inspector division are confidential and not deemed public records”; which was referred to the Committee on Government and Organization then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of



**S. B. 494** – “A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to providing that, effective July 1, 2018, members and retirants of the State Teachers Retirement System shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 512** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-19, relating to granting courthouse security officers arrest powers under certain circumstances; authorizing certain West Virginia courthouse security officers to carry concealed firearms while off duty with court approval; setting forth firearm training and qualification requirements; requiring supervising authority to issue photo identification and certification cards; specifying policy content; and stating legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act”; which was referred to the Committee on the Judiciary.

## Special Calendar

### Third Reading

**Com. Sub. for H. B. 4011**, Requiring agencies, when submitting a new rule or changes, to also identify two existing rules that could be repealed; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 179**), and there were—yeas 84, nays 14, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Brewer, Canestraro, Caputo, Diserio, Ferro, Fleischauer, Iaquina, Isner, Longstreth, Pushkin, Pyles, Robinson, Rowe and Williams.

Absent and Not Voting: Deem and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4011) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 4022**, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 180**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Fleischauer and Fluharty.

Absent and Not Voting: Deem and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4022) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 4079**, Promulgating administrative rules by various executive or administrative agencies of the state; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 181**), and there were—yeas 91, nays 7, absent

and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fluharty, Folk, Gearheart, McGeehan, Paynter, Sponaugle and Walters.

Absent and Not Voting: Deem and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4079) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 182**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Deem and Summers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4079) takes effect from its passage.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 4478**, Authorizing public schools to distribute excess food to students; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 183**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Blair.

Absent and Not Voting: Deem and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4478) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 4621**, Relating to removing reference to certain entities with respect to work; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 184**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Marcum and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4621) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### Second Reading

**Com. Sub. for S. B. 71**, Defining “veteran” as it pertains to veteran-owned business; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 237**, Authorizing Department of Revenue promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill

on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF REVENUE TO PROMULGATE LEGISLATIVE RULES.**

**§64-7-1. State Tax Department.**

(a) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-13DD-5 of this code, modified by the State Tax Department to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 1, 2017, relating to the State Tax Department (farm-to-food bank tax credit, 110 CSR 13DD), is authorized, with the following amendment set forth below:

On page two, by striking out all of subsection 2.10; and, on page two, by striking out all of subdivision 4.1.e.

(b) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-10-5t of this code, relating to the State Tax Department (payment of taxes by electronic funds transfer, 110 CSR 10F), is authorized.

(c) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-22-5 of this code, relating to the State Tax Department (property transfer tax, 110 CSR 22), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §11-10-11c of this code, modified by the State Tax Department to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 8, 2017, relating to the State Tax Department (municipal sales and service and use tax administration, 110 CSR 28), is authorized.

(e) The Legislature directs the State Tax Department, pursuant to the authority given to the department in §11B-1-8 of this code, to promulgate the legislative rule filed in the State Register by the department on January 12, 2018, relating to the State Tax

Department (personnel rule for the Tax Division, 110 CSR 42), is authorized, with the amendment set forth below:

On page twenty-three, subsection 12.2., after the word “manner.” by inserting the following: “The Tax Commissioner shall comply with West Virginia and federal law prohibiting nepotism, favoritism, discrimination or unethical practices related to employment and promotion, and the public employee grievance system.

**§64-7-2. Lottery Commission.**

The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §29-22-5 of this code, modified by the Lottery Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2017, relating to the Lottery Commission (state lottery rules, 179 CSR 1), is authorized.

**§64-7-3. Racing Commission.**

The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §19-23-6 and §19-23-8 of this code, relating to the Racing Commission (thoroughbred racing, 178 CSR 1), is authorized with the amendments set forth below:

On page thirty-nine, subdivision 24.1.f., to read as follows:

24.1.f. The fees that shall be paid to the Racing Commission for occupational permits issued effective for calendar year 2012 and thereafter are set forth in table 178-1A at the end of this rule.

And,

That Table 178-1A read as follows:

**TABLE 178-1 A**

**OCCUPATIONAL PERMIT FEES**

**(Effective for calendar year 2012 and thereafter)**

<b>Stable Name</b>	<b>\$40.00</b>
<b>Corporation</b>	<b>\$40.00</b>
<b>Vendor</b>	<b>\$40.00</b>
<b>Owner (with registration of colors)</b>	<b>\$30.00</b>
<b>Owner-Trainer (same person)</b>	<b>\$60.00</b>
<b>Trainer</b>	<b>\$30.00</b>
<b>Assistant Trainer</b>	<b>\$30.00</b>
<b>Jockey</b>	<b>\$30.00</b>
<b>Apprentice Jockey</b>	<b>\$20.00</b>
<b>Jockey Agent</b>	<b>\$20.00</b>
<b>Practicing Veterinarian</b>	<b>\$30.00</b>
<b>Veterinarian's Assistant</b>	<b>\$20.00</b>
<b>Blacksmith</b>	<b>\$30.00</b>
<b>Authorized Agent (must apply for permit and pay permit fee for each person represented)</b>	<b>\$20.00</b>
<b>Mutuel Employee</b>	<b>\$20.00</b>
<b>Photographers, totalisator, film patrol</b>	<b>\$20.00</b>
<b>Stable Foreman</b>	<b>\$20.00</b>
<b>Starter</b>	<b>\$30.00</b>
<b>Assistant Starter</b>	<b>\$20.00</b>
<b>Association Racing Secretary</b>	<b>\$30.00</b>

<b>Association Assistant Racing Secretary</b>	<b>\$30.00</b>
<b>Paddock Judge</b>	<b>\$20.00</b>

**TABLE 178-1 A****continued****OCCUPATIONAL PERMIT FEES****(Effective for calendar year 2012 and thereafter)**

<b>Horsemen's Bookkeeper</b>	<b>\$20.00</b>
<b>Clerk of Scales</b>	<b>\$20.00</b>
<b>Clocker</b>	<b>\$20.00</b>
<b>Timer</b>	<b>\$20.00</b>
<b>Horse Identifier</b>	<b>\$20.00</b>
<b>Jockey Room Custodian</b>	<b>\$20.00</b>
<b>Placing Judge</b>	<b>\$20.00</b>
<b>Outrider</b>	<b>\$20.00</b>
<b>Stable Hand</b>	<b>\$20.00</b>
<b>Concession</b>	<b>\$20.00</b>
<b>Maintenance</b>	<b>\$20.00</b>
<b>Groom</b>	<b>\$20.00</b>
<b>Admission</b>	<b>\$20.00</b>
<b>Pony Riders</b>	<b>\$20.00</b>



<b>Parking</b>	<b>\$20.00</b>
<b>Security</b>	<b>\$20.00</b>
<b>Exercise Rider</b>	<b>\$20.00</b>
<b>Video Lottery employees</b>	<b>\$20.00</b>
<b>Others not specified</b>	<b>\$20.00</b>

The bill was then ordered to third reading.

**Com. Sub. for H. B. 3061**, Encouraging mastery-based education through the Innovation In Schools program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4207**, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4296**, Establishing the Southern West Virginia Lake Development Study Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4368**, Relating to voluntary assignments of wages by state employees who have been overpaid; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4422**, Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4424**, Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Hanshaw and R. Miller, the bill was amended on page two, section three, line thirty-one, by striking out the words “or appointed to” and inserting in lieu thereof the words “to, appointed to, or given the authority to act in”.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4451**, Creating the West Virginia Sentencing Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4511**, Modifying bail requirements; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4617**, Clarifying where a charge of DUI may be brought against an individual; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4618**, Relating to the authority of the Division of Protective Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4625**, Relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund; on second reading, coming up in regular order, was, at the request of Delegate Cowles, and by unanimous consent, placed at the foot of the calendar.

#### **First Reading**

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for H. B. 2843**, Permitting Class III and Class IV municipalities to be included in the West Virginia Tax Increment Act,

**Com. Sub. for H. B. 2983**, Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress,

**H. B. 4219**, Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System,

**Com. Sub. for H. B. 4241**, Transitioning foster children into managed care,

**Com. Sub. for H. B. 4289**, Relating to disability pensions of municipal employees,

**Com. Sub. for H. B. 4347**, Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund,

**Com. Sub. for H. B. 4502**, Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception,

**Com. Sub. for H. B. 4542**, Allowing public service districts to accept payment by credit card,

**Com. Sub. for H. B. 4607**, Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails,

**Com. Sub. for H. B. 4619**, Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth,

And,

**H. B. 4624**, Relating to West Virginia coordinate systems.

At 1:19 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 5:30 p.m.

\* \* \* \* \*

### Evening Session

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### Special Calendar

#### Second Reading

- continued -

**H. B. 4625**, Relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund; on second reading, having been postponed until this time, was read a second time.

An amendment, offered by Delegates Miley, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Lovejoy, Lynch, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson and Williams was reported by the Clerk on page two, section twenty, line twenty-seven, by striking out the words “such amount of the first twenty” and inserting in lieu thereof the words “one hundred”.

Delegate Miley then asked and obtained unanimous consent to withdraw three other amendments which were cosponsored by the same members as the previously reported amendment and had been filed with the Clerk.

On the adoption of the amendment, Delegate Miley demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 185**), and there were—yeas 36, nays 59, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Ward and Williams.

Absent and Not Voting: Deem, Hicks, Marcum, Summers and White.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The bill was ordered to engrossment and third reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 186**), and there were—yeas 61, nays 34, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem, Hicks, Marcum, Summers and White.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 477** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, relating to the creation of a five-year sunset on all tax credits established by the same chapter”; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 495** - “A Bill to amend and reenact §33-20-4 of the Code of West Virginia, 1931, as amended, relating to commercial insurance rates; and designating specific insurance coverages which are exempt from rate filing requirements”; which was referred to the Committee on Banking and Insurance then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**S. C. R. 2** - “Requesting the Division of Highways name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the ‘Walter E. Swiger, Jr., Memorial Bridge’.”

Whereas, Walter E. Swiger, Jr., was a lifelong resident of Harrison County, a graduate of Victory High School and West Virginia Business College; and

Whereas, Walter E. Swiger, Jr., retired after 43 years in petroleum marketing having operated his own business; and

Whereas, Walter E. Swiger, Jr., was appointed to the Harrison County Solid Waste Authority in 1990 by the Harrison County Commission and served as chairman of the authority; and

Whereas, Walter E. Swiger, Jr., was chosen as the Volunteer of the Year by the Association of West Virginia Solid Waste Authorities during their twelfth annual conference in the fall of 2000; and

Whereas, Walter E. Swiger, Jr., was an outstanding community leader with many years of service in various organizations serving the local emergency planning committee, Clarksburg Lions Club, Central West Virginia Community Action Association and others; and

Whereas, As chairman, Walter E. Swiger, Jr., worked to help develop a recycling ordinance for the county and established a recycling hotline and was recognized in several issues of The Solid Waste Reporter for his leadership in “one of the top integrated waste management programs in West Virginia”; and

Whereas, Walter E. Swiger, Jr., worked with county education leaders through the solid waste authorities’ efforts as Partner in Education with 10 county schools; and

Whereas, Walter E. Swiger, Jr., passed away on November 5, 2015 and it is fitting that a permanent memorial be established to honor his work; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the “Walter E. Swiger, Jr., Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Walter E. Swiger, Jr., Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportations then Rules:

**S. C. R. 12** - "Requesting the Division of Highways to name bridge number 22-10-28.14 (22A038), locally known as West Hamlin Bridge carrying WV 10 over the Guyandotte River in Lincoln County, the 'U. S. Army SP4 Darrell Gregory Triplett Memorial Bridge'."

Whereas, Darrell Gregory Triplett was born in West Hamlin and was an honor graduate of Guyan Valley High School in 1965. He was a veteran of the Vietnam War, with only a month left in the army, he was coming home on a weekend pass to celebrate his twenty-first birthday when he was killed in a plane crash at Yeager Airport in 1968; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SP4 Darrell Gregory Triplett and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 22-10-28.14 (22A038), locally known as West Hamlin Bridge carrying WV 10 over the Guyandotte River in Lincoln County, the "U. S. Army SP4 Darrell Gregory Triplett Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army SP4 Darrell Gregory Triplett Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.



A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 14** - "Requesting the Division of Highways to name bridge number 40-60-0.03 (40A142), locally known as the Culloden Railroad Overpass, carrying US Route 60 over CSX Railroad in Putnam County, the 'U. S. Army SPC 4 William L. Amos Memorial Bridge'."

Whereas, William L. Amos was born on October 7, 1940, in Cabell County; and

Whereas, William L. Amos attended Cabell County schools and graduated from Milton High School in 1958; and

Whereas, William L. Amos served his country as a SPC 4 in the Army, HHC, 1<sup>st</sup> Battalion, 28<sup>th</sup> Infantry, 1<sup>st</sup> Infantry Division; and

Whereas, SPC 4 William L. Amos was killed in action on July 27, 1967, in Binh Duong Province, South Vietnam; and

Whereas, SPC 4 William L. Amos was the recipient of the Purple Heart, the Combat Infantryman Badge, the Vietnam Service Medal, the Vietnam Campaign Medal, and the National Defense Service Medal; and

Whereas, The Milton City Council, American Legion Post 139, the Veterans of Foreign Wars, Milton Post 9796, and the Milton Rotary Club have submitted individual resolutions to name the bridge after SPC 4 William L. Amos; and

Whereas, No fewer than 158 individuals have also signed a petition to name the bridge after SPC 4 William L. Amos; and

Whereas, It is fitting and proper that SPC 4 William L. Amos be honored by having this bridge named for a soldier who gave the ultimate sacrifice; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the Division of Highways to name bridge number 40-60-0.03 (40A142), locally known as Culloden Railroad Overpass, carrying US Route 60 over CSX Railroad in Putnam County, the “U. S. Army SPC 4 William L. Amos Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “U. S. Army SPC 4 William L. Amos Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the Senate hereby is directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**S. C. R. 15** - “Requesting the Division of Highways to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the ‘U. S. Marine Corps SGT Stephen E. Drummond Memorial Bridge’.”

Whereas, Stephen E. Drummond was born January 15, 1931, in Spelter, West Virginia, the son of General Shafter Drummond and Ruby Freeman Drummond; and

Whereas, Stephen E. Drummond had three brothers, Robert, Eugene, and Shafter “Brud” Drummond; and

Whereas, Stephen E. Drummond graduated from Victory High School in Clarksburg, West Virginia, and married Natalie Dodd, his childhood sweetheart, who was born on the same day and

preceded him in death in 2009, and with whom he raised two children, daughter Ricki and son Jeff; and

Whereas, Stephen E. Drummond was drafted after high school graduation and became a proud U. S. Marine. After basic training, he saw intense combat in Korea. One day before his tour of duty was to end in Korea, his leg was severely wounded by shrapnel at the Battle of Vegas during an intense Chinese offensive; and

Whereas, SGT Stephen E. Drummond and other U. N. soldiers were captured and he was held as a prisoner of war for four months; and

Whereas, SGT Stephen E. Drummond was released as a prisoner of war with the signing of the armistice on July 27, 1953; and

Whereas, SGT Stephen E. Drummond was awarded the Purple Heart Medal, a United Nations Service Medal, the National Defense Service Medal, and the Korean Ambassador for Peace Medal; and

Whereas, After returning home to Spelter, SGT Stephen E. Drummond earned a bachelor's degree from Fairmont State College and a Master's Degree from Miami University of Ohio, and began a career of more than 20 years as a mentor, coach, teacher, principal, administrator, and superintendent in various school systems; and

Whereas, Following retirement, SGT Stephen E. Drummond enjoyed traveling, visiting family members, and creating and selling his invention, Tara-Lite, for which he held a design patent; and

Whereas, SGT Stephen E. Drummond died November 23, 2013; and

Whereas, It is fitting to dedicate an enduring memorial to SGT Stephen E. Drummond in recognition of his service to his country, to his community, and to the teaching profession; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the “U. S. Marine Corps SGT Stephen E. Drummond Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Marine Corps SGT Stephen E. Drummond Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**S. C. R. 16** - “Requesting that the Division of Highways name bridge number 17-7-4.07 (17A042), locally known as Sardis Bridge, carrying County Route 7 over Tenmile Creek in Harrison County, the ‘Sardis District Veterans Memorial Bridge’.”

Whereas, Naming this bridge after all the men and women who have served in the United States armed forces from the Sardis District is a fitting and enduring memorial to commemorate their service; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-7-4.07 (17A042), locally known as Sardis Bridge, carrying County Route 7 over Tenmile Creek in Harrison County, the “Sardis District Veterans Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Sardis District Veterans Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Industry and Labor then Rules:

**S. C. R. 32** - “Recognizing the importance of industrial hemp and beginning the process toward entering into an interstate compact in order to assure the viability of industrial hemp production in West Virginia and surrounding states.”

