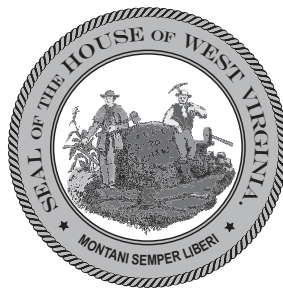


West Virginia Legislature

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March 2, 2018
FIFTY-SECOND DAY

Friday, March 2, 2018

FIFTY-SECOND DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, March 1, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing and considering a resolution.

Introduction of Resolutions

Delegate Sponaugle, on Behalf of All Members of the House, offered the following resolution:

H. R. 12 - "Memorializing the life of the Honorable Clyde McNeill See, Jr., former Speaker of the House of Delegates, dedicated community leader, public servant and family man."

Whereas, Clyde McNeill See, Jr. was born on October 20, 1941, in South Fork in Hardy County, West Virginia; and

Whereas, Clyde was the son of the late Clyde McNeill See, Sr., and Minnie Alice Crites See. Clyde's father spent his entire life working as a farm hand and his mother worked as a school teacher until her untimely death when Clyde was a child, leaving his dad to raise Clyde and his sister Snow; and

Whereas, Clyde dropped out of Moorefield High School when he was 16 years old to join the U. S. Army. While stationed in Hawaii, Clyde completed the Army Ranger School on a dare by his executive officer. In addition, Clyde completed his GED while serving on active duty and he left the Army as a Corporal E-4; and

Whereas, Upon his return to West Virginia, Clyde used the G.I. Bill and attended his first year of college at Concord College, or as he referred to it U.C.L.A. - The University of Concord Located in Athens. Following his freshman year, Clyde transferred to West Virginia University and obtained his undergraduate degree in English in 1967. He went on to graduate from the West Virginia School of Law in 1970; and

Whereas, Following his graduation from law school, Clyde returned to Moorefield and for the next 47 years very proudly practiced law as a “country lawyer” while raising his family. For many of these years, Clyde served as a member of the Moorefield Volunteer Fire Department; and

Whereas, In 1974, Clyde was first elected to the West Virginia House of Delegates and began a rapid rise in the ranks of House leadership by becoming Vice-Chairman of the Judiciary Committee in his first term. During his second term, he was Majority Leader and in 1978 he was elected Speaker, a position he held for six years; and

Whereas, In 1984 Clyde ran for Governor of West Virginia, won the Democratic nomination for Governor, but fell short in the General Election, and then again ran for Governor in 1988, but once again fell short; and

Whereas, During his tenure in the West Virginia House of Delegates he was known for his quick wit, tell-it-like-it-is approach to dealing with members and lobbyists, being a stickler for proper use of the procedural rules of the Legislature, and a willingness to correct any wayward member on any rules transgression with clarity and firmness; and

Whereas, Clyde was also admired for and was singularly unique in his amazing storytelling and joke abilities, his contagious belly-rolling laugh, compassionate nature, which made him a joy to his friends and family and will never to be forgotten by those who knew him; and

Whereas, To this day, two of Clyde’s jokes, one “that in the Legislature, fat possums travel late at night” and the other “that Delegates being elected to the Senate raises the IQ of both bodies” are still regularly invoked; and

Whereas, Although Clyde was often known for his brashness, he was also known as a tireless advocate for his county, with great love and a pure vision of the goodness of our state and its people, and he held in the highest esteem our system of government, and the important role of the Legislature in making our great state better for its citizens; and

Whereas, His innumerable contributions and dedication to the state and county he loved created a legacy for his family of a life well lived, done with gusto and compassion of which his children and grandchildren can cherish and always be proud; and

Whereas, Sadly, the Honorable Clyde McNeill See, Jr. passed away on Sunday, April 6, 2017 at home, his family by his side, leaving behind his four children, Jennifer, Joshua, Lucas and Amy, and his 7 grandchildren, Jordan, Olivia, Shelby, Marin, Darah, Margo and Jackson; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby memorializes the life of Clyde McNeill See, Jr., dedicated father, grandfather, attorney and public servant; and, be it

Further Resolved, That the House of Delegates hereby extends its sincere sympathy at the passing of the Honorable Clyde McNeill See, Jr.; and, be it

Further Resolved, That the Clerk of the House of Delegates provide a copy of this resolution to the family of the Honorable Mr. Speaker, Clyde McNeill See, Jr.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 12) to a committee was dispensed with, and it was taken up for immediate consideration and 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. 275**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Eldridge, Rodighiero and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 12) adopted.

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:

Com. Sub. for S. B. 469, Converting Addiction Treatment Pilot Program to permanent program,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 469) was referred to the Committee on Health and Human Resources.

