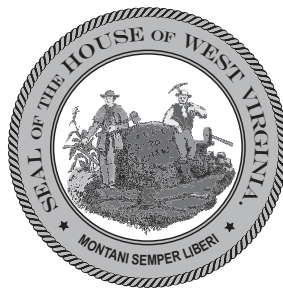


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



January 29, 2018
TWENTIETH DAY

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 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 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 1st Brigade of the 119th 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 512th Military Police Battalion Reunion; and

Whereas, Private Glenn Perdue served in the 512th 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 5th Grade Charley Perdue was born on August 29, 1919, and died on August 16, 1988; and

Whereas, Technician 5th Grade Charley Perdue was married to Marie Burton Perdue, now deceased; and

Whereas, Technician 5th Grade Charley Perdue entered the U. S. Army on October 8, 1941, and was honorably discharged on November 28, 1945; and

Whereas, Technician 5th Grade Charley Perdue served in Reconnaissance Company, 2nd Armored Regiment, and was part of the following battles and campaigns: Ardennes, Rhineland and Central Europe; and

Whereas, Technician 5th 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 5th 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 a cosponsor 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 a cosponsor 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.

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

HOUSE CALENDAR

Tuesday, January 30, 2018

21st Day

11:00 A. M.

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 (SHOTT) (REGULAR)

H. B. 4010 - Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs (SHOTT) (REGULAR)

SECOND READING

Com. Sub. for H. B. 2831 - Relating to the reconstitution of the Driver's Licensing Advisory Board (HOWELL) (REGULAR)

Com. Sub. for H. B. 4006 - Revising the processes through which professional development is delivered for those who provide public education (NELSON) (JULY 1, 2018)

FIRST READING

Com. Sub. for H. B. 3020 - Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person (SHOTT) (REGULAR)

Com. Sub. for H. B. 4233 - Relating generally to fraudulent transfers (SHOTT) (REGULAR)

Com. Sub. for H. B. 4242 - Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, JANUARY 30, 2018

HOUSE CONVENES AT 11:00 A.M.

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

**INDUSTRY & LABOR
10:00 A.M. – ROOM 215E**

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

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

**PENSIONS & RETIREMENT
4:00 P.M. – ROOM 464M**

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