Whereas, The United States Congress passed the Agriculture Act of 2014, which allowed universities and state departments of agriculture to begin cultivating industrial hemp for limited purposes. The cultivation of industrial hemp could be used in a wide range of products, including fibers, textiles, paper, construction and insulation materials, cosmetic products, animal feed, food, and beverages. Industrial hemp could be used in more than 25,000 products spanning nine markets, including agriculture, textiles, recycling, automotive, furniture, food/nutrition/beverages, paper, construction materials, and personal care; and

Whereas, Although hemp comes from the cannabis plant, it is distinguished from marijuana products by its use, physical appearance, and lower concentration of tetrahydrocannabinol or THC. The Agriculture Act of 2014 defines industrial hemp as having a THC content of 0.3 percent or less. Hemp producers often cultivate the plant to grow taller, denser, and with a single stalk. Industrial hemp producers use the plant for its seeds, flowers, and stalk; and

Whereas, West Virginia is one of at least 34 states that passed legislation related to industrial hemp in order to encourage the cultivation of hemp for commercial, research, or pilot programs. West Virginia and all other states with industrial hemp programs must adhere to strict requirements for registration, licensing, or permitting, including criminal background checks, registration of location of grow sites, periodic reviews, record keeping requirements, and extensive documentation of the program. Access to viable seed is a challenge for research programs and potential commercial growers because hemp is still regulated under the federal Controlled Substances Act, which makes transportation across state lines a criminal offense even when both states have adopted laws allowing for research; and

Whereas, United States Attorney General Jefferson B. Sessions, III, sent a memorandum to all United States Attorneys on January 4, 2018, that lifted a previous protocol and requested United States Attorneys to prosecute marijuana related offenses in the Controlled Substances Act in the same manner as other offenses; and

Whereas, Bipartisan legislation in Congress since 2015 has failed to amend the Controlled Substances Act to make clear that hemp, which contains THC of 0.3 percent or less, is not a controlled substance. The uncertainty surrounding the ability to grow and transport industrial hemp in the United States may lead to greater development and research of the product occurring in other countries; and

Whereas, Article One, Section Ten, Clause Three of the United States Constitution provides a mechanism for states to enter into interstate compacts; and

Whereas, The Legislature finds that West Virginia should take the lead in organizing and developing a potential interstate compact regarding industrial hemp that will allow West Virginia and the United States to retain a leadership role in research and development of industrial hemp; therefore, be it,

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby recognizes the importance of industrial hemp and beginning the process toward entering into an interstate compact in order to assure the viability of industrial hemp production in West Virginia and surrounding states; and, be it

*Further Resolved*, That the Legislature hereby directs legislative staff to work with the Council of State Governments to develop a working group to draft an interstate compact regarding industrial hemp; and, be it

*Further Resolved*, That the Legislature directs legislative staff and members of the Legislature to work with the Commissioner of Agriculture of West Virginia and the Council of State Governments to develop a basic draft of an interstate compact regarding industrial hemp; and, be it

*Further Resolved*, That the Legislature directs legislative staff, members of the Legislature, and the Commissioner of Agriculture of West Virginia along with any necessary Agriculture staff (hereinafter, “the working group”) to work with similarly situated persons in other states in order to reach an agreement on language for an interstate compact regarding industrial hemp; and, be it

*Further Resolved*, That the working group created as a result of this resolution shall work diligently to return an interstate compact regarding industrial hemp for introduction in the 2019 regular session of the Legislature that has been agreed upon by the working group and a similarly situated working group from at least one other state.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### **Committee Reports**

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4158**, Relating to municipal home rule,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4158** - “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; clarifying the authority of the Municipal Home Rule Board; allowing all municipalities to participate in the Municipal Home Rule Program; requiring certain notice prior to passing of an ordinance; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule or regulation that is contrary to certain laws governing the professional licensing or certification of public employees; creating a Home Rule Board Operations Fund; providing for annual assessment of participants; providing for fund expenditures; proscribing fiscal year end funds not transfer to the General revenue Fund; providing for petition procedures to protest enacted or amended ordinances; requiring ratification of certain ordinances by the voters in a municipal election; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019,”

**H. B. 4238**, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4238** - “A Bill to amend and reenact §8A-3-3 of the Code of West Virginia, 1931, as amended, relating to authorizing counties and municipalities to establish a joint airport hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety, and preventing hazardous conditions; describing requirements for written agreements; requiring submission of a plan and public



hearing; providing for modifications to written agreements; and providing just compensation for diminution of property value,”

And,

**H. B. 4550**, Providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4550** - “A Bill to repeal §30-27-11a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-27-1 and §30-27-3 of said code; and to amend said code by adding thereto a new section, designated §30-27-8c, all relating to permits issued by the Board of Barbers and Cosmetologists; repealing the requirement for shampoo assistant to have permits; amending defined terms; and authorizing the board to establish an apprenticeship program for cosmetologists,”

With the recommendation that the committee substitutes each do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**Com. Sub. for S. B. 283**, Relating generally to procurement by state agencies,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 283) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 2889**, Allowing military veterans with certain military ratings to qualify for examinations required of a probationary police officer,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. B. 2889** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-14-15a, relating to allowing military veterans with certain military ratings to qualify for examinations required of a probationary police officer,"

**H. B. 4444**, Clarifying the authority of the State Fire Commission in adopting a State Building Code,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. B. 4444** - "A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the State Fire Commission in adopting a State Building Code with regard to establishing building energy savings codes,"

And,

**H. B. 4481**, Relating to mandatory inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, nursing,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. B. 4481** - "A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended; to amend and

reenact §30-3-14 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-7A-10 of said code; and to amend and reenact §30-14-11 of said code, all relating to the addition of mandatory, inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, registered professional nursing, and practical nursing so that licensees or registrants of those boards must report the professional incompetence or inability to practice of any licensee or registrant of any of those boards,”

With the recommendation that the committee substitutes each do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**Com. Sub. for S. B. 271**, Creating centralized Shared Services Section of Department of Administration,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 271) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4465**, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy,

And reports the same back with the recommendation that it do pass.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 4539**, Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses,

And reports the same back with the recommendation that it do pass.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Deem and Summers.

### **Miscellaneous Business**

Delegate Lane noted to the Clerk that she was absent on yesterday, February 20, 2018, when the votes were taken on Roll Nos. 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171, 172, 174, 175, 177 and 178 and had she been present she would have voted "Yea" thereon.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- All Delegates during the debate regarding the amendment offered to H. B. 4625
- Delegates E. Evans, Fleischauer, Fluharty, Hornbuckle, Love, Lovejoy, Pushkin and Rowe regarding Com. Sub. for H. B. 4001
- All Delegates during the debate regarding Com. Sub. for S. B. 267 on yesterday

Pursuant to House Rule 94b, Members filed forms with the Clerk's Office to be added as a cosponsor of the following bills:

- Delegate Fast for H. B. 4028
- Delegate Hamilton for H. B. 4166
- Delegate Frich for H. B. 4558

Pursuant to House Rule 94b, Members filed forms with the Clerk's Office to be added as a cosponsor of the following resolutions:

- Delegate Byrd for H. C. R. 34
- Delegate Maynard for H. C. R. 63
- Delegate Howell for H. C. R. 75

Pursuant to House Rule 94b, Members filed forms with the Clerk's Office to be removed as a cosponsor of the following bills:

- Delegate Canestraro for H. B. 4344
- Delegate Frich for H. B. 4458

At 7:10 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 22, 2018.



---

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 21<sup>st</sup> 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 be adopted.

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 Sponaugle.

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.

\* \* \* \* \*

### **Evening Session**

\* \* \* \* \*

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, the 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

---

Friday, February 23, 2018

**FORTY-FIFTH 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 Thursday, February 22, 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. 4158, Com. Sub. for H. B. 4238 and Com. Sub. for H. B. 4623 on Second reading, Special Calendar, to the House Calendar.

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing a resolution.

**Resolutions Introduced**

Delegates Sypolt, Jennings, Adkins, Ambler, Anderson, Arvon, Atkinson, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Deem, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Graves, Hamilton, Hamrick, Hanshaw, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Iaquinta, Isner, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, McGeehan, Miley, C. Miller, R. Miller, Moore, Moye, Mr. Speaker (Mr. Armstead), Nelson, Overington, Pack,

Paynter, Pethtel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Rowe, Shott, Sobonya, Sponaugle, Statler, Storch, Summers, Thompson, Upson, Wagner, Walters, Ward, Westfall, White, Williams, Wilson and Zatezalo offered the following resolution:

**H. R. 9** - “Memorializing the life of the Honorable Tony Jerome Lewis, dedicated husband, father, grandfather, coalminer, soldier, farmer, businessman and public servant.”

Whereas, Tony Lewis was born on December 1, 1957, in Heidelberg, Germany, the son of Albert H. Lewis and the late Roberta Fay Lewis; and

Whereas, Tony was married to the love of his life, Lyndia, and they were the parents of Roger Paugh, Tucker Paugh, and Brittney Heinemann, and the grandparents of Avery and Broghen Heinemann; and

Whereas, Tony was a retired U. S. Army National Guard veteran with over 26 years service, having served tours in Desert Storm and Enduring Freedom. He worked as an underground coalminer for 18 years and during his years in the mines, he was a mine foreman and fireboss. He also worked for many years as a cable splicer for the telephone company. In addition, he had his master electrician’s license and was the owner of several businesses including T & T Electric and T & L Excavating; and

Whereas, In 2016, Tony sought a seat and was elected to the West Virginia House of Delegates from Preston County. Although his time in the Legislature was short, he served with distinction and was well respected by his peers; and

Whereas, Tony was a member of the Aurora Volunteer Fire Department and Ambulance EMT. He was also a member of the Order of Eastern Star, 129; Preston County Shrine Club; Osiris Shrine Club, Grafton; All Ghan Shrine, Cumberland, Maryland; Scottish Rite of Preston County; Free Mason, 90; Preston County Farm Bureau; VFW Post 578; American Legion Post 71; Elks

Lodge 2481; Free Masonry of Wheeling and Rowlesburg Lodge 165; and

Whereas, Tony was a member of the Brookside Brethren Church, Eglon, and he loved spending time with his with family on Maple Hurst Farm; and

Whereas, Sadly, the Honorable Tony Jerome Lewis passed away on Sunday, September 24, 2017, at home with his family by his side; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates hereby memorializes the life of the Honorable Tony Jerome Lewis, dedicated husband, father, grandfather, coalminer, soldier, farmer, businessman and public servant; and, be it

*Further Resolved*, That the House of Delegates hereby extends its sincere sympathy at the passing of the Honorable Tony J. Lewis; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the family of the Honorable Tony J. Lewis.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 9) to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution was then read by the Clerk.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 201**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Kelly, Marcum, Phillips, Summers and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 9) adopted.

### **Committee Reports**

On motion for leave, a bill was introduced (Originating in the Committee on Finance with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Anderson, Nelson, Boggs, Householder, Ellington, Gearheart, Frich, Ambler, Bates and Longstreth:**

**H. B. 4626** - "A Bill to amend and reenact §11-13BB-3, §11-13BB-4 and §11-13BB-14 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia innovative mine safety technology tax credit act; requiring that proximity detection systems, cameras and underground safety shelters and the refurbishing thereof be on the list of approved innovative mine safety technology; providing exception to intent of the Legislature as to description of what should be on the list; extending the tax credit authorized for qualified investment in eligible safety property under the act; and correcting cross-references."

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. 2008**, Relating to the Dealer Recovery Program,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. B. 2008** - "A Bill to amend and reenact §17A-6-2a of the Code of West Virginia, 1931, as amended, relating generally to the Dealer Recovery Fund; specifying that the Dealer Recovery Fund Control Board has discretionary jurisdiction to hear claims; and providing the types of claims for damages that may be awarded from the Dealer Recovery Fund,"

And,

**H. B. 4558**, Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4558** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-16, relating to establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office; and setting forth general structure of fund and distribution of funds,”

With the recommendation that the committee substitutes each do pass.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 4217**, Permitting an attending physician to obtain a patient’s autopsy report,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4217** - “A Bill to amend and reenact §61-12-10 of the Code West Virginia, 1931, as amended, relating to permitting a designated representative of a health care facility or an attending physician to obtain a patient’s autopsy report,”

**H. B. 4524**, Establishing guidelines for the substitution of certain biological pharmaceuticals,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4524** - “A Bill to amend and reenact §30-5-12b of the Code of West Virginia, 1931, as amended, relating to

establishing guidelines for the substitution of certain biological pharmaceuticals by pharmacists; defining terms; providing for guidelines relating to substitution of interchangeable biological products; establishing communication requirements between the pharmacists and prescriber relating to substitution of interchangeable biological products; and requiring maintenance of records relating to biological products dispensed for at least two years,”

And,

**H. B. 4571**, Relating to the final day of filing announcements of candidates for a political office,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4571** - “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to the filing of certificates of announcements of candidates for a political office; providing instructions regarding the last day of filing certificates of announcement; requiring that the Office of the Secretary of State be open from 9:00 a.m. until 11:59 p.m. on the last day of filing certificates of announcement; and requiring the offices of the County Clerks of each county be open from 12:00 p.m. until 6:00 p.m. on that date,”

With the recommendation that the committee substitutes each do pass.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 4490**, Relating to oil and gas permits not to be on flat well royalty leases,

And reports back a committee substitute therefor, with the same title, as follows:



**Com. Sub. for H. B. 4490** - “A Bill to amend and reenact §22-6-8 of the Code of West Virginia, 1931, as amended, relating to oil and gas permits not to be on flat well royalty leases; legislative findings and declarations; permit requirements,”

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. 4529**, Relating to oath by municipal official certifying list of delinquent business and occupation taxes,

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. 4447**, Providing for a uniform and efficient system of broadband conduit installation,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4447** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31G-5-1, §31G-5-2, §31G-5-3, §31G-5-4, §31G-5-5, §31G-5-6, §31G-5-7, §31G-5-8, §31G-5-9, §31G-5-10 and §31G-5-11, all relating to providing a uniform and efficient system of broadband conduit installation coinciding with the construction, maintenance or improvement of highways, and rights-of-way under the oversight of the Division of Highways; defining terms; providing procedures for broadband conduit installation in rights of way; providing for requirements for permits to install broadband conduit there; providing for agreements to install broadband

conduit there and terms to be included; compensation due the Division of Highways for use of spare conduit or related facilities of the Division of Highways as part of any longitudinal access granted to a right-of-way pursuant to this section; defining the valuation of such compensation, including in-kind compensation; establishing limitations on longitudinal access consistent with highway safety and certain existing highway policies; delineating requirements for provider initiated construction; providing guidelines for joint use of trenches or trench sharing where multiple providers share a single trench and agreements governing the same; delineating provisions governing the Division of Highways offering a provider use of, and access to, its spare conduit; providing guidelines for the relocation and upgrade of existing telecommunications facilities within rights-of-way for state highways; providing guidelines for the installation of broadband conduit in covered highway construction projects; providing that the Division of Highways install broadband conduit on certain highway construction projects as recommended by the Broadband Enhancement Council; requiring coordination between the Broadband Enhancement Council and various state and local government entities for the installation, maintenance and improvement of the conduit; requiring development of a strategy and adoption of policies for deployment of broadband conduit to serve buildings and property of state, county, municipal and local units of government owned lands and buildings; and providing joint rule-making authority to the Broadband Enhancement Council and the Commissioner of the Division of Highways to further the ends of this statute,”

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. 4455**, Relating to the animal abuse,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4455** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designation §61-8-19(d), all relating to animal abuse generally; prohibiting activities connected with sexual abuse of an animal; establishing criminal penalties; providing for forfeiture of animals, payment of associated costs, providing for restrictions on owning animals upon conviction; and requiring psychiatric evaluation and payment of costs in certain circumstances,”

And,

**H. B. 4494**, Authorizing certain motor vehicle manufacturers to operate as new car dealers,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4494** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6A-10A, relating to authorizing certain motor vehicle manufacturers to operate as new car dealers; and providing conditions necessary for that authorization to be granted,”

With the recommendation that the committee substitutes each do pass.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 4336**, Updating the schedule of controlled substances,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. B. 4336** - “A Bill to amend and reenact §60A-2-204, §60A-2-206, §60A-2-210 and §60A-2-212 of the

Code of West Virginia, 1931, as amended, all relating to updating the schedule of controlled substances,”

With the recommendation that the committee substitute 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. 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,

**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,

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. 4345**, Relating to limitations on permits for growers, processors and dispensaries of medical cannabis,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4345** - “A Bill to amend and reenact §16A-4-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-6-13 of said code; and to amend §16A-16-1 of said code, all relating to medical cannabis; adding requirements for practitioners to issue a certification; adding a requirement that practitioners provide an attestation; increasing the number of permits that the bureau may issue for growers, processors and dispensaries of medical cannabis; permitting a grower to be a processor and a processor to be a grower; allowing growers and processors to be dispensaries; permitting dispensaries to be growers and processors and authorizing the bureau to implement a process for pre-registration,”

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4345) to the Committee on Finance was abrogated.

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 Delegate Moore:**

**H. B. 4627** - “A Bill to amend and reenact §8-21-8 of the code of West Virginia, 1931, as amended, relating to providing a limitation on the eminent domain authority of a municipal park board by requiring the approval of the governing body of that municipality in instances where it is sought to be exercised.”

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. 4392**, Relating to Medicaid subrogation liens of the Department of Health and Human Resources,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4392** - “A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to Medicaid subrogation liens of the Department of Health and Human Resources; extending the definition of a liable “third-party” to include certain insurers; establishing notice requirements for claims and civil actions; providing authority for the secretary to negotiate and incentivize Medicaid members to prosecute lawsuits against liable third parties; requiring department authorization before finalizing settlement in certain circumstances; establishing the notice, procedure and consent requirements for settlement allocation; establishing procedure in the event the department rejects the proposed allocation; establishing the burden of proof regarding allocation dispute proceedings in court; requiring the trial court to consider the department’s interests in maximizing recovery for purposes of the operation of the Medicaid program in an allocation dispute; where a final subrogation lien is less than \$1,500 those matters are exempt from the provisions of this section; modifying the penalty for failure of recipient’s legal representative to notify the department to include interest, and setting effective date,”

And,

**H. B. 4603**, Providing immunity from civil liability to facilities and employees providing crisis stabilization,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4603** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2, and §55-7K-3, relating to providing immunity from civil liability to facilities and employees providing crisis stabilization and/or drug and alcohol detoxification

services, substance use disorder services, and/or drug overdose services on a short-term basis; providing that the provisions of this article are applicable prospectively to all causes of action filed on or after July 1, 2018; and providing that the provisions of this article are to operate in addition to, and not in derogation of, any of the provisions contained in the Medical Professional Liability Act.”

With the recommendation that the committee substitutes each do pass.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 4153**, Imposing a health care related provider tax on certain health care organizations,

And reports the same back, with the recommendation that it do pass.

Delegate Cowles addressed the House, explaining that the Committee on the Judiciary had reported Com. Sub. for H. B. 4036 from committee on yesterday without the recommendation that the bill be second referenced to the Committee on Finance as previously referenced at its introduction.

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates returned to further consideration of **Com. Sub. for H. B. 4036**, Increasing the maximum salaries of family case coordinators and secretary-clerks.

At the request of Delegate Cowles, and by unanimous consent, second reference of the bill (Com. Sub. for H. B. 4036) to the Committee on Finance was abrogated.

### **Messages from the Executive**

Mr. Speaker, Mr. Armstead presented a communication from His Excellency, the Governor, advising that on February 21, 2018, he approved **Com. Sub. for S. B. 267**.

### 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. 412** - “A Bill to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-29-1 of said code, all relating to providing that any litter control officer who is trained and certified as a law-enforcement officer and whose certification is active has the same authority as any other law-enforcement officer to enforce all litter laws; and including litter control officers in the definition of the term ‘law-enforcement officer’”; which was referred to the Committee on Government Organization 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. 474** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring that certain documents that include records of wages be considered confidential; prohibiting governmental entity that requires private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employers from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining ‘governmental entity’; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be



disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record”; which was referred to the Committee on Industry and Labor 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. 522** - “A Bill to amend and reenact §29A-1-3b of the Code of West Virginia, 1931, as amended; and to amend and reenact §29A-3-8, §29A-3-12, and §29A-3-19 of said code, all relating generally to the Administrative Procedures Act; providing that rules become void if statutory authority is repealed; providing that legislative exempt, procedural, or interpretive rules may be repealed by an agency upon notification to Secretary of State; relating to the deadline for filing agency-approved rules; providing a procedure for the agencies to affirmatively seek renewal of a legislative rule; providing that legislative rules up for termination are not subject to a public comment period; and providing for review by the Legislative Rule-Making Review Committee”; 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. 523** - “A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article; and providing that wind power projects be taxed at the real property

rate”; which was referred to the Committee on Energy 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. 543** - “A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating generally to confidentiality of certain medical records; eliminating disclosure exception for treatment or internal review purposes; eliminating 30-day requirement; eliminating requirement that provider make good faith effort to obtain consent from the patient or legal representative; eliminating requirement that the minimum information necessary is released for a specifically stated purpose; eliminating requirement that prompt notice of the disclosure, the recipient of the information, and the purpose of the disclosure is given to the patient or legal representative; and adopting provisions of federal law which pertain to disclosure of protected health information”; 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. 626** - “A Bill to amend and reenact §22-3-9 and §22-3-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-11-7a of said code; to amend and reenact §22A-1-36 of said code; to amend said code by adding thereto a new section, designated §22A-1-42; to amend and reenact §22A-2-2, §22A-2-3, §22A-2-4, §22A-2-4a, §22A-2-5, §22A-2-25, §22A-2-26, §22A-2-37, and §22A-2-55 of said code; and to amend and reenact §22A-2A-1001 of said code, all relating generally to coal mining; establishing new notice requirements regarding permit applications under the Surface Coal Mining and Reclamation Act; clarifying when a certification is granted under the Water Pollution Control Act; clarifying when a comprehensive mine safety program is

subject to annual review; establishing the use of MSHA-approved ground control plans for surface operations; requiring automated external defibrillators be present on surface operations; requiring the Director of the Office of Miners' Health, Safety, and Training to promulgate emergency rules; providing that one MSHA-approved plan may be submitted to the director in lieu of separate state-approved plans for ventilation, seals, roof control, belt air, self-contained self-rescuer storage, tracking and communication, and emergency shelters; requiring that the MSHA-approved comprehensive safety plan be forwarded to the director in a timely manner; and permitting the use of diesel-powered generators in underground mines under certain conditions"; which was referred to the Committee on Energy then the Judiciary.