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

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

Com. Sub. for S. B. 273, Reducing use of certain prescription drugs,

Com. Sub. for S. B. 401, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders,

And,

Com. Sub. for S. B. 443, Terminating parental rights when certain conditions are met,

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 (Com. Sub. for S. B. 273, Com. Sub. for S. B. 401 and Com. Sub. for S. B. 443) were each referred to the Committee on the Judiciary.

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

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

Com. Sub. for S. B. 456, Physical Therapy Licensure Compact Act,

And,

Com. Sub. for S. B. 499, Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

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

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

S. B. 242, Requiring health insurance providers provide coverage for certain Lyme disease treatment,

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

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

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

Com. Sub. for S. B. 510, Designating hospitals for stroke treatment,

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

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

Your Committee on the Judiciary has had under consideration:

S. B. 47, Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 7, Relating to claims under Wage Payment and Collection Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

S. B. 427, Modifying form of notice for certain tax delinquencies,

And,

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

And reports the same back, with amendments, with the recommendation that they each do pass, as amended.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

S. B. 298, Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes,

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

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

S. B. 406, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement,

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

In accordance with the former direction of the Speaker, the bill (S. B. 406) was referred to the Committee on Finance.

Delegate Westfall, Chair of the Committee on Banking and Insurance submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

Com. Sub. for S. B. 493, Relating to guaranty associations,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 493) to the Committee on the Judiciary was abrogated.

On motion for leave, a resolution was introduced (Originating in the Committee on Banking and Insurance with the recommendation that it be adopted, but that it first be referred to the Committee on Rules), which was read by its title, as follows:

By Delegates Westfall, Rowe, Walters, Lovejoy, Hartman, Iaquina, Criss, Bates, A. Evans, Shott, White, Frich and Robinson:

H. C. R. 99 – “Requesting the Joint Committee on Government and Finance to study the feasibility and propriety of requiring liability insurance or other means of security on certain motorboats and personal watercraft in this state.”

Whereas, 43,839 motorboats and 2,026 personal watercraft were registered in the state of West Virginia in 2017; and

Whereas, Motorboats and personal watercraft, by their inherent nature as motorized mobile devices, create a risk of potential collision or contact with other boats, other person's property and, most importantly, also create the risk of personal injury to people on the state's public waterways; and

Whereas, The operation of motorboats and personal watercraft create risk of personal injury and property damage similar to the inherent risks of the operation of motor vehicles; and

Whereas, Since 1981, West Virginia has required every owner or registrant of a motor vehicle required to be registered and licensed in this state to maintain minimum security via insurance or other adequate prescribed security to provide compensation for personal injury and property damage as a result of the unlawful, improper, or negligent operation of each registered and licensed motor vehicle in this state; and

Whereas, Insurance or other prescribed security to provide minimum compensation to victims injured by the improper, unlawful or negligent operation of a motorboat or personal watercraft in this state, as well as protecting the financial interests of owners and operators of these watercrafts would be in the public interest of West Virginia;

Whereas, the Legislature finds that it would be prudent to study and examine the issues related to the feasibility and propriety of requiring liability insurance or other means of security on certain motorboats and personal watercraft in this state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is requested to study the feasibility and propriety of requiring liability insurance or other means of security on certain motorboats and personal watercraft in this state; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session, 2019, on its findings, conclusions and recommendations together with drafts of any legislation to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

The Speaker referred the resolution to the Committee on Rules.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

Com. Sub. for S. B. 495, Designating specific insurance coverages exempt from rate filing requirements,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 495) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 319, Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 319) to the Committee on Finance was abrogated.

Delegate Hill, Chair of the Committee on Small Business, Entrepreneurship and Economic Development submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

S. B. 365, Relating to Young Entrepreneur Reinvestment Act,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (S. B. 365) to the Committee on Finance was abrogated.

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:

Com. Sub. for S. B. 272, Relating generally to drug control,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 272) to the Committee on Finance was abrogated.

Resolutions Introduced

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

H. R. 11 - "Urging the United States Congress to reinstate the separation of commercial and investment banking functions previously in effect under the Glass-Steagall Act and support efforts to return to national banking policies to repair our nation's infrastructure."

