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THIRTY-EIGHTH DAY

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 Sponaugle:

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 2nd 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 2nd 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, Iaquina, Lovejoy, E. Evans, Campbell, Hicks, Brewer, Canestraro, Thompson, Longstreth, Fluharty 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 yeas and absent and not voting being as follows:

Yeas: Anderson, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hicks, Hornbuckle, Iaquina, 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, Sponaugle, 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, Iaquina, E. Evans, Anderson, Lynch, Moye, Nelson, Ferro, Pethel, 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, Iaquina, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Paynter, Pethel, 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, Iaquinta, 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.

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

SPECIAL CALENDAR

Monday, February 19, 2018

41st Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2464 - Relating to disclaimers and exclusions of warranties in consumer transactions for goods (SHOTT) (REGULAR)
- H. B. 4376 - Expiring funds to the balance of the Department of Health and Human Resources (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4389 - Expiring funds to the Enterprise Resource Planning System Fund (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4400 - Relating to the West Virginia Physicians Mutual Insurance Company (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4473 - Relating to use of state funds for advertising to promote a public official or government office (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 4001 - Relating to eligibility and fraud requirements for public assistance (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4042 - Redefining school zone to facilitate placement of school zone signs (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4157 - Eliminating the refundable exemption for road construction contractors (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4285 - Relating to the West Virginia Safe Mortgage Licensing Act (NELSON) (REGULAR) (FINANCE COMMITTEE TITLE AMENDMENT PENDING)
- Com. Sub. for H. B. 4304 - Creating the Board of Nursing (HOWELL) (REGULAR)
- H. B. 4324 - Relating to the employment of individuals by municipal paid fire departments under civil service (SHOTT) (REGULAR)

- H. B. 4379 - Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4401 - Relating to the registration of business (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4428 - Allowing training hours earned through public school education or apprenticeship to count towards an applicant's occupational certification (ESPINOSA) (REGULAR)
- 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 (SHOTT) (REGULAR)
- H. B. 4488 - Relating to the Hatfield-McCoy Recreation Authority (SHOTT) (REGULAR)
- 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 (NELSON) (REGULAR)
- H. B. 4622 - Relating to authorizing legislative rules regarding higher education (ESPINOSA) (REGULAR)

FIRST 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 (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4079 - Promulgating administrative rules by various executive or administrative agencies of the state (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4478 - Authorizing public schools to distribute excess food to students (ESPINOSA) (REGULAR)
- H. B. 4621 - Relating to removing reference to certain entities with respect to work (NELSON) (REGULAR)

HOUSE CALENDAR

Monday, February 19, 2018

41st Day

11:00 A. M.

SECOND READING

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, FEBRUARY 19, 2018

COMMITTEE ON THE JUDICIARY

9:00 A.M. – ROOM 418M

COMMITTEE ON FINANCE

9:00 A.M. – ROOM 460M

COMMITTEE ON GOVERNMENT ORGANIZATION

3:00 P.M. – ROOM 215E

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