### **Special Calendar**

#### **Unfinished Business**

The following resolutions were reported by the Clerk:

**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. 75**, PVT George Howell, Continental Army Memorial Highway,

And,

**H. C. R. 78**, U. S. Marine Corps PFC Danny Marshall Memorial Bridge.

The resolutions (H. C. R. 3, H. C. R. 5, Com. Sub. for H. C. R. 13, Com. Sub. for H. C. R. 30, H. C. R. 33, Com. Sub. for H. C. R. 41, H. C. R. 47, H. C. R. 75 and H. C. R. 78) were then adopted.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. C. R. 64**, USMC Cpl Hershel ‘Woody’ Williams Highway; was then reported by the Clerk.

The question now being on the adoption of the resolution the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 202**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Kelly, Marcum, Phillips, Shott, Summers and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. C. R. 64) adopted.

*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. 2843**, Permitting Class III municipalities to be included in the West Virginia Tax Increment Act; 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. 203**), and there were, including pairs—yeas 86, nays 7, absent and not voting 7, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was announced by the Clerk:

Paired:

Yea: Isner                      Nay: Marcum

Nays: Canestraro, Dean, Ferro, Folk, McGeehan and Robinson.

Absent and Not Voting: Deem, Ellington, Kelly, Phillips, Shott, Summers and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2843) passed.

On motion of Delegate Nelson, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 2843** - “A Bill to amend and reenact §7-11B-3, §7-11B-4, §7-11B-7 and §7-11B-8 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Tax Increment Financing Act; giving Class III municipalities the authority to exercise the powers under the act, and requiring certain reporting to certain levying bodies.”

*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. 2983**, Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress; 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. 204**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Kelly, Marcum, Phillips, Shott, Summers and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2983) 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. 4219**, Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System; 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. 205**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Kelly, Marcum, Phillips, Shott, Summers and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4219) 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. 4289**, Relating to disability pensions of municipal employees; 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. 206**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Kelly, Marcum, Phillips, Shott, Summers and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4289) 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. 4347**, Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund; 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. 207**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Kelly, Marcum, Phillips, Shott, Summers and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4347) 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. 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 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. 208**), and there were, including pairs-yeas 92, nays 1, absent and not voting 7, with the paired, and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was announced by the Clerk:

Paired:

Yea: Isner                      Nay: Marcum

Absent and Not Voting: Deem, Ellington, Kelly, Phillips, Shott, Summers and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4502) 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. 4542**, Allowing public service districts to accept payment by credit card; 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. 209**), and there were, including pairs—yeas 92, nays 1, absent and not voting 7, with the paired and absent and not voting and being as follows:

Pursuant to House Rule 43, the following pairing was announced by the Clerk:

Paired:

Yea: Isner                      Nay: Marcum

Absent and Not Voting: Deem, Ellington, Kelly, Phillips, Shott, Summers and White.



So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4542) 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. 4607**, Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails; 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. 210**), and there were, including pairs—yeas 92, nays 1, absent and not voting 7, with the paired and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was announced by the Clerk:

Paired:

Yea:        Isner                      Nay:    Marcum

Absent and Not Voting: Deem, Ellington, Kelly, Phillips, Shott, Summers and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4607) 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. 4619**, Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth; 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. 211**), and there were, including pairs—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Kelly, Marcum, Phillips, Shott, Summers and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4619) passed.

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 212**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Kelly, Marcum, Phillips, Shott, Summers and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4619) takes effect July 1, 2018.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 4624**, Relating to West Virginia coordinate systems; 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. 213**), and there were, including pairs—yeas 92, nays 1, absent and not voting 7, with the paired and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was announced by the Clerk:

Paired:

Yea: Thompson                      Nay: Marcum

Absent and Not Voting: Deem, Ellington, Kelly, Phillips, Shott, Summers and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4624) 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

The following bills on second reading, coming up in regular order, were each read a second time and ordered to engrossment and third reading:

**Com. Sub. for H. B. 2889**, Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer,

**Com. Sub. for H. B. 4214**, Increasing penalties for unlawfully possessing or digging ginseng,

**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,

And,

**Com. Sub. for H. B. 4550**, Providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists.

**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. 2383**, Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years,

**Com. Sub. for H. B. 2982**, Relating to allowing Powerball, Mega Millions and Hot Lotto ticket winners to remain anonymous,

**Com. Sub. for H. B. 4014**, Relating to reorganization of the West Virginia Department of Health and Human Resources,

**Com. Sub. for H. B. 4016**, Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency,

**Com. Sub. for H. B. 4166**, Establishing a special revenue fund to be known as the “Capital Improvements Fund — Department of Agriculture Facilities”,

**Com. Sub. for H. B. 4187**, Business Liability Protection Act,

**Com. Sub. for H. B. 4218**, Relating to medical professional liability,

**Com. Sub. for H. B. 4309**, Restricting the sale and trade of dextromethorphan,

**Com. Sub. for H. B. 4394**, Relating to forest fires,

**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,

**H. B. 4486**, Relating to persons required to obtain a license to engage in the business of currency exchange,

And,

**Com. Sub. for H. B. 4509**, Relating to the establishment of substance abuse treatment facilities.

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**

On motion for leave, a bill was introduced (Originating in the Committee on Finance with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Nelson, C. Miller, Boggs, Walters, Westfall, Espinosa, Ambler, Frich, Hartman and Storch:**

**H. B. 4628** - "A Bill to amend and reenact §23-2C-3 of the Code of West Virginia, 1931, as amended, 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; terminating the surcharges and assessments after December 31, 2018; and terminating the provisions of the section beginning on and after January 1, 2019, and exceptions thereto.

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. 4357**, West Virginia Small Wireless Facilities Deployment Act,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. B. 4357** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter,

designated §31H-1-1, §31H-1-2, §31H-2-1, §31H-2-2, §31H-2-3, and §31H-2-4, all relating to the establishment of the West Virginia Small Wireless Facilities Deployment Act; making legislative findings; defining terms; providing for access to public rights-of-way for the collocation of small wireless facilities; providing for certain permit requirements; requiring permits to be issued on a nondiscriminatory basis; providing for the collection of fees and setting the amount of fees; and providing for certain local zoning, indemnification, insurance, and bonding requirements,”

And,

**H. B. 4563**, Relating to the severance tax on oil and gas produced from low producing wells

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. B. 4563** - A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, removing the severance tax on oil and gas produced from low producing wells,

With the recommendation that the committee substitutes each do pass.

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 23<sup>rd</sup> 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 H. B. 2831**, Relating to the reconstitution of the Driver’s Licensing Advisory Board,

And,

**Com. Sub. for H. B. 4242**, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Deem, Ellington, Kelly, Phillips and White.

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Eldridge regarding the death of the father of Delegate White
- Delegates Boggs, Brewer, Campbell, Caputo, Fluharty, Harshbarger, Rowe, Robinson and Sponaugle during Remarks by Members

Pursuant to House Rule 94b, Members filed forms with the Clerk's Office to be added as a cosponsor of the following bills:

- Delegate Hamilton for H. B. 4153
- Delegate Byrd for H. B. 4447

At 1:57 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 26, 2018.





---

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 23<sup>rd</sup> 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 e, 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.

⌋ (1) 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.

~~(4)~~ (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, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, McGeehan, Miley, R. Miller, Moye, 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.



---

Tuesday, February 27, 2018

**FORTY-NINTH DAY**

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Monday, February 26, 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 H. B. 2114, Com. Sub. for H. B. 4158 and Com. Sub. for H. B. 4563 on Second Reading, Special Calendar, to the House Calendar; and Com. Sub. for S. B. 181 and Com. Sub. for S. B. 348 on First Reading, House Calendar, to the Special Calendar.

**Committee Reports**

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. 8**, Funding for feasibility study of Coal-to-Chemicals Project,

**H. C. R. 24**, Recognizing March 2, 2018 as National Speech and Debate Education Day,

**H. C. R. 77**, Deputy Sheriff Jesse R. Browning Memorial Road,

And,

**H. R. 7**, Urging federal policymakers to support legislation advancing the development of an Appalachian Storage Hub,

And reports the same back with the recommendation that they each be adopted.

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. 134**, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery,

And reports the same back with the recommendation that it do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**S. B. 400**, Prohibiting state licensing boards from hiring lobbyists,

And,

**Com. Sub. for S. B. 412**, Relating to authority of county litter control officers,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (S. B. 400 and Com. Sub. for S. B. 412) were each 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:

**S. B. 479**, Establishing local government monitoring by Auditor,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (S. B. 479) was referred to the Committee on Finance.

Delegate Espinosa, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**Com. Sub. for S. B. 244**, Specifying conditions for unlawful possession of firearm at school-sponsored activities,

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. 244) was referred to the Committee on the Judiciary.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**S. B. 464**, Changing statutory payment date for incremental salary increases due state employees,

And reports the same back, with the recommendation that it do pass.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**Com. Sub. for S. J. R. 3**, Judicial Budget Oversight Amendment,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for S. J. R. 3) was referred to the Committee on the Judiciary.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**S. B. 338**, Changing date for employers to file annual reconciliation and withholding statements,

And,

**Com. Sub. for S. B. 415**, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery Sports Wagering activities,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**Com. Sub. for S. B. 37**, Equalizing penalty for entering without breaking regardless of time of day,

**Com. Sub. for S. B. 146**, Correcting technical error within Solid Waste Management Act,

And,

**S. B. 364**, Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle,

And reports the same back with the recommendation that they each do pass.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**Com. Sub. for S. B. 46**, Permitting pharmacists to inform customers of lower-cost alternative drugs,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**S. B. 444**, Repealing antiquated code sections regarding safety glass and lighting in motor vehicles,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (S. B. 444) to the Committee on Government Organization was abrogated.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**Com. Sub. for S. C. R. 3**, Michael Angiulli Memorial Bridge,

**Com. Sub. for S. C. R. 11**, Evans Center for Excellence in Aircraft Maintenance,

And,

**H. C. R. 16**, Frenchburg Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for S. C. R. 3, Com. Sub. for S. C. R. 11 and H. C. R. 16) were each referred to the Committee on Rules.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**S. C. R. 1**, US Army SGT Denver E. Short Memorial Road,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (S. C. R. 1) was referred to the Committee on Rules.



Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**H. C. R. 51**, Gill Brothers World War Veterans' Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 51** - "Requesting the Division of Highways to name bridge number 17-50-14.25 (17A195) (39.28950, -80.35136), locally known as the Adamston Bridge, carrying U.S. 50 over the West Fork River in Harrison County, the 'Gill Brothers World War II Veterans' Memorial Bridge'."

**H. C. R. 53**, Pastor Robert L. 'Bob' Barker Memorial Bridge,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. C. R. 53** - "Requesting the Division of Highways to name bridge number 25-79-140.37 NB & SB (25A147, 25A148), locally known as Little Creek Road Overpass, carrying Interstate 79 over County Route 76 in Marion County, the 'Pastor Robert L. "Bob" Barker Memorial Bridge'."

**H. C. R. 67**, U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. C. R. 67** - "Requesting the Division of Highways to name the road from the beginning of Sand Creek Road on County Route 10/15 at the bend of the Guyandotte River and State Route 10 running one-half mile on Sand Creek Road in

Lincoln County, the 'U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road'."

**H. C. R. 70**, U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge,

And reports back a committee substitute therefor, with the same title, as follows:

**Com. Sub. for H. C. R. 70** - "Requesting the Division of Highways to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the 'U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge'."

And,

**H. C. R. 83**, Vietnam Veterans Memorial Highway,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 83** - "Requesting the Division of Highways to name a portion of WV Route 3, starting at the eastern city limits of Union and ending at the intersection with CR 11, Keenan Road, in Monroe County, the 'Vietnam Veterans Memorial Highway'."

With the recommendation that the committee substitutes each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for H. C. R. 51, Com. Sub. for H. C. R. 53, Com. Sub. for H. C. R. 67, Com. Sub. for H. C. R. 70 and Com. Sub. for H. C. R. 83) were each referred to the Committee on Rules.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 237**, Authorizing Department of Revenue promulgate legislative rules.

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. 275** - “A Bill to amend and reenact §11-10-5d of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3-9d of said code; and to amend and reenact §60-3A-21 of said code, all relating to the excise tax on the sale of intoxicating liquors and wine; providing that tax collected within the corporate limits of a municipality be remitted to the municipality; providing that the tax collected outside the corporate limits of a municipality be remitted to the county in which the tax is collected; providing rule-making authority; providing sourcing rules for determining whether tax is collected within the corporate limits of a municipality; permitting counties to inspect and make copies of certain Tax Commissioner records relating to the collection of tax within the county and the municipalities in the county or the remittance of tax to such county or municipalities; and permitting municipalities to inspect and make copies of certain Tax Commissioner records relating to the collection of tax within the municipality and within the county in which the municipality is located, but outside of the corporate limits of another municipality, and the remittance of tax to such municipality and county”; 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. 313** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to waiver of occupational licensing fees for certain individuals; requiring boards and licensing authorities to waive occupational licensing fees for low-income

individuals, military families, and young workers; defining terms; requiring individuals seeking waiver of occupational licensing fees to apply on a form provided by the board or licensing authority; and granting rule-making authority”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2018, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 420** - “A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, all relating to transferring the safety and treatment program, which treats and educates people whose licenses were revoked due to concerns of alcohol and/or drug use while operating a motor vehicle, from the Department of Health and Human Resources to the Division of Motor Vehicles and amending references thereto in said code; transferring moneys from the Department of Health and Human Resources Safety and Treatment Fund to the Division of Motor Vehicles Safety and Treatment Fund; providing that a portion of program provider fees be deposited in Division of Motor Vehicles Safety and Treatment Fund; transferring rule-making authority; requiring grievance and appellate procedures and judicial review for individuals participating, or who have participated, in the Division of Motor Vehicles’ safety and treatment program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate rules to add procedures and judicial review for participants of the safety and treatment program”; 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. 456** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-41-1, §30-41-2, and §30-41-3, all relating to

creating the Physical Therapy Licensure Compact Act; authorizing the Governor to execute the act with any one or more of the states of the United States; providing that the Legislature signifies in advance its approval and ratification of the compact; providing that the purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services; setting forth the substance, requirements, and privileges of the act; and establishing an effective date”; which was referred to the Committee on Health and Human Resources.

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. 490** - “A Bill to amend and reenact §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-19, and §30-39-21 of the Code of West Virginia, 1931, as amended, all relating to adopting the Revised Uniform Athlete Agents Act of 2015; modifying short title; defining terms; granting legislative rule-making authority to the Secretary of State; establishing seven-day limit on athlete agent to register; requiring additional information from applicant in registration process; eliminating language making applications or renewals for athlete agent registration public records; providing for reciprocal registration; updating required contents of reciprocal registration application; requiring Secretary of State issue reciprocal license if certain criteria satisfied; requiring Secretary of State cooperate with certain national organizations; allowing the Secretary of State to consider whether the athlete agent has pled guilty or no contest to a crime of moral turpitude in decision to issue registration; providing requirements for reciprocal renewals of registration; providing Secretary of State authority to suspend or revoke registration for same reasons as would justify refusal to issue certificate of registration; permitting applicant to appeal adverse decision of Secretary of State; authorizing Secretary of State promulgate procedural rules to implement appeal procedures; increasing fees for initial license and renewal; adding required

contract terms; requiring certain notices by athlete agent to educational institutions; requiring educational institution notify Secretary of State and others if it becomes aware of violation of article by athlete agent; allowing parent and guardian of student athlete ability to cancel contract; requiring athlete agent to create certain records; expanding scope of what constitutes prohibited conduct under the act; expanding scope of who might engage in prohibited conduct under the act; expanding scope of who can be charged with a criminal violation of the act; enabling student athletes to bring civil action for act or omission of athlete agent; expanding scope of damages that may be available in civil action; making a civil violation an unfair trade practice under West Virginia law; establishing relation to the Electronic Signatures in Global and National Commerce Act; and modifying effective date"; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 499** - "A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying requirements for a license to practice medicine, surgery, and podiatry; and rewriting and reorganizing minimum licensing requirements for a license to practice medicine, surgery, and podiatry"; which was referred to the Committee on Health and Human Resources.

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. 500** - "A Bill to amend and reenact section one, chapter 180, Acts of the Legislature, regular session, 1985, authorizing the City of White Sulphur Springs, Greenbrier County, West Virginia, to expend both principal and interest from a special

interest-bearing fund”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2018, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 521** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-13, relating to requiring any newly appointed chief executive of a municipal law-enforcement agency to be a certified law-enforcement officer; and providing that chief executives employed prior to the effective date are exempt from this requirement”; 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. 528** - “A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to providing for an additional circuit court judge for the nineteenth judicial circuit”; 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

**S. B. 539** - “A Bill to amend and reenact §14-2-17a of the Code of West Virginia, 1931, as amended, relating to increasing the limit for settling claims against the Division of Highways under the shortened procedure for road condition claims”; 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. 555** - “A Bill to amend and reenact §55-7C-3 of the Code of West Virginia, 1931, as amended, relating to liability for qualified directors of volunteer organizations and entities; and providing that a qualified director is not personally liable for the torts of a volunteer organization or entity, or the torts of the agents or employees of a volunteer organization or entity, unless he or she approved of, ratified, directed, sanctioned, or participated in the wrongful acts”; 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. 561** - “A Bill to amend and reenact §18-5-12 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum contract price that requires the execution of a bond with respect to the building or repairing of school property”; which was referred to the Committee on Education 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. 562** - “A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to certain felonies for which a court may impose a period of supervised release of up to 50 years; and providing for supervised persons on release to be supervised by the probation office of the sentencing court or the circuit in which he or she resides”; 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. 566** - “A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to disability pensions of municipal employees; increasing amount of income that may be earned before an offset of benefits is required; and increasing that limit automatically when the minimum wage increases”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 573** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating generally to allowing, after the primary statewide assessment program is administered, county superintendents of schools to reduce the instructional term for students by up to five days”; which was referred to the Committee on Education.