Whereas, The Federal Reserve has fed a speculative bubble on Wall Street, much like that of 2007; and

Whereas, This speculative bubble is tied to more than \$250 trillion of derivatives officially on the books of the major Wall Street banks; and

Whereas, This speculative bubble has soaked up all available credit and resulted in a weak performance of the United States economy; and

Whereas, State budgets throughout the nation have reflected the constriction of revenue due to the collapse of production and high-paying jobs; and

Whereas, A growing, productive economy will require a return to the policies that successfully guided the nation out of similar crises, including the creation of direct credit to industry, infrastructure investment, and science-driven innovations; and

Whereas, A prudent course of action would be to restore the provisions of the Glass-Steagall Act that immediately separate investment and commercial banking; and

Whereas, As law for 66 years, the Glass-Steagall Act prevented banking crises like the one experienced in 2008; and

Whereas, A return to national banking and direct credit to industry and infrastructure was completed under President George Washington and Secretary of the Treasury Alexander Hamilton, President John Quincy Adams, President Abraham Lincoln, and President Franklin D. Roosevelt; and

Whereas, The early infrastructure of the United States, from canals to rail systems, was built by national banks; and

Whereas, National banking policies orchestrated by Henry Carey under President Abraham Lincoln created industrial expansion, including the construction of modern rail and steel programs; and

Whereas, The Reconstruction Finance Corporation (RFC), a federal credit program approved in 1932, was modeled on the War Finance Corporation and on Alexander Hamilton's prototype, the First National Bank; and

Whereas, The State of West Virginia recovered from the Great Depression during Franklin D. Roosevelt's administration with the help of significant RFC projects; and

Whereas, A new national bank would be chartered with no less than \$1 trillion of capital, not taxpayer funds, to finance new projects; and

Whereas, This approach would put millions of unemployed or underemployed people, especially young people, back to work; therefore, be it

Resolved by the House of Delegates:

That the Congress of the United States be urged to reinstate the separation of commercial and investment banking functions previously in effect under the Glass-Steagall Act and support efforts to return to national banking policies to repair our nation's infrastructure; and, be it

Further Resolved, That the Clerk of the West Virginia House of Delegates is hereby requested to forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the West Virginia congressional delegation.

Delegates Hamrick, Dean, Folk, Graves, Higginbotham, Howell, Martin, McGeehan, Pack, Queen, Rohrbach, C. Romine, Storch, Westfall and White offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 93 - "Requesting the Joint Committee on Government and Finance study exempting state employees from the payment of state income tax."

Whereas, Exempting state employees from West Virginia income tax may attract more qualified individuals to become citizens of the state and retain qualified individuals currently working for the state; and

Whereas, With many high school graduates leaving the state to attend college and many students upon graduation from the state's colleges either leaving the state for employment or seeking employment in the private sector, elimination of the state income tax would serve as an inducement for those graduates to seek a career in state government which in turn would contribute to the economic vitality, cultural diversity and social progress of the state's communities; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study exempting state employees from the payment of state income tax; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates C. Miller, Foster, Overington, Jennings, Ambler, Butler, Cooper, Dean, Graves, Hamrick, Hanshaw, Harshbarger, Higginbotham, Howell, Kessinger, Maynard, Pack, Paynter, Queen, Rohrbach, R. Romine, Rowan and Storch offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 94 - "Requesting the Joint Committee on Government and Finance to conduct a study comparing West Virginia's asbestos rules with those in other states and the federal government and determine whether simplified and less restrictive rules could also be effective."

Whereas, West Virginia has statutes and rules regarding the handling, abatement, and disposal of asbestos containing materials, including those enforced by the Department of Environmental Protection's Division of Air Quality, Office of Solid Waste Management, and the Division of Water and Waste Management and the Department of Health and Human Resources' Bureau for Public Health; and

Whereas, A number of the current West Virginia rules related to the handling, abatement, and disposal of asbestos-containing materials are more stringent than those imposed by the federal government; and

Whereas, More than forty percent of the commercial buildings in the country were built prior to 1970, and before a ban on the use of products containing asbestos; and

Whereas, Asbestos abatement projects can significantly increase the cost of the construction and rehabilitation of existing structures within the state; and

Whereas, The high costs to comply with such rules may curtail investment by businesses desiring to rehabilitate buildings within the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct a study comparing West Virginia's asbestos rules with those in other states and the federal government and determine whether simplified and less restrictive rules could also be effective; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

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

H. C. R. 95 - "Requesting the Joint Committee on Government and Finance study the feasibility and propriety of requiring liability insurance or other means of security on certain motorboats and personal watercraft in this state."

Whereas, There were 43,839 motorboats and 2,026 personal watercraft registered in the State of West Virginia in 2017; and

Whereas, Motorboats and personal watercraft, by their inherent nature as motorized mobile devices, create a risk of potential collision or contact with other boats, other person's property and, most importantly, also create the risk of personal injury to people on the state's public waterways; and

Whereas, The operation of motorboats and personal watercraft create a risk of personal injury and property damage similar to the inherent risks of the operation of motor vehicles; and

Whereas, Since 1981, West Virginia has required every owner or registrant of a motor vehicle to be registered and licensed in this state to maintain minimum security via insurance or other adequate prescribed security to provide compensation for personal injury and property damage as a result of the unlawful, improper, or negligent operation of each registered and licensed motor vehicle in this state; and

Whereas, Insurance or other prescribed security to provide minimum compensation to victims injured by the improper, unlawful or negligent operation of a motorboat or personal watercraft in this

state, as well as protecting the financial interests of owners and operators of these watercraft, would be in the public interest of West Virginia; and

Whereas, The Legislature finds that it would be prudent to study and examine the issues related to the feasibility and propriety of requiring liability insurance or other means of security on certain motorboats and personal watercraft in this state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the feasibility and propriety of requiring liability insurance or other means of security on certain motorboats and personal watercraft in this state; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Rowe, Robinson and White offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 96 - "Requesting the Division of Highways to name bridge number 20-83-8.49 (20A266), locally known as Standard Bridge, carrying County Route 83 Spur over Paint Creek in Kanawha County, the 'Kidd Brothers Bridge'."

Whereas, Charles Edward Kidd was born on March 26, 1918, and served in the U. S. Army in World War II; and

Whereas, Having arrived at Pearl Harbor on December 6, 1941, Charles Edward Kidd was awakened the following morning, December 7, 1941, by the infamous Japanese air attack; and

Whereas, Howard Clifford Kidd was born on April 25, 1920, and served in the U. S. Air Force in World War II; and

Whereas, Frank James Kidd was a medic on the beach during the Allied invasion of Normandy on June 6, 1944; and

Whereas, Frank James Kidd was born on January 20, 1922, and served in the U. S. Army in World War II; and

Whereas, Fred Alfred Kidd was born on February 11, 1924, and served in the U. S. Air Force in World War II; and

Whereas, Mark Edgar Kidd was born on November 7, 1925, and served in the U. S. Marine Corps in World War II; and

Whereas, Narry Wesley Kidd, Jr. was born on October 31, 1934, and served in the U. S. Navy in the Korean War; and

Whereas, The six Kidd brothers were the sons of Wesley and Annie Kidd, who also had seven daughters; and

Whereas, The youngest, Narry Wesley Kidd, Jr., remembers that when his five brothers served during World War II, his mother placed a miniature flag and a star on the front window of their home in Standard for each of them while they were in the service; and

Whereas, The five Kidd brothers were among the 54 men from Standard who served their country during World War II, and were among the 52 who returned home; and

Whereas, Mark Kidd was in the Iwo Jima and Okinawa invasions, and during the latter invasion he saw the bomb drop on Hiroshima, saying, "It gave us a pretty good jar"; and

Whereas, While on Iwo Jima, Mark Kidd also witnessed another momentous event, the raising of the flag, which Joe Rosenthal memorialized in his iconic photograph; and

Whereas, Of the six brothers, only Narry Wesley Kidd, Jr, is still living; and

Whereas, The Kidd family remembers that the brothers never discussed among themselves their service in the armed forces; and

Whereas, It is appropriate to name this bridge to honor the six Kidd brothers' service to their country and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-83-8.49 (20A266), locally known as Standard Bridge, carrying County Route 83 Spur over Paint Creek in Kanawha County, the "Kidd Brothers Bridge"; and, be it

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

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

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

H. C. R. 97 - "Requesting the Division of Highways name a 3.1-mile section of Route 18, beginning at a point 3.1 miles from its intersection with Route 119 and ending at a point 3.1 miles further down Route 18, in Lincoln County, the 'Hill Family Veterans Memorial Highway'."

Whereas, U. S. Army Private Herschel Critland Hill was born on September 22, 1895 in Leet, West Virginia, was married to Zema Radabaugh, enlisted in the U. S. Army on September 20, 1917, was discharged on October 15, 1918, died on December 11, 1935 and is buried in the Hill Family Cemetery in Leet; and

Whereas, Paul Lester Hill was born on August 4, 1924 in Leet, enlisted in the U. S. Navy on May 11, 1943, was awarded the Victory Medal and the Philippines Liberation Medal with two stars and was discharged on February 17, 1946; and

Whereas, U. S. Army PFC George Hill, Jr. was born on May 16, 1926 in Leet, enlisted in the U. S. Army on November 3, 1944, served in Northern France during the war, was awarded the Good Conduct Medal, the European African Middle Eastern Theater Ribbon, the World War II Victory Ribbon, and the Army Occupation Medal (Germany) and was discharged on July 31, 1946; and