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. 574** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-59, relating to creating the offense of misrepresentation of military status or honors with the intent to obtain money, property, or anything of value; and providing criminal penalties based upon value”; 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

**S. B. 627** - “A Bill to amend and reenact §7-22-7a of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-38-12 of said code, all relating to permitting local governments to access certain tax records related to local economic opportunity development projects; requiring a bond trustee to share certain tax information related to an economic opportunity development district with the county or municipality that established the district; requiring the Tax Commissioner to share certain tax information related to an economic opportunity development district with the county or municipality that established the district; and requiring the Tax Commissioner to share certain tax information related to a potential economic opportunity district within the county or municipality that submitted an application for the creation of the district”; which was referred to the Committee on the Judiciary then Finance.

### **Resolutions Introduced**

Delegates Caputo, Anderson, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Iaquina, Isner, Kessinger, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pack, Paynter, Pethtel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rowe, Sponaule, Statler, Storch, Thompson, Wagner, Ward, Westfall and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 10** - “Requesting the Governor to increase public access to the State Capitol.”

Whereas, On Friday, February 16<sup>th</sup>, hundreds of West Virginia teachers waited outside in the rain for three hours to get into the Capitol building to peacefully protest; and

Whereas, According to the West Virginia State Constitution, it is the sacred right of the people to assemble in a peaceful manner, to consult for the common good, to instruct their representatives, and to apply for redress of grievances; and

Whereas, According to the West Virginia State Constitution, the power of our government resides in all the citizens of the State and can only be exercised in accordance with their will and appointment; and

Whereas, These rights can be impeded by small incremental measures, and even when not intended, to limit the access of our citizens to instruct their representatives and apply for redress of grievances can be inhibited by burdensome acts, and although only intended to protect state employees, visitors and legislators, unduly restrictive access to the State Capitol can impede this inherent right; and

Whereas, Currently only two entrances to the Capitol are open to allow members of the public pass through security, one on the west and one on the east wing; and

Whereas, It is a common occurrence that when the Legislature is in session or when a significant public event occurs, long delays result. Thus the citizens of our great state may be discouraged to participate at the Capitol; and

Whereas, These limited locations work well on days when the Legislature is not in session and other days when there are no events and activities of broad interest to bring out a large number of state citizens to the state capitol, but during sessions and public events, especially during winter months, long delays not only creates a burden for our citizens, but also is a barrier for our citizens who wish to visit the capitol; therefore, be it

*Resolved by the House of Delegates:*

That the Governor undertake the necessary steps, during the times when the Legislature is in session and when scheduled events or activities result in large numbers of citizens of the State coming to the Capitol, to provide additional measures to improve access to the Capitol by implementing more efficient screening methods and additional access points to the Capitol to allow more expediated access preventing long lines and significant delays to persons who come to visit their Capitol; and, be it

*Further Resolved*, That the Clerk of the West Virginia House of Delegates forward a copy of this resolution to the Governor.

Delegates Gearheart and Shott offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 86** - “Requesting the Division of Highways name that portion of U.S. Route 119 in Princeton, beginning at Monroe Street and ending at Clay Street, in Mercer County, the ‘Bluefield Police Lt. Aaron L. Crook Memorial Road’.”

Whereas, Lieutenant Crook was born on August 31, 1984, to Shelda Jean Bennett Crook and the late Jackie Lee Crook. He grew up in Nimitz, attended Jumping Branch School from kindergarten to 5<sup>th</sup> grade, then Pipestem Christian Academy from which he graduated; and

Whereas, Lieutenant Crook joined the U.S. Marine Corps Reserves in 2006 where he was a heavy equipment operator, and was honorably discharged in 2014; and

Whereas, Lieutenant Crook received his Criminal Justice degree from Bluefield State College and joined the Bluefield Police Department on February 25, 2008, where he rose to the rank of Lieutenant; and

Whereas, Lieutenant Crook married Whitney Ann Brookman Crook in March 2009. They had their first child in August 2014, and a second child in June 2016; and

Whereas, Lieutenant Crook loved his family and country. He also loved the outdoors, especially fishing, and never passed up an opportunity to go fishing with his buddies; and

Whereas, Lieutenant Crook died on May 30, 2017, from injuries received while serving and protecting the good people of Bluefield and Mercer County; and

Whereas, Lieutenant Crook’s survivors include his loving and devoted wife, Whitney Ann Brookman Crook; his two beautiful

children, Brycen Lee Crook and Paislee Ann Crook; his mother, Shelda Jean Bennett Crook; his grandmother, Loretta Jean Titta; three brothers, Jason Alexander Crook, Jackie Lee Crook II, Brian Thomas Crook; and two-half siblings, Deborah Bennett and Terry Baich; and

Whereas, It is appropriate to name this road to honor Lieutenant Crook's service to his community and to his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name that portion of U.S. Route 119 in Princeton, beginning at Monroe Street and ending at Clay Street, in Mercer County, the "Bluefield Police Lt. Aaron L. Crook Memorial Road"; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the road as the "Bluefield Police Lt. Aaron L. Crook Memorial Road"; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Gearheart, Ellington and Shott offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 87** - "Requesting the Division of Highways name bridge number 28-77-13.73 NB - SB (28A203, 28A204), locally known as I-77 over Mercer 7 Bridges, carrying I-77 NB - SB over Route 7 in Mercer County, West Virginia, the 'Constable Joseph H. Davidson Memorial Bridge'."

Whereas, After serving several years as a peace officer in Mercer County both as a deputy sheriff and as a private security officer for Mercer County coal mines, Constable Joseph H. Davidson was duly elected to serve as Constable of the East River District in 1932; and

Whereas, On October 9, 1934, Constable Davidson was shot and killed in the line of duty while guarding two individuals who had been arrested on charges related to a southern West Virginia crime spree; and

Whereas, Less than 24 hours after Constable Davidson was murdered, on October 10, 1934, the Mercer County Commission worked with then Mercer County Prosecuting Attorney Roscoe H. Pendleton to offer a \$500 reward for the capture and conviction of the two fugitives suspected of killing the “very capable” and “well known” peace officer; and

Whereas, The funeral for Constable Davidson was conducted at his home on the corner of Bluefield Avenue and Bee Street in Princeton. A large outpouring of family members, law-enforcement officers and local citizens attended the funeral service and participated in the funeral procession that stretched out for a mile on the way to the Davidson Family Cemetery on New Hope-Sand Lick Road in Mercer County. The number of mourners at the service attested to the level of respect and appreciation Constable Davidson had in the county he served; and

Whereas, Law-enforcement officers in Virginia captured one suspect who was convicted in January of 1935 and sentenced to life in prison, and captured the second suspect in Oklahoma in late April of 1935. The second suspect’s capture was aided by fingerprint identification through the help of the U.S. Department of Justice; and

Whereas, The discussion surrounding the recognition of Constable Davidson, the only Mercer County constable killed in the line of duty through the county’s 180-year history, has led to additional discussions into the concept of creating a “Wall of Honor”, to memorialize all of Mercer County’s law-enforcement officers who have fallen in the line of duty; and

Whereas, The Mercer County Commission expresses its heartfelt thanks to the family of Constable Davidson for their efforts to bring this matter to light; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 28-77-13.73 NB - SB (28A203, 28A204), locally known as I-77 Over Mercer 7 Bridges, carrying I-77 NB - SB over Route 7 in Mercer County, West Virginia, the “Constable Joseph H. Davidson Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Constable Joseph H. Davidson Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Storch offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 88** - “Requesting the Division of Highways to name bridge number 35-40-0.04 (35A032), locally known as Elbys Bridge, carrying US 40 Spur over Wheeling Creek in Ohio County, the ‘U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge’.”

Whereas, Captain Slack was born in Wheeling on March 1, 1925, and was raised on North 21<sup>st</sup> Street in the city’s Warwood section. He graduated from Warwood High School in 1942 and West Point in 1945 before entering the U. S. Army Air Corps. In 1946, he served in bomber units in Europe. He later flew P-38s (except for flight during the Berlin Airlift) out of Nurnberg, Germany, with the 526<sup>th</sup> Fighter Squadron. After Germany Captain Slack was assigned to the 325<sup>th</sup> Fighter Squadron at Langley Air Force Base, Virginia; and

Whereas, After graduation Captain Slack went to transition training in B-17s and school in Orlando. It was during this assignment that he and Jean Shepherd were married in New York City in 1950. They lived in Las Vegas while Captain Slack trained in F-80 jet fighters at Nellis Air Force Base; and

Whereas, In November 1950, Captain Slack was assigned to the 36<sup>th</sup> FBS, a P-51 Mustang Squadron based at Taegu AFB in Korea, later transitioning to the F-80C Shooting Star fighter interceptor; and

Whereas, On March 14, 1951, while flying in an element of four F-80 type aircraft, Captain Slack, while attacking an enemy gun position, was hit by antiaircraft fire 10 miles north of Pyongyang, North Korea, and his plane crashed and burst into flames. He was listed as Missing in Action and was presumed dead on December 31, 1953. His remains were never recovered. His flight leader, Major Ernest T. "Smiley" Burnett, recalled that his last words were, "Smiley, I have the gun positions in sight; they won't shoot at anybody else"; and

Whereas, Captain Slack was awarded the Silver Star posthumously on July 16, 1954. The citation reads: "Lieutenant Slack distinguished himself by gallantry in action on 14 March 1951 while flying a combat mission in support of United Nations forces in Korea. Lieutenant Slack was leading an element of a four-ship flight of F-80 type aircraft on an armed reconnaissance of the railroad between Pyongyang and Simiju, Korea. His element was flying top cover for the lead element which was reconnoitering the railroad at low altitude. In the vicinity of the Sunan railroad yards, intense antiaircraft fire was encountered and was concentrated upon the Flight Leader and his wingman. Lieutenant Slack quickly sighted the gun emplacements and with complete disregard for his own safety began a dueling attack with the enemy gun positions. By drawing the concentrated fire upon himself, he enabled the lead element to evade the devastating ground fire. In the course of his attack, Lieutenant Slack's aircraft was hit and seen to crash in the immediate area. Lieutenant Slack's alertness, heroic action, and determination to destroy the enemy fire in keeping with the highest traditions of the service, and reflected great credit upon himself, the Far East Air Force, and the United States Air Force"; and

Whereas, R. X. Sheffield, his roommate for 10 months in the 18<sup>th</sup> Division Barracks, recalled: "As a cadet, Captain Slack was a very determined and studious person who found academics a real challenge, but who spared no idle time in achieving a ranking at



one instance of number two in Spanish - a language he had never heard in Wheeling. He was quiet and reserved and his obsession was the airplane and the U. S. Army Air Corps. He had an overpowering ambition to be a fighter pilot and he achieved this goal like a summa cum laude graduate. His most famous quote when our morale was low in good old 'D' Company, First Regiment of Cadets was, 'Anything worth having is worth fighting for!' His other love was his family and Wheeling. His classmates learned true esprit de corps and love for home and country from this West Virginian. While a cadet on plebe maneuvers with General Oliver's 5<sup>th</sup> Armored Division at Pine Camp, New York, he would be remembered for lecturing us on the local astronomy. Every time I look into the heavens at the Big Dipper, Polaris or Cassiopeia, I remember 'Cork' and his wonderful outlook on life. His mind was always alert. His physical prowess was very evident in team sports like basketball and swimming. He strove to be the first in everything he did. When he wasn't in class he'd be studying or at the gym. His ideology was always before him: 'All good things come from the sweat of the brow.' I feel Cork would have made four stars had fate not intervened. He was an outstanding cadet and a great pilot as well as a compassionate human being. Every time I hear that West Virginia anthem, 'Country Roads, West Virginia' I think (sic) of Cork. West Virginia can be proud of Captain Slack, a Man's Man, a Jet Ace and a U. S. Air Force hero"; and

Whereas, It is appropriate to name this bridge to honor Captain Slack for having made the ultimate sacrifice in service to his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 35-40-0.04 (35A032), locally known as Elbys Bridge, carrying US 40 Spur over Wheeling Creek in Ohio County, the "U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge"; and be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U.

S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Lynch, A. Evans, Sponaugle, Williams, Iaquinta, Pyles, Ferro, Hamilton, R. Romine, Rowan, Jennings, Campbell, Brewer, Byrd, Canestraro, Criss, Deem, Diserio, Gearheart, Pethtel, Phillips, Robinson, Rodighiero, Rowe and Thompson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 89** - “Requesting that the Division of Highways name bridge number 49-9-21.84 (49A028), locally known as Palace Valley W-beam Bridge, carrying County Route 9 over the Left Fork of Buckhannon River in Upshur County, the ‘Colonel Morgan Morgan Memorial Bridge’.”

Whereas, Colonel Morgan was born in 1688 in Glamorganshire, Wales, and educated in London, England; and

Whereas, He emigrated to the American colonies at the age of 24 where he settled in Christina, Delaware, in 1702; and

Whereas, In 1713, he married Catherine Garretson, the love of his life, in a ceremony in New Castle County, Delaware; and

Whereas, He and his wife moved from Christina, Delaware, to Winchester, Virginia, where he became an ordained minister; and

Whereas, In 1731, he arrived in what is now the State of West Virginia; and

Whereas, In 1734, he was appointed to the “Commission of the Peace,” which was at that time the office of the magistrate; and

Whereas, Between 1735-1736 and 1753, he acquired a military commission in the First Militia (now the 201<sup>st</sup> Field Artillery Regiment of the West Virginia Army National Guard), also known

as the Berkeley Rifles, and rose from captain of the militia to lieutenant colonel; and

Whereas, Colonel Morgan was in one of 13 militia companies tasked with fighting the British in the early stages of the Revolutionary War; and

Whereas, Colonel Morgan is credited with many “firsts” including: Being the first permanent European settler in present-day West Virginia; establishing the first Episcopal Church, known as the Mill Creek Church, in the Commonwealth of Virginia; being the first civil officer; being the first judicial officer; establishing the first licensed tavern and inn for pioneer travelers in the Blue Ridge Mountain area; engineering the first road built in present-day West Virginia, which was approximately 12 miles long; organizing the first militia in the area; and being the first gentleman justice involved in the formation of two counties in Virginia; and

Whereas, Colonel Morgan and his descendants were also instrumental in the development of Virginia and present-day West Virginia. Without Colonel Morgan and his descendants, there would likely be no West Virginia, no Marion County, no Fairmont, and no Morgantown. His descendants include former West Virginia Governor Ephraim F. Morgan and Francis Harrison Pierpont (also known as the “Father of West Virginia”); and

Whereas, The naming of this bridge is an appropriate recognition of Colonel Morgan’s contributions to this country and to the place that is present-day West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 49-9-21.84 (49A028), locally known as Palace Valley W-beam Bridge, carrying County Route 9 over the Left Fork of Buckhannon River in Upshur County, the “Colonel Morgan Morgan Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Colonel Morgan Morgan Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the House of Delegates, forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Eldridge, Maynard, Hornbuckle, C. Miller, Phillips, R. Romine, C. Romine, R. Miller, Rodighiero, Thompson and Marcum offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 90** - "Requesting the Division of Highways to name bridge number 22-14/1-0.01 (22A139), locally known as Ely Fork Bridge, carrying County Route 14/1 over Ely Fork in Lincoln County, the 'Mack D. Huffman Memorial Bridge'."

Whereas, Mr. Huffman was a private in Company "B" of the 261 Infantry of the Army of the United States in the 1940s; and

Whereas, Mr. Huffman served his country honorably in the Second World War and was honorably discharged in September of 1945; and

Whereas, Mr. Huffman later served his country and his community in the Lincoln County Sherriff's Department; and

Whereas, Naming this bridge is an appropriate recognition of Mr. Huffman's contributions to his country and to the State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 22-14/1-0.01 (22A139), locally known as Ely Fork Bridge, carrying County Route 14/1 over Ely Fork in Lincoln County, the "Mack D. Huffman Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Mack D. Huffman Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates R. Romine, A. Evans, Hamilton, McGeehan, Jennings, Rowan, Pethtel and Ferro offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 91** - "Requesting the Division of Highways to name bridge number 48-18-10.11 (48A104), locally known as Centerville Bridge, carrying WV 18 over Middle Island Creek in Tyler County, the 'U. S. Navy CAPT Homer Leroy Smith Memorial Bridge'."