Whereas, Dorance D. Hill was born on September 15, 1930 in Leet, entered the U. S. Army on December 31, 1948, was awarded the Korean Service Ribbon with five stars and the ROK Unit Citation and was discharged on January 5, 1952; and

Whereas, Lewis Wetzel Hill was born on November 1, 1934, enlisted in the U. S. Army May 29, 1954, was awarded the National Defense Service Medal and the Good Conduct Medal, and his reserve status was terminated on May 28, 1962; and

Whereas, Lowell L. Hill was born on May 19, 1939 in Rector, West Virginia, enlisted in the U. S. Air Force on February 21, 1961 was discharged on February 19, 1965; and

Whereas, David Gerald Hill was born on October 10, 1941 in Leet, enlisted in the U. S. Air Force on November 15, 1960 and was discharged on November 13, 1964; and

Whereas, Curtis Ray Hill was born on January 31, 1916 in Leet, retired as a Master Sergeant from the U. S. Air Force on May 31, 1963 after 20 years and six months' service; and

Whereas, James E. Hill, Jr. was born in Leet, served in the U. S. Army and was discharged in 1950; and

Whereas, Bobby Ellsworth Hill was born on December 14, 1930 in Leet, entered the U. S. Marine Corps on January 6, 1949 and was discharged on January 5, 1950; and

Whereas, Thomas O. Hill was born on May 23, 1935 in Rector, entered the U. S. Army on April 27, 1955 and was discharged on March 1, 1958; and

Whereas, Freddie Hill was born on October 15, 1939 in Logan, West Virginia, entered the U. S. Army on June 20, 1958 and was discharged on May 8, 1961; and

Whereas, Herman Hill was born on October 3, 1948 in Madison, West Virginia, served in the U. S. Army for one year and seven months, and was awarded the National Defense Medal, the Vietnam Campaign Medal and the Vietnam Service Medal; and

Whereas, David Lee Hill was born on October 10, 1953 in Leet, served for one year and five months in the U. S. Marine Corps and was awarded the Good Conduct Medal; and

Whereas, Obed M. Pauley was born on May 16, 1919 in Turtle Creek, West Virginia, enlisted in the U. S. Army on July 7, 1941, served during World War II and was awarded the World War II Victory Medal, the American Defense ATO Medal and the Good Conduct Medal; and

Whereas, Leo Edwin Pauley was born on September 15, 1930 in Turtle Creek, enlisted in the U. S. Navy on December 13, 1948, and was discharged on December 12, 1949; and

Whereas, It is appropriate to name this road for the Hill family veterans for their service to their communities and to their country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a 3.1-mile section of Route 18, beginning at a point 3.1 miles from its intersection with Route 119 and ending at a point 3.1 miles further down Route 18, in Lincoln County, the "Hill Family Veterans Memorial Highway"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road as the "Hill Family Veterans Memorial Highway"; and, be it

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

Delegates Cowles, Dean, Folk, Foster, Harshbarger, Maynard, Rohrbach, Storch, Wagner, Westfall and Williams offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 98 - "Requesting the Joint Committee on Government Organization to conduct a study to consider removing solid waste facilities and the intrastate transportation of solid waste from the jurisdiction of the Public Service Commission."

Whereas, Solid waste facilities and the intrastate transportation of solid waste are currently under the jurisdiction of the Public Service Commission by virtue of its jurisdiction over public utilities, W. Va. Code §24-2-1 *et seq.*; and

Whereas, There are other regulatory bodies with oversight into the intrastate transportation of solid waste and solid waste facilities including: The Solid Waste Management Board, W. Va. Code §22C-3-1 *et seq.*, by virtue of its statutory purpose to provide for the proper collection, disposal, and recycling of solid waste; the Department of Natural Resources, W. Va. Code §20-1-1 *et seq.*, by virtue of its statutory purpose to conserve, develop, and protect the natural resources of the State of West Virginia; and the Department of Environmental Protection, by virtue of the Solid Waste Management Act, W. Va. Code §22-15-1, *et seq.*, and its purpose to provide an efficient and reasonable permitting process for the location, operation, and oversight of the solid waste collection and disposal process; and

Whereas, Removing the Public Service Commission's jurisdiction will eliminate unnecessary overlap, duplicative regulation, and preserve taxpayer resources; and

Whereas, The Solid Waste Management Board, Division of Natural Resources, and Department of Environmental Protection have substantial expertise and experience addressing issues particular to solid waste facilities, the intrastate transportation of solid waste, and related matters; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government Organization is hereby requested to conduct a study to consider removing solid waste facilities and the intrastate transportation of solid waste from the jurisdiction of the Public Service Commission; and, be it

Further Resolved, That the Joint Committee on Government Organization report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Special Calendar**Third Reading**

Com. Sub. for S. B. 37, Equalizing penalty for entering without breaking regardless of time of day; 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. 276**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fluharty, Pushkin, Rowe and Sponaule.

Absent and Not Voting: Deem and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 37) passed.

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

Com. Sub. for S. B. 46, Permitting pharmacists to inform customers of lower-cost alternative drugs; 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. 277**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 46) passed.

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

Com. Sub. for S. B. 46 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-51-9, all relating to pharmacy benefit managers; providing that a pharmacy or pharmacist may inform consumers of lower cost alternatives and cost share to assist health care consumers in making informed decisions; prohibiting pharmacy benefit managers from penalizing a pharmacy or pharmacist for discussing certain information with consumers; prohibiting pharmacy benefit managers from collecting cost shares exceeding the total submitted charges by a pharmacy or pharmacist; setting forth limitations on pharmacy benefit managers when charging certain claim fees to a pharmacy or pharmacist; and excluding an employee benefit plan under the Employee Retirement Income Security Act of 1974 or Medicare Part D from this code section."

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

Com. Sub. for S. B. 134, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery; 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. 278**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 134) passed.

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

On this question, the yeas and nays were taken (**Roll No. 279**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Upson.

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. 134) takes effect from its passage.

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

Com. Sub. for S. B. 146, Correcting technical error within Solid Waste Management Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 280**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 146) passed.

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

On this question, the yeas and nays were taken (**Roll No. 281**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Upson.

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. 146) 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. 338, Changing date for employers to file annual reconciliation and withholding statements; 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. 282**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 338) passed.

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

Com. Sub. for S. B. 360, Clarifying oil and gas permits not be on flat well royalty leases; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 283**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Foster and Moore.

Absent and Not Voting: Deem and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 360) passed.

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

S. B. 364, Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle; 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. 284**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Ferro.

Absent and Not Voting: Deem and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 364) passed.

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

Com. Sub. for S. B. 415, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery Sports Wagering activities; on third reading, coming up in regular order, was read a third time.

Delegate Frich requested to be excused from voting on the passage of Com. Sub. for S. B. 415 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 addressed the House stating that there had previously been requests pursuant to House Rule 49 due to Delegates or their family members being PEIA system participants. The Speaker ruled that any impact on Delegates making such a request in regard to Com. Sub. for S. B. 415 would be as a member of a class of persons possibly to be affected by the passage of the bill and directed the members to vote.

He further stated that any such members wishing to have this noted in the Journal to inform the Clerk, which was done by Delegates E. Evans, Ferro, Iaquina, Moye, Zatezalo and Mr. Speaker, Mr. Armstead.

The Speaker announced that the ruling of yesterday, pursuant to House Rule 49, directing Delegate Robinson to vote on the amendment to the amendment would also apply to passage of the bill and the Delegate was directed to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 285**), and there were—yeas 77, nays 22, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Boggs, Butler, Fast, Frich, Graves, Hollen, Iaquina, Jennings, Kelly, Love, Martin, C. Miller, Moye, Overington, Pack, C. Romine, Rowan, Sobonya, Summers, Sypolt and Mr. Speaker, Mr. Armstead.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 415) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 415 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22D-1, §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-5, §29-22D-6, §29-22D-7, §29-22D-8, §29-22D-9, §29-22D-10, §29-22D-11, §29-22D-12, §29-22D-13, §29-22D-14, §29-22D-15, §29-22D-16, §29-22D-17, §29-22D-18, §29-22D-19, §29-22D-20, §29-22D-21, §29-22D-22, §29-22D-23, and §29-22D-24, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery sports wagering activities, after a federal law against such wagering is no longer in effect; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; requiring Commission to levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross sports wagering receipts and deposit them into the West Virginia Lottery Sports Wagering Fund; limiting sports wagering to existing racetrack casinos and the casino in a historic resort hotel; providing for four types of licenses to be issued related to sports betting; establishing license requirements and prohibitions; authorizing licensing fees; requiring adoption and posting of house rules; defining duties of an operator conducting sports wagering; requiring the posting of betting limits; authorizing sports wagering agreements with other governments; providing powers and duties of Commission and operators; limiting certain activities of employees; authorizing the West Virginia Lottery to levy and collect a privilege tax in the amount of ten percent of adjusted gross sports wagering receipts; requiring reports and submission of taxes; providing for certain carry over and carry back allowances; clarifying that tax is in lieu of certain other taxes; providing that certain expenditures related to sports wagering are facility modernization improvements eligible for recoupment; providing that credits are not allowed against the privilege tax; creating the West Virginia

Lottery Sports Wagering Fund; authorizing the West Virginia Lottery to collect an administrative allowance from gross sports wagering receipts; providing for distribution of moneys deposited in the West Virginia Lottery Sports Wagering Fund; authorizing certain agreements between the West Virginia Lottery and law enforcement; imposing civil penalties for certain violations, and exception; prohibiting unauthorized sports wagering in this state; establishing crimes related to unauthorized sports wagering and imposing criminal penalties; establishing crimes related to authorized sports wagering and imposing criminal penalties; preempting provisions from state and local law; and establishing certain exemptions from federal law.”