Whereas, Captain Homer Leroy Smith was born in Alma on February 6, 1926, to Lotus Smith and Mary Pierpoint Smith; and

Whereas, Captain Smith spent his boyhood there and graduated from Tyler County High School in 1943. He entered the Navy's V-5 program in early 1944 and was sent to Bethany College as a student. Captain Smith then attended Notre Dame University and while there received an appointment to U. S. Naval Academy from the late Hubert Ellis, Congressman from West Virginia's Fourth Congressional District. Lloyd Gregg of Sistersville was instrumental in securing his appointment to United States Naval Academy at Annapolis; and

Whereas, Captain Smith entered the Naval Academy in 1945 and upon graduation on June 3, 1949, was commissioned an Ensign in the Navy; and

Whereas, In 1950, Captain Smith married Jean Pankowski of Philadelphia. They had four children, Deborah, Steven, Pamela, and Michael; and

Whereas, In August 1950, Captain Smith reported for flight training and was designated a Naval Aviator in September 1951. From 1956 to 1959 and in 1963, he was enrolled in the Navy's post-graduate education program. In 1963, Captain Smith completed the company and staff course at the Naval War College in Newport,

Rhode Island. In addition to a Bachelor of Science Degree from the U. S. Naval Post-Graduate School, he also earned a Master's Degree in International Relations from George Washington University and a Professional Engineering degree in Aeronautical Engineering from the California Institute of Technology; and

Whereas, During his Naval career, Captain Smith had a variety of duty assignments. Early in his career he served on the destroyers, USS Frank E. Evans and USS Hank, in both the Atlantic and Pacific fleets. After flight training, Captain Smith spent three years in Fighter Squadron 33 aboard the USS Leyte and USS Midway. He was associated with the Naval Air Reserve Program as a flight instructor at NSS Akron, Ohio, and was in charge of instruction of second class midshipmen in engineering during a tour of duty at U. S. Naval Academy; and

Whereas, During a three-year tour of duty in Air Wing 15 aboard USS Coral Sea in the Pacific, Captain Smith served as Operations Officer of Attack Squadron 155 and later as Air Wing Operations Officer; and

Whereas, Captain Smith also served as the Executive Officer of Attack Squadron 212, a component of Air Wing 21. The squadron, home based at the Naval Air Station, Lemoore, California, was on its eighth cruise to the Far East. The squadron was one of the Navy's most important offensive weapons systems. It was capable of carrying the following armament: twenty mm cannon, air to ground rockets, air to ground missiles and a variety of conventional and nuclear bombs; and

Whereas, On June 30, 1966, Captain Smith led a strike group of 12 A4, 4F8 and other support aircraft from the USS Hancock in an extremely hazardous and important attack against the Bac Giang Petroleum Storage Area, 20 miles northeast of Hanoi, Vietnam. On October 11, 1966 on the Naval Air Station, Lemoore, California he was awarded the Silver Star for conspicuous gallantry and intrepidity for that mission. Captain Smith was also presented his second award of the Distinguished Flying Cross, his tenth, eleventh and twelfth awards of the Air Medal, and his second and third

awards of the Navy Commendation Medal with combat distinguishing device during that ceremony; and

Whereas, While serving as Executive Officer of Attack Squadron, 212 missions were flown during the first year. Captain Smith was on his 183<sup>rd</sup> mission and was ready to return to his home base in California when was shot down at Bac Giang, Vietnam on May 20, 1967. His remains were brought to Annapolis, Maryland for burial May 29, 1974. Services were held in the Chapel at Navy Academy for interment at the Navy Cemetery at Annapolis; and

Whereas, It is appropriate to name this bridge to honor Captain Smith's service to his community and to his country and for having made the ultimate sacrifice; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 48-18-10.11 (48A104), locally known as Centerville Bridge, carrying WV 18 over Middle Island Creek in Tyler County, the "U. S. Navy CAPT Homer Leroy Smith Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U. S. Navy CAPT Homer Leroy Smith Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Robinson, Ambler, Anderson, Atkinson, Campbell, Barrett, Bates, Boggs, Brewer, Canestraro, Capito, Caputo, Cooper, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Graves, Hamilton, Hamrick, Harshbarger, Hartman, Higginbotham, Hill, Hornbuckle, Isner, Kelly, Kessinger, Jennings, Love, Lovejoy, Lynch, Marcum, Maynard, Miley, C. Miller, R. Miller, Moye, Nelson, Pack, Overington, Paynter, Pethtel, Queen, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Shott, Sobonya, Sponaule, Summers, Walters, Ward, Williams and Zatezalo offered the

following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 92** - “Requesting the Division of Highways to erect a sign at the Malden/Rand exit on Route 60 to designate Rand, West Virginia ‘Home of Pro Football Hall of Fame Member Randy G. Moss’.”

Whereas, Randy G. Moss was born on February 13, 1977, in Rand, West Virginia to Maxine Moss and Randy Pratt; and

Whereas, Randy G. Moss attended DuPont High School in DuPont City, West Virginia where he led the DuPont Panthers to state championships in 1992 and 1993; and

Whereas, Randy G. Moss received the Kennedy Award for the West Virginia Football Player of the Year in 1994; and

Whereas, Randy G. Moss was featured on the Parade Magazine Annual All-American High School Football Team in 1995 and designated one of the fifty greatest high school football players of all time by Parade Magazine; and

Whereas, Randy G. Moss received the Evans Award for Basketball Player of the Year in 1994 and 1995; and

Whereas, Randy G. Moss attended Marshall University in Huntington, West Virginia where he set eight NCAA Division I-AA records during his college career; and

Whereas, Randy G. Moss was drafted by the Minnesota Vikings in 1998; and

Whereas, Randy G. Moss set over twenty NFL records during his career; and

Whereas, During his career, Randy G. Moss scored 156 touchdowns and had 15,292 receiving yards; and

Whereas, Randy G. Moss competed in six Pro Bowls and was designated 1<sup>st</sup> Team All Pro four times; and



Whereas, Randy G. Moss was selected as a 1<sup>st</sup> Ballot Hall of Famer in 2018; and

Whereas, In addition to his supreme athletic accomplishments, Randy G. Moss is a charitable West Virginian who has worked with the Smile Network to host the Randy Moss Celebrity Charity Invitational Bass Tournament; and

Whereas, Randy G. Moss founded the Links for Learning foundation to help West Virginian students; and

Whereas, Randy G. Moss donated a Starlight Children's Foundation Fun Center to the Women and Children's Hospital of Charleston, West Virginia; and

Whereas, Randy G. Moss has demonstrated exemplary athletic skills and numerous charitable works; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to erect a sign at the Malden/Rand exit on Route 60 to designate Rand, West Virginia "Home of Pro Football Hall of Fame Member Randy G. Moss"; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

## **Special Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2982**, Relating to allowing draw games winners to remain anonymous; 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. 226**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Adkins, Barrett, Byrd, Espinosa, Isner, Marcum, Pushkin, Rowe and Westfall.

Absent and Not Voting: Deem and Iaquina.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2982) 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. 4014**, Relating to reorganization of the West Virginia Department of Health and Human Resources; 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. 227**), and there were—yeas 62, nays 36, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Brewer, Byrd, Campbell, Canestraro, Caputo, Cowles, Diserio, E. Evans, Ferro, Fleischauer, Hamilton, Hicks, Hornbuckle, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, R. Miller, Moye, Paynter, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Sypolt, Thompson, Ward and Williams.

Absent and Not Voting: Deem and Iaquina.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4014) 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. 4016**, Relating to combatting waste, fraud, and misuse of public funds through investigations,

accountability and transparency; 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. 228**), 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 Iaquinta.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4016) 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. 4154**, Establishing the 2018 Regulatory Reform Act; 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. 229**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Lovejoy and Pushkin.

Absent and Not Voting: Deem and Iaquinta.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4154) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4154** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, §5B-8-5, §5B-8-6, §5B-8-7, §5B-8-8, §5B-8-9, and §5B-8-10, all relating to

establishing the 2018 Regulatory Reform Act; providing legislative findings; defining terms; providing for an application process with the Development Office to request a project be classified as a project of critical economic concern; establishing a procedure for the filing of a certificate of critical economic concern with state agencies and the Development Office; providing for written status reports during expedited permit review process; providing that the Development Office shall establish a telephone hotline which permit applicants may utilize to contact the Development Office when a state agency has not timely acted upon a permit application; requiring the executive director to report to the Governor and the Joint Committee on Government and Finance annually regarding the success of this article; and granting the Development Office with procedural rulemaking authority to implement the provisions of this article.”

*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. 4166**, Establishing a special revenue fund to be known as the “Capital Improvements Fund - Department of Agriculture Facilities”; 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. 230**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Deem and Iaquinta.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4166) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 231**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Deem and Iaquina.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4166) 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. 4187**, Business Liability Protection Act; 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. 232**), and there were—yeas 85, nays 14, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd, Fleischauer, Hicks, Hornbuckle, Jennings, Lane, McGeehan, Pushkin, Pyles, Rowan, Rowe, Shott, Wagner and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4187) 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. 4218**, Relating to medical professional liability; 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. 233**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4218) 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. 4238**, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan; 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. 234**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4238) 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. 4309**, Restricting the sale and trade of dextromethorphan; 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. 235**), and there were—yeas 95, nays 4, absent

and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fluharty, Folk, Isner and McGeehan.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4309) 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. 4394**, Relating to forest fires; 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. 236**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4394) 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. 4453**, Relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review; 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. 237**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4453) 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. 4486**, Relating to persons required to obtain a license to engage in the business of currency exchange; 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. 238**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4486) 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. 4509**, Relating to the establishment of substance abuse treatment facilities; 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. 239**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.



So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4509) 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. 4623**, Relating to obtaining substance abuse treatment 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. 240**), and there were—yeas 85, nays 14, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Brewer, Fleischauer, Hornbuckle, Isner, Lynch, Pethtel, Pushkin, Pyles, Robinson, Rowe, Upson, Wagner and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4623) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

At 2:27 p.m., on motion of Delegate Foster, the House of Delegates recessed until 4:00 p.m.

\* \* \* \* \*

### **Afternoon Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

**Special Calendar****Second Reading**

-continued-

**Com. Sub. for H. B. 2008**, Relating to the Dealer Recovery Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4036**, Increasing the maximum salaries of family case coordinators and secretary-clerks; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4153**, Imposing a health care related provider tax on certain health care organizations; 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. 4217**, Permitting an attending physician to obtain a patient's autopsy report; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Ellington, the bill was amended on page two, section ten, lines thirty-five and thirty-six, by striking out the words "health care facility as defined §16-30C-3" and inserting in lieu thereof the words "hospital as defined in §16-2D-2 of this code" and a comma.

And,

On page two, section ten, line thirty-nine, after the words "attending physician", by inserting the words "as defined in §16-30C-3 of this code" and a comma.

The bill was then ordered to engrossment and third reading.

**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; 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. 4336**, Updating the schedule of controlled substances; 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. 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; 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. 4345**, Relating to limitations on permits for growers, processors and dispensaries of medical cannabis; 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. 4357**, West Virginia Small Wireless Facilities Deployment Act; 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. 4392**, Relating to Medicaid subrogation liens of the Department of Health and Human Resources; 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. 4431**, Establishing the Mountaineer Trail Network Recreation Authority; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hanshaw, the bill was amended on page fifteen, by striking out section thirteen in its entirety.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4447**, Providing for a uniform and efficient system of broadband conduit installation; 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. 4455**, Relating to animal abuse; on second reading, coming up in regular order, was read a second time.

Delegate Pyles moved to amend the bill on page one, after the article heading, by inserting the following:

**“§61-8-19. Cruelty to animals; penalties; exclusions.**

(a)(1) It is unlawful for any person to intentionally, knowingly or recklessly,

(A) Mistreat an animal in cruel manner;

(B) Abandon an animal;

(C) Withhold;

(i) Proper sustenance, including food or water;

(ii) Shelter that protects from the elements of weather; or

(iii) Medical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal;

(D) Abandon an animal to die;

(E) Leave an animal unattended and confined in a motor vehicle when physical injury to or death of the animal is likely to result;

(F) Ride an animal when it is physically unfit;

(G) Bait or harass an animal for the purpose of making it perform for a person’s amusement;

(H) Cruelly chain or tether an animal; or

(I) Use, train or possess a domesticated animal for the purpose of seizing, detaining or mistreating any other domesticated animal;  
or

(J) Perform, or cause to be performed, an onychectomy (declawing) or flexor tendonectomy procedure on a domestic cat.

(2) Any person in violation of subdivision (1) of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 nor more than \$2,000 or confined in jail not more than six months, or both.

(b) A person who intentionally tortures, or mutilates or maliciously kills an animal, or causes, procures or authorizes any other person to torture, mutilate or maliciously kill an animal, is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility not less than one nor more than five years and be fined not less than \$1,000 nor more than \$5,000. For the purposes of this subsection, ‘torture’ means an action taken for the primary purpose of inflicting pain.

(c) A person, other than a licensed veterinarian or a person acting under the direction or with the approval of a licensed veterinarian, who knowingly and willfully administers or causes to be administered to any animal participating in any contest any controlled substance or any other drug for the purpose of altering or otherwise affecting said animal’s performance is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$2,000.

(d) Any person convicted of a violation of this section forfeits his or her interest in any animal and all interest in the animal vests in the humane society or county pound of the county in which the conviction was rendered and the person is, in addition to any fine imposed, liable for any costs incurred or to be incurred by the humane society or county pound as a result.

(e) For the purpose of this section, the term ‘controlled substance’ has the same meaning ascribed to it by subsection (d), section one hundred one, article one, chapter sixty-a of this code.

(f) The provisions of this section do not apply to lawful acts of hunting, fishing, trapping or animal training or farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game

farms if kept and maintained according to usual and accepted standards of livestock, poultry, gaming fowl or wildlife or game farm production and management, nor to humane use of animals or activities regulated under and in conformity with the provisions of 7 U.S.C. §2131, *et seq.*, and the regulations promulgated thereunder, as both statutes and regulations are in effect on the effective date of this section.

(g) Notwithstanding the provisions of subsection (a) of this section, any person convicted of a second or subsequent violation of subsection (a) is guilty of a misdemeanor and, shall be confined in jail for a period of not less than ninety days nor more than one year, fined not less than \$500 nor more than \$3,000, or both. The incarceration set forth in this subsection is mandatory unless the provisions of subsection (h) of this section are complied with.

(h)(1) Notwithstanding any provision of this code to the contrary, no person who has been convicted of a violation of the provisions of subsection (a) or (b) of this section may be granted probation until the defendant has undergone a complete psychiatric or psychological evaluation and the court has reviewed the evaluation. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the evaluation.

(2) For any person convicted of a violation of subsection (a) or (b) of this section, the court may, in addition to the penalties provided in this section, impose a requirement that he or she complete a program of anger management intervention for perpetrators of animal cruelty. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the program.

(i) In addition to any other penalty which can be imposed for a violation of this section, a court shall prohibit any person so convicted from possessing, owning or residing with any animal or type of animal for a period of five years following entry of a misdemeanor conviction and fifteen years following entry of a felony conviction. A violation under this subsection is a misdemeanor punishable by a fine not exceeding \$2,000 and forfeiture of the animal.”

Delegate Foster arose to a point of order as to the germaneness of the amendment offered by Delegate Pyles.

To the point of order the Speaker replied, stating that the purpose of the amendment was not germane to the fundamental purpose of the bill.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4490**, Relating to oil and gas permits not to be on flat well royalty leases; 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. 4524**, Establishing guidelines for the substitution of certain biological pharmaceuticals; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4529**, Relating to oath by municipal official certifying list of delinquent business and occupation taxes; 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. 4558**, Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office; 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. 4571**, Relating to the final day of filing announcements of candidates for a political office; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Campbell, the bill was amended on page two, section seven, lines twenty-three and twenty-four, by striking out "12:00 p.m. until 6:00 p.m." and inserting in lieu thereof "9:00 a.m. until 12:00 p.m."

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4603**, Providing immunity from civil liability to facilities and employees providing crisis stabilization; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4626**, Relating to West Virginia innovative mine safety technology tax credit act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4627**, Relating to providing a limitation on the eminent domain authority of a municipal park board; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**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; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Nelson, and by unanimous consent, the bill was advanced to third reading with an amendment pending and with the restricted right to amend jointly by Delegates Nelson and Bates, and the rule was suspended to permit the consideration of amendments on that reading.

The bill was then ordered to third reading.

**H. B. 4629**, Relating to broadband enhancement and expansion policies generally; 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 S. B. 181**, Authorizing MAPS promulgate legislative rules,



And,

**Com. Sub. for S. B. 348**, Allowing for disposal of service weapons of special DNR police officers.

At the request of Delegate Foster 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 Hamilton, Chair of the Committee on Agriculture and Natural Resources submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**Com. Sub. for S. B. 451**, Relating generally to hunting and fishing,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 451) to the Committee on the Judiciary was abrogated.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**S. B. 498**, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (S. B. 498) was referred to the Committee on Government Organization.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**S. B. 112**, Clarifying that natural resources police officers' subsistence allowance is pensionable,

And,

**S. B. 346**, Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses.

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 (S. B. 112 and S. B. 346) were each referred to the Committee on Finance.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**Com. Sub. for S. B. 475**, Industrial Hemp Development Act,

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. 475) was referred to the Committee on the Judiciary.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**Com. Sub. for S. B. 141**, Expanding county assessment and collection of head tax on breeding cows,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 141) was referred to the Committee on Finance.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**Com. Sub. for S. B. 446**, Creating Agritourism Responsibility Act,

And reports the same back with the recommendation that it do pass, 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. 446) was referred to the Committee on the Judiciary.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**S. B. 322**, Relating to employees of Department of Agriculture,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (S. B. 322) was referred to the Committee on Government Organization.

### **Leaves of Absence**

At the request of Delegate Foster, and by unanimous consent, leave of absence for the day was granted Delegate Deem.

### **Miscellaneous Business**

Delegate Iaquina announced that he was absent on today when the votes were taken on the following bills, and had he been present, he would have voted as follows: Com. Sub. for H. B. 2982 - "Yea", Com. Sub. for H. B. 4014 - "Nay", Com. Sub. for H. B. 4016 - "Yea", Com. Sub. for H. B. 4154 - "Yea" and Com. Sub. for H. B. 4166 - "Yea".

Pursuant to House Rule 94b, Members filed forms with the Clerk's Office to be added as a cosponsor of the following:

- Delegate Westfall for H. B. 2020
- Delegate Shott for H. C. R. 86

At 5:16 p.m., the House of Delegates adjourned until 9:00 a.m., Wednesday, February 28, 2018

---

Wednesday, February 28, 2018

## FIFTIETH DAY

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 9:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Tuesday, February 27, 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. 4235, on Third reading, Special Calendar, to the House Calendar.

### Committee Reports

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

**S. B. 626**, Relating generally to coal mining,

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 (S. B. 626) was referred to the Committee on the Judiciary.

Delegate Walters, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**S. B. 425**, Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (S. B. 425) was referred to the Committee on Finance.

Delegate Walters, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**S. B. 339**, Relating to WV Retirement Health Benefit Trust Fund within PEIA,

And,

**Com. Sub. for S. B. 501**, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System,

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 (S. B. 339 and Com. Sub. for S. B. 501) were each referred to the Committee on Finance.