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

On this question, the yeas and nays were taken (**Roll No. 286**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Speaker Armstead, Butler, Fast, Frich, Hollen, Jennings, Martin, C. Miller, Moye, Overington, Pack, Rowan and Sobonya.

Absent and Not Voting: Deem and Thompson.

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. 415) 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. 444, Repealing antiquated code sections regarding safety glass and lighting in motor vehicles; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 287**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Upson.

Absent and Not Voting: Deem and Statler.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 444) passed.

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

Com. Sub. for S. B. 451, Relating generally to hunting and fishing; on third reading, coming up in regular order, was read a third time.

Delegate Marcum requested to be excused from voting on the passage of Com. Sub. for S. B. 451 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 288**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler, Fast, Graves, Hanshaw, Iaquina and Jennings.

Absent and Not Voting: Canestraro and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 451) passed.

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

Com. Sub. for S. B. 451 – “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-9 of said code, all relating generally to hunting and fishing; authorizing the use of certain technologies for hunting coyote, fox, racoon, opossum, and skunk; regulating firearm use and possession in certain places; prohibiting the use of a drone or unmanned aircraft to wound, harass, or transport wildlife; allowing certain persons to carry firearms, including handguns, rifles, or shotguns, for self-defense with certain exceptions; creating a misdemeanor and providing penalties for catching, taking, killing or attempting to catch, take, or kill any fish by any means within 200 feet of agency personnel stocking fish into public waters; removing a limitation on the starting time for Sunday hunting on private lands with the landowner’s permission; providing that the misdemeanor offenses of hunting, trapping, or fishing on the lands of another person, entering posted lands, hunting on private land on Sunday without written permission, and destroying posted land signs will all carry penalties equivalent to the penalty for the offense of criminal trespass; providing increased penalties upon conviction of second and subsequent violations of certain natural resources laws; permitting Sunday hunting on public lands; permitting noodling, or fishing for catfish using one’s bare hands; and making technical changes.”

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

S. B. 464, Changing statutory payment date for incremental salary increases due state employees; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 289**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Canestraro and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 464) passed.

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

At 1:33 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 5:00 p.m.

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Evening Session

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

Special Calendar**Second Reading**

- continued -

S. B. 143, Permitting DNR identification tag be used to identify trap; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 2. WILDLIFE RESOURCES.**§20-2-19. Marking of traps.**

All traps used for taking game or fur-bearing animals shall be marked with a durable plate or tag, attached to the snare, trap, or trap chain, bearing: either the name and address of the owner of the trap; or the Division of Natural Resources identification number of the owner of the trap.”

The bill was then ordered to third reading.

S. B. 343, Limiting expenses in preparing list for notice to redeem; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 350, Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 22A. RACETRACK VIDEO LOTTERY.**§29-22A-5. Video lottery terminal requirements; filing of specific game rules with the Secretary of State application for approval of a video lottery terminal; testing of video lottery terminals; report of test results; modifications to previously approved models; conformity to prototype; seizure and destruction of terminals.**

(a) Video lottery terminals registered with and approved by the commission for use at licensed racetracks may offer video lottery games regulated, controlled, and owned and operated by the commission in accordance with the provisions of this section: ~~and utilizing specific game rules separately filed from time to time by the commission with the Secretary of State~~ Provided, That the

Secretary of State shall post on the secretary's website that the rules for video lottery games that have been approved by the commission are available for review at the office of the commission and provide relevant contact information.

(b) A manufacturer may not sell or lease a video lottery terminal for placement at a licensed racetrack in this state unless the terminal has been approved by the commission. Only manufacturers with permits may apply for approval of a video lottery terminal or associated equipment. The manufacturer shall submit two copies of terminal illustrations, schematics, block diagrams, circuit analysis, technical and operation manuals, and any other information requested by the commission for the purpose of analyzing and testing the video lottery terminal or associated equipment.

(c) The commission may require that two working models of a video lottery terminal be transported to the location designated by the commission for testing, examination, and analysis.