### **Messages from the Executive**

Mr. Speaker, Mr. Armstead presented a communication from His Excellency, the Governor, advising that on February 27, 2018, he approved **Com. Sub. for S. B. 154**, **Com. Sub. for S. B. 163**, **Com. Sub. for S. B. 165**, **Com. Sub. for S. B. 184**, **S. B. 379**, **S. B. 382**, **S. B. 384**, **Com. Sub. for S. B. 386**, **S. B. 388**, **Com. Sub.**

**for H. B. 2831, Com. Sub. for H. B. 4162, and Com. Sub. for H. B. 4242.**

### **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. 82** - “A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers’ Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding leukemia, lymphoma, or multiple myeloma arising out of and in the course of employment as a firefighter on July 1, 2023, absent legislative action to the contrary; and eliminating outdated and obsolete language”; 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. 331** - “A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature; and providing that persons who first become members of the retirement system after June 30, 2018, shall have their final average salary calculated based on total years of service; and providing that members of the Legislature shall receive one day of credited service for each day paid”; 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 and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 426** - “A Bill to repeal §7-1-3ss of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-3, §11-16-5, §11-16-6a, §11-16-6b, §11-16-9, and §11-16-18 of said code; to amend said code by adding thereto a new section, designated §11-16-11b; to amend and reenact §60-1-5a of said code; to amend said code by adding thereto a new section, designated §60-2-17a; to amend and reenact §60-3-12 of said code; to amend and reenact §60-3A-18 and §60-3A-25 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-2, §60-7-3, §60-7-4, §60-7-5, §60-7-6 §60-7-12, and §60-7-13 of said code; to amend said code by adding thereto a new section, designated §60-7-8a; to amend and reenact §60-8-3, §60-8-20, and §60-8-34 of said code; and to amend and reenact §61-8-27 of said code, all relating generally to modernizing certain nonintoxicating beer, nonintoxicating craft beer, beer, wine, and liquor laws by permitting certain hours of operation; defining terms; repealing section of the code authorizing county option elections on Sunday sales; defining terms; removing the two growler limit per patron per day for licensees who sell growlers for off- premises consumption; increasing allowable growler size to 128 ounces; creating a sampling license for retailers authorized to sell growlers and setting a fee for the license; placing limitations on complimentary samples; requiring complimentary food be available; setting forth age restrictions; placing restrictions on licensed representatives of a brewer, resident brewer, or distributor who attend sampling events; creating a temporary license for nonintoxicating beer floorplan extensions of existing licensee floorplans; implementing a fee for the new license; implementing a reactivation fee for licensees that fail to timely file their renewal applications and pay their license fees; creating a one-day special license for certain nonprofit and tax exempt entities hosting artistic,



athletic, charitable, educational, or religious events to purchase and sell nonintoxicating beer and nonintoxicating craft beer; providing limitations on special licenses; setting forth requirements for special licenses; setting forth the commissioner's authority; reducing the membership requirement for a private golf club; creating alternating wine proprietorships for wineries and farm wineries; setting forth requirements for the parties to the alternating wine proprietorship agreements; setting forth production standards, including amount of raw West Virginia products which are required to be used; licensure requirements; clarifying that the Alcohol Beverage Control Administration may request the assistance of county and municipal law enforcement; clarifying days and hours for liquor sales; permitting a distillery or mini-distillery to apply, pay the fee, and qualify for a Class A private club license; clarifying types of sales permitted by a distillery or mini-distillery; providing a 5 percent markup rate for mini-distilleries for sampling; declaring that the mere addition of a mini-distillery does not change the nature or use of agricultural property for building code and property tax classification purposes; clarifying sampling procedures and requirements for wineries and farm wineries; prohibiting the adulteration of any alcoholic liquor by adding liquid designed to increase alcohol content or potency; permitting certain charitable events to auction wine bottles for off-premises consumption; penalties; clarifying that certain West Virginia licensees can only sell liquor by the drink; clarifying certain requirements for licensure; clarifying prohibition on liquor bottle sales in Class A licenses; providing guidance on certain lawful conduct such as wine bottle sales and frozen drink machines, and prohibiting the sale of premixed alcoholic liquors, with certain exceptions; creating a private club and carryout license with attendant requirements therefor; permitting the sale of wine in Division II and III college stadiums; creating a private fair and festival license; setting forth qualifications for applicants; placing limitations on complimentary samples; reducing membership requirement for a private golf club; requiring complimentary food be available; setting forth age restrictions; placing restrictions on licensed representatives of a brewer, resident brewer, or distributor who attends or operates sampling events; clarifying that private resort hotel licensees may operate a resident brewer and brew pub;

authorizing issuance of private club and carryout licenses and establishing criteria and setting a fee therefor; authorizing issuance of private hotel licenses and establishing criteria and fees therefor; setting forth qualifications for applicants; setting a license fee; permitting minors to attend private fairs or festivals under certain conditions; requiring a private club licensee to timely notify emergency medical services or law enforcement of a life-threatening medical emergency occurring on the licensee's premises; authorizing sanctions against licensees failing to notify such personnel as required; requiring a licensee to notify the Alcohol Beverage Control Administration within 48 hours of the occurrence of a life-threatening emergency; clarifying prohibition against bring your own bottle with exceptions for wine under certain circumstances; directing the commissioner to propose rules for allowing patrons to bring wine into licensed premises and restaurant facilities with an allowance for a corkage fee; stating that any such rule shall not take effect until approved by the Legislature; permitting the commissioner to sanction a licensee for failing to comply with the 48-hour notification requirement; providing examples of life-threatening medical emergencies; authorizing the promulgation of emergency rules; and requiring promulgation of proposed legislative rules"; which was referred to the Committee on the Judiciary the 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. 434** - "A Bill to amend and reenact §30-3C-1 and §30-3C-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3C-5, all relating to discovery in certain proceedings; defining terms; specifying certain documents that are confidential and not subject to discovery; providing that a person who testifies before a review organization or is a member of a review organization shall not be required to testify or asked about his or her testimony; providing that peer review proceedings, communications, and documents of a review organization are confidential and privileged and shall not be subject to discovery;

providing that an individual may be given access to documents used as basis for an adverse professional review action, subject to a protective order as may be appropriate; providing that privilege is not deemed to be waived unless the review organization executes a written waiver; and addressing original source materials”; 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. 443** - “A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to requiring the department to file a petition to terminate parental rights when parents have not had contact or attempted contact with a child in 18 consecutive months from the removal order; and creating exceptions thereto”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 465** - “A Bill to amend and reenact §49-2-803 of the Code of West Virginia, 1931, as amended, relating generally to mandated reporting of child abuse and neglect; clarifying that sexual abuse and sexual assault constitute abuse of a child for reporting purposes; reducing the time period in which a mandated reporter is required to report suspected abuse or neglect; requiring mandated reporters to directly report known or suspected abuse or neglect; eliminating certain broad reporting requirements applicable to any person over the age of 18; clarifying that minors are not mandated reporters; eliminating certain exceptions to the reporting time limit; eliminating particularized reporting requirements for education employees; and eliminating provisions pertaining to conduct involving students or students and school personnel”; 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. 506** - “A Bill to amend §21-16-2, §21-16-3, and §21-16-5 of the Code of West Virginia, 1931, as amended, all relating to regulating persons who perform work on heating, ventilating, and cooling systems and fire dampers; providing definitions; creating new license for work on certain residential heating, ventilating, and cooling systems; renaming existing license; amending exemptions from license requirement; providing rule-making authority regarding licensure requirements, development of examination, and scope of work of certain persons who perform work on heating, ventilating, and cooling systems; and providing emergency rule-making authority”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2018, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 507** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, and §18C-9-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements for the establishment of magnet school programs; providing for restrictions on the amount that may be

charged for tuition, fees, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per pupil allocations; defining terms; and providing for rulemaking”; which was referred to the Committee on Education 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. 514** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, §16-54-9, §16-54-10, §16-54-11, §16-54-12, §16-54-13, §16-54-14, and §16-54-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the compact with all jurisdictions also enacting the compact; stating purpose of Compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by Compact; setting conditions for home state’s license to authorize practice in a remote state under the Compact; requiring member states to recognize licenses issued

by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state's laws; authorizing remote states to take action against individual's privilege to practice within that state under certain circumstances; providing effect of restrictions on license on Compact privileges; setting conditions of practicing in remote state under Compact terms; defining relationship of Compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for Compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas; authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing Commission prescribe bylaws and/or rules to govern conduct; granting certain powers to Commission; providing for financing for the Commission; making validity of annual assessment against State contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring Commission defend certain persons for actions arising out of actions occurring within the scope of duties related to Commission; requiring Commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against

individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking Commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by Commission; providing that Commission rules are not binding on State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of compact and rules promulgated pursuant to compact; providing procedures for Commission to follow if member state has defaulted; authorizing member state be terminated from Compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between Commission and member state; authorizing enforcement of Compact by Commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for compact; making any state joining after implementation subject to rules as they exist when Compact is adopted; authorizing member state withdraw from compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of compact; providing for liberal construction; providing for severability of compact if compact found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of Commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from Compact"; which was referred to the Committee on Government Organization 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. 515** - “A Bill to amend and reenact §8-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-19-2 and §8-19-4 of said code; to amend said code by adding thereto two new sections, designated §8-19-2a and §8-19-2b; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16 of said code; to amend and reenact §16-13A-9 of said code; to amend and reenact §24-1-1 of said code; and to amend and reenact §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, and §24-2-11 of said code, all relating to the Public Service Commission’s jurisdiction over the rates, fees, and charges of municipal utilities; establishing uniformity in the class of publications required by municipalities and public service districts for the revision in rates; updating internal code references; excluding the setting and adjustment of rates, fees, and charges of municipal power systems from the jurisdiction of the Public Service Commission; providing for a right of appeal by customers; providing a time period for the filing of and resolution of complaints filed at the Public Service Commission regarding actions of municipalities; clarifying language regarding rate changes and notice requirements for municipal utilities; clarifying the commission’s jurisdiction as modified by chapters 161 and 209, Acts of the Legislature, regular session, 2017, over internet protocol-enabled service, voice-over internet protocol-enabled service, stormwater services by a public service district, political subdivisions providing separate or combined water and/or sewer services, and certain telephone company transactions; and establishing the time period pertaining to the filing of appeals and the resolution of appeals of rate and construction projects decided by county commissions”; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 545** - “A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to driving privileges and requirements for persons under the age of 18; prohibiting use of wireless communication device while operating motor vehicle



and specifying exception; and making violation of level-three license terms and conditions subject to penalty provision”; 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. 557** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-13, relating to the Senior Farmers Market Nutrition Program; making legislative findings and intent; creating the Senior Farmers Market Nutrition Program Fund; and requesting additional funds to be added to the fund”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 558** - “A Bill to amend and reenact §21-3D-3 and §21-3D-4 of the Code of West Virginia, 1931, as amended, all relating generally to certification requirements of crane operators; providing that crane operators may be certified by additional nationally recognized accredited agencies; and changing the written exam requirements for Class A and Class B certifications”; which was referred to the Committee on Government Organization.

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. 572** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-36-5, and §19-36-6, all relating to creating the West Virginia Farm-to-School

Grant Program; defining terms; providing method for allocating grants; limiting grants; authorizing rulemaking; and requiring program review and reports”; which was referred to the Committee on Education 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. 575** - “A Bill to amend and reenact §16-2D-8 and §16-2D-9 of the Code of West Virginia, 1931, as amended, all relating to the approval of additional beds for intermediate care facilities; providing that persons in more restrictive setting will be given an option to move; excluding persons currently on the intellectual and developmental disabilities waiver; placing these persons on an enrollment list; developing a monitoring committee; setting out membership of the committee; providing purpose of the monitoring committee; requiring reinvestment of savings; providing that all other relevant regulatory laws apply; and providing that additional beds may be developed”; 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. 597** - “A Bill to amend and reenact §30-18-2, §30-18-3, §30-18-5, §30-18-6, and §30-18-10 of the Code of West Virginia, 1931, as amended, all relating to eligibility and application requirements for licenses to conduct private investigation or security guard businesses; prohibiting individuals who have been convicted in this state of a misdemeanor offense of domestic violence, assault against family or household member, or battery against family or household member or who have been convicted in another jurisdiction of a misdemeanor with similar essential elements from being eligible to obtain a license to conduct a private investigation or security guard business; limiting the ineligibility to 10 years following conviction, if the applicant is not

convicted of any other crime during that period; setting forth who is to be included as a family or household member; prohibiting individuals from conducting fire or arson investigations who do not satisfy specific criteria; adding criteria for individuals who wish to conduct fire or arson investigations; clarifying that bonds required for private investigation and security guard businesses do not require raised seal certifications; modifying the Secretary of State's rule-making authority and duties to promulgate rules related to private investigation or security guard businesses; and authorizing the Secretary of State to establish advisory boards to encourage representative participation in rule-making"; which was referred to the Committee on Government Organization 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. 603** - "A Bill to amend and reenact §27-5-2 and §27-5-3 of the Code of West Virginia, 1931, as amended, all relating to proceedings for involuntary custody for examination; and adding licensed professional counselors to the list of professionals that may examine an individual by order of a circuit court, mental hygiene commissioner, or magistrate"; 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. 625** - "A Bill to amend and reenact §5A-3-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-3-8a; to amend and reenact §5H-1-2 of said code; to amend and reenact §7-1-3d of said code; to amend said code by adding thereto a new section, designated §11-21-25; to amend and reenact §16-4C-6 and §16-4C-8 of said code; to amend said code by adding thereto two new sections, designated §16-4C-8a and §16-4C-24; to amend said code by adding thereto a new section,

designated §17-2A-8d; to amend said code by adding thereto three new sections, designated §29-3-5e, §29-3-5f and §29-3-8; to amend and reenact §29-3-12 of said code; to amend and reenact §33-3-33 of said code; and to amend said code by adding thereto a new section, designated §33-3-33b, all relating to creating the West Virginia Volunteer Fire and Rescue Act of 2018; requiring Director of Purchasing Division make facilities and services of the division available to fire departments and companies and certain emergency medical services agencies; authorizing director to provide for implementation by legislative rules or other agreement; authorizing payment of death benefits to survivors of firefighter, emergency medical services, or law-enforcement provider who dies in the performance of, or as a result of the performance of, his or her duties; increasing death benefits to be paid; providing for written designation of beneficiary to be made with State Fire Marshal or Commissioner of the Bureau for Public Health; requiring any county fire prevention units to be formed and recognized under the regulations of the State Fire Commission for local fire departments; increasing authorized reimbursement rate amount; providing exception for incidents or accidents involving hazardous materials; requiring payment of amounts owed as reimbursement within 30 days; authorizing written agreements between fire department or company and responsible party; permitting fire company or department to proceed to recover costs if payment or agreement not reached within 90 days; defining terms; creating volunteer first responder tax credit against an individual's personal property taxes based on number of activities an individual engages in with his or her first responder organization; requiring notarized certification by the chief officer of the first responder organization; making tax credit nonrefundable; requiring Tax Commissioner to develop forms for certification; authorizing Commissioner of the Bureau for Public Health to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies; requiring statewide contracts be made available to certain emergency medical services agencies; authorizing development of uniform standards for equipment and supplies used by emergency medical services agencies;

giving legislative rule-making authority to Commissioner of the Bureau for Public Health to implement provisions; requiring Commissioner of the Bureau for Public Health to recognize and give full credit for all continuing education credits approved or recognized by state or nationally recognized accrediting body; establishing courtesy certification program for certified emergency medical service personnel in states bordering West Virginia; relieving courtesy certification applicants from requirement to comply with state certification standards; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Emergency Medical Services Equipment and Training Fund; authorizing use of fund for grants to equip emergency medical service providers and train emergency medical services personnel; requiring Commissioner of the Bureau for Public Health establish grant program for equipment and training of emergency medical services providers and personnel; setting eligibility and certain priorities for grant program; granting rule-making authority to implement grant program; authorizing Commissioner of Division of Highways enter into reimbursement agreements with certain fire departments for services provided relating to tree or debris removal from state highways and rights-of-way; setting conditions for and defining scope of reimbursement; retaining authority of commissioner to properly remove and dispose of cleared trees, debris, or other obstacles; granting legislative rule-making authority to implement reimbursement program; setting minimum provisions for legislative rule; authorizing State Fire Marshal establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments; requiring statewide contracts be made available to certain fire companies and departments as well as any other agency or subdivision with a need for those equipment or supplies; authorizing development of uniform standards for equipment and supplies used by fire companies and departments; giving legislative rule-making authority to State Fire Commission to implement provisions; establishing courtesy certification program for certified

firefighters in states bordering West Virginia as volunteer firefighters; relieving courtesy certification applicants from requirement to comply with state certification standards for volunteer firefighters; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Fire Service Equipment and Training Fund; authorizing use of fund for grants to equip volunteer and part-volunteer fire companies and departments and their members, and train volunteer and part-volunteer firefighters; requiring State Fire Marshal establish grant program for equipment and training of volunteer and part volunteer fire companies and departments and volunteer firefighters; setting eligibility and certain factors for State Fire Marshal to consider in making grants; granting rule-making authority to implement grant program; requiring State Fire Marshal prepare certain reports and make certain recommendations; increasing surcharge on fire and casualty insurance policies; exempting certain casualty insurance policies from surcharge; prohibiting premium taxes, agent commissions, and other assessments from being charged against surcharge; designating where funds collected from surcharge are to be deposited; requiring study and report from Insurance Commissioner regarding issues related to workers' compensation for volunteer and part-volunteer fire departments; eliminating obsolete language; and making technical corrections"; which was referred to the Committee on Fire Departments and Emergency Medical Services then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**S. B. 628** - "A Bill to amend and reenact §12-7-6 of the Code of West Virginia, 1931, as amended, relating generally to the West Virginia Jobs Investment Trust Board; expanding the corporate powers of the board to allow it to enter into partnerships and create subsidiaries of different forms of either a nonprofit or

for-profit form; and authorizing the board to take any lawful actions necessary to be certified without limitation as a qualified community development entity or a qualified community development financial institution under applicable federal law”; which was referred to the Committee on Finance.

### **Special Calendar**

#### **Unfinished Business**

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

**H. R. 7**, Urging federal policymakers to support legislation advancing the development of an Appalachian Storage Hub,

**H. C. R. 8**, Funding for feasibility study of Coal-to-Chemicals Project,

**H. C. R. 24**, Recognizing March 2, 2018 as National Speech and Debate Education Day,

And,

**H. C. R. 77**, Deputy Sheriff Jesse R. Browning Memorial Road.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein on those requiring the same.

#### **Third Reading**

**Com. Sub. for H. B. 2008**, Relating to the Dealer Recovery 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. 241**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Love.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2008) 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. 4036**, Increasing the maximum salaries of family case coordinators and secretary-clerks; on third reading, coming up in regular order, was read a third time.

Delegate Espinosa requested to be excused from voting on the passage of Com. Sub. for H. B. 4036 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. 242**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Butler, Cooper, Martin, Sobonya and Wilson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4036) 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. 4153**, Imposing a health care related provider tax on certain health care organizations; 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. 243**), and there were—yeas 75, nays 23, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Cowles, Dean, Eldridge, Espinosa, Fast, Folk, Foster, Frich, Gearheart, Householder, Howell, Kessinger, Marcum, Martin, Maynard, McGeehan, C. Miller, Moore, Paynter, Storch, Upson, Westfall and Wilson.

Absent and Not Voting: Deem and Moye.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4153) 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. 4217**, Permitting an attending physician to obtain a patient's autopsy report; 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. 244**), 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 Nelson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4217) passed.

On motion of Delegate Ellington, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4217** - "A Bill to amend and reenact §61-12-10 of the Code West Virginia, 1931, as amended, relating to

permitting a designated representative of a hospital or an attending physician to obtain a patient's autopsy report.”

*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. 4336**, Updating the schedule of controlled substances; 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. 245**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4336) 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. 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; 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. 246**), 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: Boggs and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4338) passed.

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 247**), 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: Boggs and Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4338) takes effect July 1, 2018.

*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. 4345**, Relating to limitations on permits for growers, processors and dispensaries of medical cannabis; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Butler asked unanimous consent to amend the bill on third reading, which consent was not granted, objection being heard.

Delegate Butler then moved to amend the bill on third reading.

On this question, the yeas and nays were taken (**Roll No. 248**), and there were—yeas 58, nays 41, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Speaker Armstead, Adkins, Ambler, Anderson, Atkinson, Byrd, Capito, Cooper, Cowles, Criss, Dean, Diserio, Ellington, Espinosa, A. Evans, Hamilton, Hamrick, Hanshaw, Harshbarger, Hill, Householder, Howell, Isner, Kelly, Lane, Longstreth, McGeehan, Moore, Nelson, Paynter, Pushkin,

Robinson, R. Romine, Shott, Storch, Upson, Wagner, Walters, Westfall, White and Wilson.

Absent and Not Voting: Deem.

So, two thirds of the members present and voting not having voted in the affirmative, the motion to amend the bill on third reading was rejected.

The bill was read a third time.

During debate on the bill, the Speaker reminded the members to confine remarks to the question before the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 249**), and there were—yeas 76, nays 23, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Speaker Armstead, Butler, Cowles, Criss, A. Evans, Fast, Foster, Frich, Graves, Hollen, Jennings, Kelly, Kessinger, Martin, Overington, Rohrbach, C. Romine, R. Romine, Rowan, Sobonya, Summers, Sypolt and Zatezalo.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4345) 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. 4357**, West Virginia Small Wireless Facilities Deployment Act; 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. 250**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Campbell and Lovejoy.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4357) passed.

On motion of Delegate Nelson, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4357** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31H-1-1, §31H-1-2, §31H-2-1, §31H-2-2, §31H-2-3, and §31H-2-4, all relating to the establishment of the West Virginia Small Wireless Facilities Deployment Act; making legislative findings; defining terms; providing for access to public rights-of-way for the collocation of small wireless facilities; providing and limiting state and local government authority to prohibit, regulate or charge for collocation; authorizing and limiting activities and equipment of providers; excluding micro wireless facilities from regulation; authorizing and limiting permits for activities; providing for the collection of fees and setting the amount of fees; authorizing and limiting access to collocation sites, structures and equipment; authorizing and limiting agreements between authority and provider; and providing for certain local zoning, indemnification, insurance, bonding and other forms of surety requirements.”

*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. 4392**, Relating to Medicaid subrogation liens of the Department of Health and Human Resources; 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. 251**), and there were—yeas 74, nays 24, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, Fast, Ferro, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquinta, Isner, Lovejoy, Marcum, Miley, R. Miller, Pushkin, Rodighiero, Rowe, Sponagle, Thompson and Williams.

Absent and Not Voting: Deem and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4392) 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. 4431**, Establishing the Mountaineer Trail Network Recreation Authority; 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. 252**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Dean, Marcum, Maynard and Upson.

Absent and Not Voting: Deem and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4431) passed.

On motion of Delegate Hanshaw, the title of the bill was amended to read 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, and §20-14A-12, 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 board for the authority; providing for financial oversight; describing the powers and duties of the authority; establishing prohibited acts and creating a criminal penalty; limiting the liability of landowners; setting forth purchasing and bidding procedures and creating a criminal penalty; providing for conflicts of interest and creating a criminal penalty; providing civil remedies; and providing for severability.”

*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. 4447**, Providing for a uniform and efficient system of broadband conduit installation; 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. 253**), 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 Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4447) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

At 12:11 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 1:00 p.m.

\* \* \* \* \*

### Afternoon Session

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### Special Calendar

#### Third Reading

-continued-

**Com. Sub. for H. B. 4455**, Relating to animal abuse; 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. 254**), 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, Marcum, Phillips and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4455) 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. 4490**, Relating to oil and gas permits not to be on flat well royalty leases; 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. 255**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Foster and Moore.

Absent and Not Voting: Deem.



So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4490) 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. 4524**, Establishing guidelines for the substitution of certain biological pharmaceuticals; 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. 256**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4524) 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. 4529**, Relating to oath by municipal official certifying list of delinquent business and occupation taxes; 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. 257**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4529) 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. 4558**, Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office; 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. 258**), and there were—yeas 74, nays 25, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Adkins, Barrett, Blair, Butler, Dean, Folk, Gearheart, Graves, Hill, Householder, Howell, Jennings, Kessinger, Marcum, Martin, Maynard, McGeehan, Overington, Paynter, Sobonya, Sponaugle, Summers, Upson, White and Wilson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4558) 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. 4571**, Relating to the final day of filing announcements of candidates for a political office; 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. 259**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Blair, Sobonya and Summers.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4571) passed.

On motion of Delegate Hanshaw, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4571** - “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to the final day of filing announcements of candidates for a political office; and providing that the deadline on that final day is 11:59 p.m.; requiring that the office of the Secretary of State be open until that time; and requiring the offices of the County Clerks of each county be open from 9 a. m. until 12 p. m. on that date.”

*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. 4603**, Providing immunity from civil liability to facilities and employees providing crisis stabilization; 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. 260**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Miley and Upson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4603) 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. 4626**, Relating to West Virginia innovative mine safety technology tax credit act; 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. 261**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Blair.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4626) 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. 4627**, Relating to providing a limitation on the eminent domain authority of a municipal park board; 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. 262**), 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 Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4627) 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. 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; on third reading, coming up in regular order, with an amendment pending and the restricted right to amend jointly by Delegates Nelson and Bates, was reported by the Clerk.

On motion of Delegate Nelson, the bill was amended on page seven, section three, line one hundred forty-four, by striking out subsection (h) in its entirety and inserting in lieu thereof a new subsection (h) to read as follows:

“(h) Notwithstanding any other provisions of this section to the contrary, after December 31, 2018, no surcharges may be assessed under subdivision (3), subsection (f) of this section or subsection (g) of this section. Except as otherwise provided in this subsection, the provisions of subdivision (3), subsection (f) of this section and subsection (g) of this section are terminated and shall be of no force or effect beginning on and after January 1, 2019: *Provided, That liability for surcharges assessed under subdivision (3), subsection (f) of this section for periods prior to January 1, 2019, shall continue until paid.*”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 263**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4628) 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. 4629**, Relating to broadband enhancement and expansion policies generally; 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. 264**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4629) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 265**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4629) 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.

### **Second Reading**

**Com. Sub. for S. B. 181**, Authorizing MAPS promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY TO PROMULGATE LEGISLATIVE RULES.**

**§64-6-1. Fire Commission.**

The legislative rule filed in the State Register on July 25, 2017, authorized under the authority of §29-3-5a of this code, modified by the State Fire Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 13, 2017, relating to the State Fire Commission (hazardous substance emergency response training programs, 87 CSR 3), is authorized.

**§64-6-2. State Fire Marshal.**

The Legislature directs the State Fire Marshal, pursuant to the authority given to the division in §29-3B-5 of this code, to promulgate the legislative rule filed in the State Register by the State Fire Marshal on January 26, 2018, relating to the State Fire Marshal (electrician licensing rules, 103 CSR 5).

**§64-6-3. Governor's Committee on Crime, Delinquency and Correction.**

(a) The legislative rule filed in the State Register on October 20, 2017, authorized under the authority of §30-29-3 of this code, modified by the Governor's Committee on Crime, Delinquency and Correction to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 13, 2017, relating to the Governor's Committee on Crime, Delinquency and Correction (law-enforcement training and certification standards, 149 CSR 2), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §48-27-1102 of this code, modified by the Governor's Committee on Crime, Delinquency and Correction to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 14, 2017, relating to the Governor's Committee on Crime, Delinquency and Correction (protocol for law-enforcement response to domestic violence, 149 CSR 3), is authorized with the following amendment:

On page thirteen, section 6.4.9(e), by striking through the words “As a general rule, do” and inserting in lieu thereof the words “It is recommended to”.

And,

On page thirteen, section 6.4.10, by inserting after the word “children” the words “the following is recommended”.

(c) The legislative rule effective on May 10, 2006, authorized under the authority of §17G-2-3 of this code, relating to the Governor’s Committee on Crime, Delinquency and Correction (motor vehicle stop data collection standards for the study of racial profiling, 149 CSR 5), is repealed.”

The bill was then ordered to third reading.

**Com. Sub. for S. B. 348**, Allowing for disposal of service weapons of special DNR police officers; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.**

**§20-7-1d. Awarding service ~~revolver~~ weapon upon retirement; disposal of service weapon when replaced due to routine wear; and furnishing uniform for burial.**

(a) Upon the retirement of any full-time salaried natural resources police officer, the chief natural resources police officer shall award to the retiring natural resources police officer his or her service ~~revolver~~ weapon, without charge, upon determining:

(1) That the natural resources police officer is retiring honorably with at least 25 years of recognized law-enforcement



service as determined by the chief natural resources police officer; or

(2) That the natural resources police officer is retiring with less than 25 years of service based upon a determination that he or she is totally physically disabled as a result of service with the division.

(b) Notwithstanding the provisions of subsection (a) of this section, the chief natural resources police officer may not award a service ~~revolver~~ weapon to any natural resources police officer who has been declared mentally incompetent by a licensed physician or any court of law, or who, in the opinion of the chief natural resources police officer, constitutes a danger to any person or the community.

(c) The disposal of law-enforcement service weapons, when replaced due to routine wear, does not fall under the jurisdiction of the agency for surplus property, within the Purchasing Division of the Department of Administration. The chief natural resources police officer may offer these surplus weapons for sale to any active or retired Division of Natural Resources law-enforcement officer, at fair market value, with the proceeds from any sales used to offset the cost of the new weapons.

(d) Upon the death of any current or honorable honorably retired natural resources police officer, the chief natural resources police officer shall, upon request of the deceased officer's family, furnish a full uniform for burial of the deceased officer.

(e) Notwithstanding the foregoing, this section does not apply to weapons obtained through the federal donation program operated by the West Virginia State Agency for Surplus Property.

**§20-7-1f. Awarding service ~~revolver~~ weapon to special natural resources police officers upon retirement; disposal of service weapon when replaced due to routine wear; furnishing uniform for burial.**

(a) Upon the retirement of any special natural resources police officer selected and appointed pursuant to §20-7-1, the chief of the officer's section shall award to the retiring special natural resources

police officer his or her service ~~revolver~~ weapon, without charge, upon determining:

(1) That the special natural resources police officer is retiring honorably with at least 25 years of recognized special law enforcement service as determined by the chief natural resources police officer; or

(2) That the special natural resources police officer is retiring with less than 25 years of service based upon a determination that he or she is totally physically disabled as a result of service with the division.

(b) Notwithstanding the provisions of subsection (a) of this section, the section chief may not award a service-~~revolver~~ weapon to any special natural resources police officer who has been declared mentally incompetent by a licensed physician or any court of law, or who, in the opinion of the chief natural resources police officer constitutes a danger to any person or the community.

(c) Upon the death of any current or honorably retired special natural resources police officer, the respective chief shall, upon request of the deceased officer's family, furnish a full uniform for burial of the deceased officer.

(d) The disposal of special natural resources police officer service weapons, when replaced due to routine wear, does not fall under the jurisdiction of the agency for surplus property, within the Division of Purchasing of the Department of Administration. The chief of the section of Parks and Recreation and the chief of the Wildlife Resources Section of the Division of Natural Resources may offer these surplus weapons for sale to any active or retired special natural resources police officer, at fair market value, with the proceeds from any sales used to offset the cost of the new weapon.

(e) Notwithstanding the foregoing, this section does not apply to weapons obtained through the federal donation program operated by the West Virginia State Agency for Surplus Property.”

The bill was then ordered to 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 S. B. 37**, Equalizing penalty for entering without breaking regardless of time of day,

**Com. Sub. for S. B. 46**, Permitting pharmacists to inform customers of lower-cost alternative drugs,

**Com. Sub. for S. B. 134**, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery,

**Com. Sub. for S. B. 146**, Correcting technical error within Solid Waste Management Act,

**S. B. 338**, Changing date for employers to file annual reconciliation and withholding statements,

**S. B. 364**, Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle,

**Com. Sub. for S. B. 415**, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery Sports Wagering activities,

**S. B. 444**, Repealing antiquated code sections regarding safety glass and lighting in motor vehicles,

**Com. Sub. for S. B. 451**, Relating generally to hunting and fishing,

And,

**S. B. 464**, Changing statutory payment date for incremental salary increases due state employees.

### Messages from the Executive

The following communication from His Excellency, the Governor, was laid before the House of Delegates and reported by the Clerk:

State of West Virginia  
OFFICE OF THE GOVERNOR  
Charleston, WV

February 28, 2018

#### **HOUSE EXECUTIVE MESSAGE NO. 2 2018 REGULAR SESSION**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Building 1, Room M-228  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305  
Dear Speaker Armstead:

The following amends and replaces the “FY 2019 Official Estimate General Revenue – Statement of Revenues by Source” which I submitted to you on January 10, 2018 as part of my Budget Document for the fiscal year ending June 30, 2019:

#### General Revenue Fund

#### Statement of Revenues by Source

(Expressed in Thousands)

	FY 2019
	Official
<u>Source of Revenue</u>	<u>Estimate Revised</u>
Business and Occupation Tax	\$ 117,500
Consumers Sales and Use Tax <sup>1</sup>	1,303,500
Personal Income Tax <sup>1</sup>	2,004,000

2018]

HOUSE OF DELEGATES

1199

Liquor Profit Transfers	20,800
Beer Tax and Licenses	7,500
Tobacco Products Tax (Cigarette & Other)	179,700
Business Franchise Fees	670
Charter Tax	0
Property Transfer Tax	13,000
Property Tax	6,900
Insurance Tax	123,500
Departmental Collections	23,600
Corporate Income/Business Franchise Tax	142,100
Miscellaneous Transfers	1,000
Interest Income	23,000
Severance Tax	361,700
Miscellaneous Receipts	10,700
HB102 - Lottery Transfers	65,000
Special Revenue Transfer	0
Senior Citizen Tax Credit Reimbursement	<u>10,000</u>
Total	<u>\$ 4,414,170</u>

Thank you for your cooperation in this matter.

Sincerely,

Jim Justice  
*Governor.*

<sup>1</sup> Revised due to anticipated road construction activity from future bond sales and positive feedback associated with federal tax reform.

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**

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:

**Com. Sub. for S. C. R. 11**, Evans Center for Excellence in Aircraft Maintenance,

**H. C. R. 16**, Frenchburg Bridge,

**Com. Sub. for H. C. R. 45**, U. S. Air Force Reserves 2nd Lieutenant Richard E. Tyson Memorial Bridge,

**Com. Sub. for H. C. R. 51**, Gill Brothers World War Veterans' Memorial Bridge,

**H. C. R. 62**, Pocahontas County Veterans Memorial Bridge,

**Com. Sub. for H. C. R. 70**, U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge,

**Com. Sub. for H. C. R. 83**, Vietnam Veterans Memorial Highway,

**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,

**H. C. R. 86**, Bluefield Police Lt. Aaron L. Crook Memorial Road,

**H. C. R. 87**, Constable Joseph H. Davidson Memorial Bridge,

**H. C. R. 88**, U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge,

And,

**H. C. R. 91**, U.S. Navy CAPT Homer Leroy Smith 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:

**Com. Sub. for S. B. 258**, Exempting honorably discharged veterans from fees for license to carry deadly weapons,

And,

**Com. Sub. for S. B. 359**, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Finance.

Pursuant to House Rule 80, the Speaker referred Com. Sub. for S. B. 258 to the Committee on Finance.

In accordance with the former direction of the Speaker, Com. Sub. for S. B. 359 was referred to the Committee on Finance.

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:

**S. B. 143**, Permitting DNR identification tag be used to identify trap,

And,

**S. B. 350**, Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

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:

**S. B. 343**, Limiting expenses in preparing list for notice to redeem,

And reports the same back with the recommendation that it do pass.

At 2:23 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 5:00 p.m.

\* \* \* \* \*

### **Evening Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### **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. 261** - “A Bill to repeal §31-18D-1, §31-18D-2, §31-18D-3, §31-18D-4, §31-18D-5, §31-18D-6, §31-18D-7, §31-18D-8, §31-18D-9, §31-18D-10, §31-18D-11, §31-18D-12, §31-18D-13, §31-18D-14, and §31-18D-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-4c of said code; to amend and reenact §11-22-2 of said code; to amend and reenact §31-18-3, §31-18-6, and §31-18-22 of said code; and to amend said code by adding thereto two new sections, designated §31-18-20d and §31-18-29, all relating to the transfer of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund; eliminating the West Virginia Affordable Housing Trust Fund and the West Virginia Affordable Housing Trust Fund Board of Directors; creating the Affordable Housing Fund of the West Virginia Housing Development Fund and providing for uses therefor; providing for assessment of fees on all sales by licensed dealers of factory-built homes to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; providing for assessment of fees upon the privilege of transferring real estate for consideration to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; defining ‘Affordable Housing Fund’; authorizing the West Virginia Housing Development Fund to provide funding to increase the capacity of nonprofit community housing organizations; providing for uses of funds in the Affordable Housing Fund; providing for disposition of the Affordable Housing Fund in the event of termination or dissolution of West Virginia Housing Development Fund; and providing for windup of West Virginia Affordable Housing Trust Fund”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**S. B. 282** - “A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended, relating to exempting the State Conservation Committee and the Conservation Agency from the requirements of the Purchasing Division for contracts related to

flood recovery or stream restoration, and all contracts with the United States Geological Survey”; 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. 295** - “A Bill to amend and reenact §7-20-1, §7-20-2, §7-20-3, §7-20-6, §7-20-7, §7-20-7a, §7-20-14, §7-20-15, §7-20-16, §7-20-23, and §7-20-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twenty-seven new sections, designated §7-20-25, §7-20-26, §7-20-27, §7-20-28, §7-20-29, §7-20-30, §7-20-31, §7-20-32, §7-20-33, §7-20-34, §7-20-35, §7-20-36, §7-20-37, §7-20-38, §7-20-39, §7-20-40, §7-20-41, §7-20-42, §7-20-43, §7-20-44, §7-20-45, §7-20-46, §7-20-47, §7-20-48, §7-20-49, §7-20-50, and §7-20-51; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating to Local Powers Act; renaming short title the County Local Powers Act; amending its purpose and legislative findings; amending certain definitions and adding definitions; amending criteria and requirements to implement and collect certain fees; making technical corrections; amending authorization for county commissions related to imposition of impact fees, services fees and other taxes; providing for county commission review and permissive approval of impact fees; amending use of proceeds from sale of bonds; adding payment sources for bonds; allowing the reallocation of certain ad valorem property taxes after ratification of constitutional amendment and procedures and requirements related to reallocation of ad valorem property taxes; specifying effective date; providing requirements and procedures concerning creation and finalization of county road construction project plans and amendments thereto; specifying public hearing and notice requirements and opportunity for public comment; requiring consent; permitting joint road construction projects; setting forth duties, authorities, and jurisdiction of Commissioner of Highways; authorizing intergovernmental agreements and setting forth requirements related thereto; providing for the termination of road construction projects plan; providing for

application for approval of road construction project plans and application content; providing for certification of road construction project; providing rule-making authority; providing for acceptance into state road system; qualifying road construction projects as public improvements; providing for reporting by Commissioner of Highways; creating special revenue revolving fund and for county subaccounts; providing for funding and expenditures from account; authorizing West Virginia Economic Development Authority to issue revenue bonds and refunding bonds; permitting cash-basis projects; setting forth requirements concerning issuance, selling, execution, and use of bonds; permitting trust agreements; specifying that bonds and other obligations undertaken by the West Virginia Economic Development Authority do not constitute a debt or a pledge of the faith and credit or taxing power of this state or of any county, municipality or any other political subdivision; specifying that bonds are negotiable instruments; providing exemption from taxation; waiving and exempting personal liability; providing that authority for exercise of powers are cumulative and neither powers nor bonds are limited; providing for termination of special allocation of property taxes; providing for excess fund deposit; specifying that powers are supplemental; providing for severability; and providing authority and requirements related to West Virginia Economic Development Authority, including authority to issue bonds, limitations, payments, certification, and return of unused funds”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 360** - “A Bill to amend and reenact §22-6-8 of the Code of West Virginia, 1931, as amended, relating to flat well royalty leases generally; modifying the permit issuance prohibition from one-eighth interest of the total amount paid to or received at the well head for oil and gas extracted to not less than one-eighth of the gross proceeds free from any deduction for post-production expenses; providing that a permit applicant may file with its application an affidavit which certifies that the affiant is

authorized by the owner of the working interest in the well to tender to the owner of the oil or gas a certain royalty of the gross proceeds, free from certain deductions, received at the first point of sale to an unaffiliated third-party purchaser in an arm's length transaction.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for S. B. 360) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 401** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring specified coverage in health benefit plans for outpatient and inpatient treatment for substance use disorders by July 1, 2019; defining terms; providing for rulemaking for the Insurance Commissioner; setting forth time frames for coverage; and providing for expedited grievances"; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 402** - "A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating exemptions from contract and common carrier laws for certain motor vehicles"; 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. 403** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; providing exception from certain provisions of code; conferring jurisdiction to the Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee; exempting advance deposit wagering from certain provisions of code and implementing rules; providing for criminal penalties for accepting advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for a regulatory fee; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; providing for an investigation as to whether nonresident account holders of a licensee placed wagers while physically located in West Virginia; and authorizing rulemaking and emergency rulemaking”; 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. 419** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to establishing the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory; requiring legislative rules for purpose of ensuring consistency,

predictability, and independent review of systems developed under this section; establishing annual salary schedule for evidence technicians, forensic technicians, forensic analysts, and forensic analyst supervisors; authorizing the superintendent to appoint a forensic laboratory director and set the director's salary; requiring manuals be provided; clarifying authority of superintendent or forensic laboratory director or administrator to increase base compensation based on merit within classification; requiring legislative rules to establish policy and procedure for determining eligibility for promotions among classifications; requiring legislative rules establish guidelines for awarding merit-based salary increases within classifications; and authorizing the inclusion of certain exempt civilian employees in supplemental pay option"; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 421** - "A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s, and §20-2-42v of the Code of West Virginia, 1931, as amended, all relating to crossbow hunting; clarifying use of crossbows with Class A hunting and trapping license during big game seasons requires additional license, stamps, or permits (with exception of buck firearms seasons); permitting crossbow hunting with Class RB and Class RRB licenses; permitting crossbow hunting with Class UU licenses; and permitting crossbow hunting with Class BG stamp"; 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. 432** - "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; making legislative findings; establishing the

Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing for continuation of plans and amendments approved during Municipal Home Rule Pilot Program; providing that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; expanding eligibility to participate in home rule to additional municipalities; establishing annual assessment for participants in Municipal Home Rule Program; establishing penalty for failing to timely pay annual assessment; creating special revenue account for Municipal Home Rule Board; authorizing certain expenditures from special revenue fund subject to appropriation by the Legislature and providing an exception; providing suspension of annual assessment when certain conditions are met; clarifying the authority of the Municipal Home Rule Board; requiring Municipal Home Rule Board to reject any application or amendment that does not reasonably demonstrate municipality's ability to manage related costs or liabilities; requiring publication of administrative rules of Municipal Home Rule Board on its website and made available to the public in print upon request; clarifying procedures related to submitting amendment to approved plan; requiring certain notice prior to proposing or amending a plan; requiring a copy of the notice be sent to the board and cabinet secretary of every state department; requiring public hearing and notice of hearing prior to municipality proposing a plan or amendment; amending certain prohibitions on the powers and duties of municipalities under home rule; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws governing professional licensing or certification of employees; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws, rules, or regulations governing enforcement of building codes or fire codes; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to West Virginia Workplace Freedom Act and Labor-Management Relations Act; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation

contrary to federal laws, regulations, or standards related to transportation that would affect state's required compliance or jeopardize federal funding; prohibiting municipalities from enacting any ordinance, act, resolution, rule, or regulation that imposes duties on another governmental entity; providing certain exceptions to that prohibition; modifying reporting requirements; eliminating automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019; and redefining the term 'distribute'"; which was referred to the Committee on Government Organization 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. 438** - "A Bill to amend and reenact §29-22-18e of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating to debt service on bonds secured by the State Excess Lottery Revenue Fund; and clarifying the timing of debt service payments to the State Parks Lottery Revenue Debt Service Fund"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 442** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to regulating prior authorizations; defining terms; providing for electronically transmitted prior authorization forms; establishing procedures for submission and acceptance of forms; and setting deadlines"; which was referred to the Committee on Finance.

A message from the Senate, by



The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 445** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-17a; to amend said code by adding thereto a new article, designated §17-2E-1, §17-2E-2, §17-2E-3, §17-2E-4, §17-2E-5, §17-2E-6, §17-2E-7 and §17-2E-8; to amend said code by adding thereto two new sections, designated §17-4-17b and §17-4-17e; and to amend said code by adding thereto a new section, designated §24-2-20, all relating to public utilities; creating new legislative findings; defining terms; providing for longitudinal access on Division of Highways rights-of-way; setting forth terms for certain agreements including how they must relate to other telecommunications carriers; requiring the Division of Highways comply with certain federal requirements as to fair market value and obtaining certain Federal Highway Administration approvals; setting forth requirements for fair and reasonable compensation for access to the right-of-way; authorizing compensation to be monetary, in-kind, or a combination of both; providing for reevaluation of the compensation every five years; providing that the Division of Highways has sole discretion to deny access if the safe, efficient and convenient use of highway, road or interstate would be compromised; providing that the access granted herein does not affect previous access granted by the division; promoting joint use and proportionate cost sharing; requiring a carrier seeking a permit to notify the Broadband Enhancement Council and other carriers of record of the permit application; setting forth notice requirements; providing that a carrier seeking the permit must resolve any disputes among other carriers seeking access; providing that the Public Service Commission will resolve disputes the carriers are not able to resolve; requiring all carriers sharing a trench to share the cost and benefits; requiring the division deposit any compensation collected for access to its right-of-way be deposited in the State Road Fund; authorizing in-kind compensation and listing allowable telecommunications facilities for in-kind payment; requiring the division to value in-kind compensation at fair market value; providing that in-kind

compensation may be disposed of after 10 years if it is not being used; giving the carrier providing the in-kind compensation right of first refusal; providing for public auction in certain circumstances; providing that multiple carriers in the same trench have obligation to compensate the division; allowing the division to hold each carrier jointly and severally liable for obligations owed to the division; requiring carriers allow the division to audit records and contracts to ensure compliance; providing that existing policies, rules and procedures relating to other utilities within the right-of-way are not altered by this act; allowing the division to consider the financial and technical qualifications of a carrier when setting insurance requirements; allowing the division to require carriers to install telecommunications in the same general location, coordinate planning and work with other contractors in the same area; requiring placement, installation, maintenance, repair, use, operation and related activities on the right-of-way be in compliance with the division's rules, policies and guidelines; and requiring that access to a right-of-way be administered in compliance with the Telecommunications Act of 1996, 47 U.S.C. §151, *et seq.*; establishing a method by which the Commissioner of the Division of Highways may acquire certain rights-of-way and easements for the purpose of increasing public access to utilities; establishing a procedure for the Division of Highways to lease acquisitions to utilities for fair market value; and establishing a cost-sharing procedure for determining how relocation costs are to be paid by the utility"; 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. 448** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-9B-1, §47-9B-2, §47-9B-3, §47-9B-4, §47-9B-5, §47-9B-6, and §47-9B-7, all relating to the establishment of professional associations; providing definitions; requiring professional associations both domestic and foreign to be registered with the Secretary of State; providing application criteria

for registration with the Secretary of State; requiring people who provide services for a professional association to be licensed in the subject profession; providing for relinquishment or purchase of ownership interests in a professional association when owners cease to be licensed in the subject profession; providing for the transfer of ownership interests; setting forth liability; and providing for joint practice by certain professionals”; which was referred to the Committee on Government Organization.

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. 452** - “A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to hunting licenses; and exempting the list of names, addresses, and contact information for license holders from public disclosure with certain exceptions”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 472** - “A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to employees of local boards of health; making legislative findings; requiring the Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees; limiting Department of Health and Human Resources from using provided funds for any other purpose; requiring annual funding to continue pay raises; and prohibiting Department of Health and Human Resources from placing additional restrictions or obligations on provided funds”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**S. B. 485** - “A Bill to amend and reenact §23-2C-3 of the Code of West Virginia, 1931, as amended, relating to the termination of the Workers’ Compensation Debt Reduction Fund assessment on self-insured employers”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 504** - “A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to minimum wage and maximum hour standards for employees; excluding seasonal amusement park workers from maximum hour requirements; and defining terms”; which was referred to the Committee on Industry and Labor 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. 508** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, and §5B-2J-5, all relating to establishing a State Trail Authority within the Development Office; establishing composition of authority; providing for Governor to appoint certain members; providing terms of members; allowing for reimbursement for certain expenses of members not employed by the state; authorizing the authority to appoint a statewide trail coordinator and to hire district trail coordinators; specifying the powers of the State Trail Authority; specifying powers and duties of statewide trail coordinator and district trail coordinators; and providing a sunset

provision”; which was referred to the Committee on Government Organization.

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. 510** - “A Bill to amend and reenact §16-5B-18 of the Code of West Virginia, 1931, as amended, relating to designation of hospitals for stroke treatment; adding a designation as a thrombectomy-capable stroke center; modifying the makeup of the advisory committee; eliminating rulemaking authority; providing for a database; and prohibiting certain inspections of hospitals conducted by the Department of Health and Human Resources”; which was referred to the Committee on Health and Human Resources.

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. 530** - “A Bill to amend and reenact §31D-1-131 of the Code of West Virginia, 1931, as amended, relating to the Secretary of State; and requiring the establishment of searchable databases for West Virginia registered corporation and sole proprietorship information”; which was referred to the Committee on Government Organization.

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. 531** - “A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-3-6 of said code, all relating to eliminating the requirement that municipal courts wait at least 90 days prior to notifying the Division of Motor Vehicles of a person’s failure to

appear or failure to pay assessed costs, fines, forfeitures, or 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

**Com. Sub. for S. B. 534** - “A Bill to amend and reenact §16-9A-2 and §16-9A-4 of the Code of West Virginia, 1931, as amended, all relating generally to tobacco usage and e-cigarette restrictions; defining terms; prohibiting e-cigarettes on certain public school property by persons under the age of 18 at certain times; and increasing the penalty for certain tobacco-related and e-cigarette offenses on public school property”; 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. 548** - “A Bill to amend and reenact §3-1-44 and §3-1-48 of the Code of West Virginia, 1931, as amended, all relating generally to the conduct of elections; authorizing compensation for election officials be fixed by county commission; requiring all election officials within a classification to be paid the same amount within each county; authorizing Secretary of State to set maximum compensation rates in certain elections where costs are determined to be obligations of the state; declaring compensation above maximum compensation set by Secretary of State in certain elections to be county obligation; and permitting State Election Commission, with recommendation from HAVA Grant Board and consistent with legislative rules of the program, approve grant to a county for the purchase of election systems or upgrades from the county assistance voting equipment fund; and directing Secretary of State issue emergency rules setting criteria for issuance of grants”; 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. 551** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-13; and to amend and reenact §61-10-20 of said code, all relating to failure of an employer to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board; requiring the Consolidated Public Retirement Board to certify a delinquency lasting for 60 days to the State Auditor, the county commission, and sheriff of the county in which the employer is located; authorizing the State Auditor, county commission, or sheriff of the county in which the employer is located to withhold moneys due to an employer who is delinquent until the delinquency and regular interest thereon is satisfied; authorizing withheld moneys to be applied to the retirement system to which the delinquent payments are due; making it a criminal offense for an employer to knowingly and willfully fail to make required contributions; providing criminal penalties; and providing that conviction of such offense is prima facie evidence of official misconduct”; 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. 556** - “A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a small business and minority populations economic and workforce development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth

and development of small business to increase employment and labor force participation across West Virginia”; which was referred to the Committee on Government Organization.

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. 565** - “A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the State Fire Commission; modifying requirement that State Fire Commission propose certain building energy codes; and making stylistic and technical changes”; which was referred to the Committee on Government Organization.

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. 567** - “A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating to including treason, murder, certain degrees of robbery, and organized crime to the list of crimes for which a prosecutor may apply for order authorizing interception of communications”; 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. 568** - “A Bill to amend and reenact §17C-5-2b of the Code of West Virginia, 1931, as amended, relating to deferral of further proceedings for certain first offenses upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; requiring completion of the program within 12 months; requiring defendant who fails to complete program to appear before court; requiring court to terminate deferral and enter an



adjudication of guilt; and allowing courts to extend the period for completion of the program for good cause shown”; 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. 582** - “A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating to eligibility to be appointed or serve as an election official; and permitting candidates for district, county, or state political party executive committee to serve as election officials”; 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

**S. B. 584** - “A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 585** - “A Bill to alter and reestablish that part of the division line between Doddridge County and Harrison County so as to place all the grounds of the Salem Correctional Center, formerly the West Virginia Industrial Home, within the boundary of Harrison County for the purpose of resolving venue disputes for criminal offenses on the grounds of the Salem Correctional Center”; 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. 589** - “A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to the issuance of personalized license plates for antique motor vehicles”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 590** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support a cure for childhood cancer”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**S. B. 592** - “A Bill to amend and reenact §8-15-20a of the Code of West Virginia, 1931, as amended, relating to special examination for firefighter paramedic by adding the examination of Advanced Care Technician”; which was referred to the Committee on Government Organization.

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. 595** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, all relating to creating the Protect Our Right to Unite Act; providing its purpose and intent; defining terms; providing that no public agency may require any entity to provide it with donor information, subject to

certain exceptions; providing that where the state or a public agency obtains donor information it may not be released, subject to certain exceptions; providing exemption from Freedom of Information Act requests; providing for redaction of donor information; providing exception for court orders; providing exception for discovery requests under certain conditions; providing civil remedies; providing for the payment of attorneys' fees and costs; and providing for trebled damages"; 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. 598** – “A Bill to amend and reenact §17-10-17 of the Code of West Virginia, 1931, as amended, relating to civil actions for damages brought against county commissions and municipalities; providing an effective date; providing that a person who sustains injury as a result of any defect in, disrepair or maintenance of, or failure to maintain or repair certain county or municipal property may recover civil damages, subject to certain requirements and limitations; providing certain requirements and limitations for actions against the county commission or municipality; providing that county commissions and municipalities owe no duty to protect against, and are not liable for certain dangers or conditions that are open and obvious or reasonably apparent; providing a standard of application by courts; and providing that the section does not diminish or limit certain protections otherwise afforded in the code”; 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. 601** - “A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; alleviating double taxation on foreign income

at the state level; and sunsetting the credit for income tax paid on foreign income in 2068”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**S. B. 612** - “A Bill to amend and reenact §8-12-18 of the Code of West Virginia, 1931, as amended, relating to the sale of municipal property; allowing municipalities to sell real or personal property by using an Internet-based public auction service; and requiring notice of sale include notice of the time, terms, manner, and place of sale or the Internet-based public auction service to be used”; which was referred to the Committee on Government Organization.

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. 616** - “A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to permitting the Commissioner of Highways to issue a special permit increasing the maximum gross weight for certain wood-bearing vehicles equipped with six axles”; 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. 629** - “A Bill to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended; all relating to Class Q special hunting permit for disabled persons; clarifying and expanding class of persons who may obtain such permits”; 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. 630** - “A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended, all relating to changes in distribution of racetrack video lottery net terminal income, excess net terminal income, and excess lottery fund”; 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

**S. B. 631** - “A Bill to amend and reenact §24C-1-2, §24C-1-3, §24C-1-6, and §24C-1-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto five new sections, designated §24C-1-2a, §24C-1-2b, §24C-1-9, §24C-1-10, and §24C-1-11, all relating to the one-call system; adding and modifying definitions; creating Underground Damage Prevention Fund; creating Underground Facilities Damage Prevention Board; specifying authority, responsibilities, membership, and liability of board; requiring reports by board; authorizing actions by Public Service Commission; expanding required membership of one-call system; authorizing cost apportionment and collection from operators; modifying standard color code for temporary markings; exempting local or state government responding to emergency repair or replacement of traffic control device from notice requirements; requiring underground facilities be locatable; and providing for civil enforcement, including citations, orders, hearings, monetary civil penalties, and mandatory training”; which was referred to the Committee on the Judiciary.

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:

**S. B. 576**, Relating to Patient Injury Compensation Fund,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (S. B. 576) was referred 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. 4145**, Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. B. 4145** - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended as contained in Enrolled Committee Substitute for Senate Bill 267, Regular Session, 2018; and to amend and reenact §18A-4-2 and §18A-4-8a of said code as contained in Enrolled Committee Substitute for Senate Bill 267, Regular Session, 2018, all relating to increasing compensation for certain public employees; increasing the annual salaries of members of the West Virginia State Police; increasing the minimum salaries payable to public school teachers and professional personnel during the contract year; and increasing the minimum monthly pay for public school service personnel,"

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. 4145) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 266**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Blair.

Absent and Not Voting: Deem.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was read a third time and put upon its passage.

During the debate, the Speaker reminded members to observe the Rules of the House regarding decorum.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 267**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Blair.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4145) passed.

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 268**), 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 C. Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4145) takes effect July 1, 2018.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leave of absence for the day was granted Delegate Deem.

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Pack regarding the death of former Delegate Vernon Barley
- Delegates Ferro, Pethtel, Rowe, Pushkin, Miley, Caputo, Fleischauer and Sponaugle during the debate regarding Com. Sub. for H. B. 4145

Delegate Moye noted to the Clerk that he was absent on today when the vote was taken on Roll No. 243, and that had he been present, he would have voted “Nay” thereon.

Delegate Nelson noted to the Clerk that he was absent on today when the vote was taken on Roll No. 244, and that had he been present, he would have voted “Yea” thereon.



Delegate Boggs announced that he was absent on today when the votes were taken on Roll Nos. Nos. 246 and 247, and that had he been present, he would have voted “Yea” thereon.

Delegate Westfall announced that he was absent on today when the votes were taken on Roll Nos. 251, 252, 253 and 254, and that had he been present, he would have voted “Yea” thereon.

Delegate Sobonya announced that she had intended to vote “Yea” on Roll No. 242.

Delegate Paynter announced that he had intended to vote “Yea” on Roll No. 248.

Pursuant to House Rule 94b, Delegate Rohrbach filed a form with the Clerk’s Office to be added as a cosponsor of H. C. R. 74.

At 6:51 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 1, 2018.