(1) The manufacturer shall pay all costs of testing, examination, analysis, and transportation of such video lottery terminal models. The testing, examination, and analysis of any video lottery terminal model may require dismantling of the terminal and some tests may result in damage or destruction to one or more electronic components of such terminal model. The commission may require that the manufacturer provide specialized equipment or pay for the services of an independent technical expert to test the terminal.

(2) The manufacturer shall pay the cost of transportation of two video lottery terminals to lottery headquarters. The commission shall conduct an acceptance test to determine terminal functions and central system compatibility. If the video lottery terminal fails the acceptance test conducted by the commission, the manufacturer shall make all modifications required by the commission.

(d) After each test has been completed, the commission shall provide the terminal manufacturer with a report containing findings, conclusions, and pass/fail results. The report may contain recommendations for video lottery terminal modification to bring the terminal into compliance with the provisions of this article. Prior to approving a particular terminal model, the commission may require a trial period not in excess of 60 days for a licensed racetrack to test the terminal. During the trial period, the manufacturer may not make any modifications to the terminal model unless such modifications are approved by the commission.

(e) The video lottery terminal manufacturer and licensed racetrack are jointly responsible for the assembly and installation of all video lottery terminals and associated equipment. The manufacturer and licensed racetrack shall not change the assembly or operational functions of a terminal licensed for placement in West Virginia unless a request for modification of an existing video terminal prototype is approved by the commission. The request must contain a detailed description of the type of change, the reasons for the change, and technical documentation of the change.

(f) Each video lottery terminal approved for placement at a licensed racetrack must conform to the exact specifications of the video lottery terminal prototype tested and approved by the commission. If any video lottery terminal or any video lottery terminal modification, which has not been approved by the commission, is supplied by a manufacturer and operated by a licensed racetrack, the commission shall seize and destroy all of that licensed racetrack's and manufacturer's noncomplying video lottery terminals and shall suspend the license and permit of the licensed racetrack and manufacturer."

The bill was then ordered to third reading.

First Reading

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

Com. Sub. for S. J. R. 12, No Constitutional right to abortion Amendment,

Com. Sub. for S. B. 73, Modifying crime of fleeing from scene of accident,

Com. Sub. for S. B. 110, Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises,

Com. Sub. for S. B. 307, Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance,

Com. Sub. for S. B. 327, Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty,

S. B. 346, Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses,

S. B. 351, Permitting ballot commissioners serve while candidates for certain offices,

Com. Sub. for S. B. 395, Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board,

Com. Sub. for S. B. 397, Creating crime of impersonating blind or disabled person,

Com. Sub. for S. B. 404, Relating to sex offender registry information,

S. B. 539, Increasing limit for settling claims against DOH,

And,

Com. Sub. for S. B. 561, Increasing minimum contract price requiring execution of bond with respect to building or repairing school property.

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. 2694, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas.

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. 2843, Permitting Class III municipalities to be included in the West Virginia Tax Increment Act.

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. 2890, Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for H. B. 4013, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Trump, Weld and Baldwin.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference from each house on the disagreeing votes of the two houses. Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Hanshaw, Moore and Lovejoy.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 4022, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4138, Requiring certain public or private schools and daycare centers to install carbon monoxide detectors.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, section sixteen-a, line ten, by striking out the words “So as to” and inserting in lieu thereof the word “To”.

On page one, section sixteen-a, line twelve, by striking out the word “thereof” and inserting in lieu thereof the words “of the dwelling”.

On page two, section sixteen-a, line twenty-seven, by striking out the word “and” and inserting in lieu thereof the word “shall”.

On page two, section sixteen-a, line thirty-six, by striking out the word “being”.

On page three, section sixteen-a, line fifty, by striking out the words “shall only be” and inserting in lieu thereof the word “is only”.

On page three, section sixteen-a, line fifty-nine, after the words “of the”, by inserting the word “installed”.

And,

On page three, section sixteen-a, line fifty-nine, after the word “detector”, by striking out the word “installed”.

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 290**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Deem, Hicks, Hornbuckle, Kelly, Storch and Walters.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4138) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 4175, Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4199, Permitting a nursing home to use trained individuals to administer medication.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5AA. MEDICATION ADMINISTRATION BY UNLICENSED PERSONNEL IN NURSING HOMES.

§16-5AA-1. Definitions.

The following terms are defined for this article:

‘Administration of medication’ means assisting a person in the ingestion, application, or inhalation of medications, or the supervision or providing of assistance of self-administered medication both according to the legibly written or printed directions of the health care professional or as written on the prescription label: *Provided*, That ‘administration’ does not include judgment, evaluation, assessments, or injections of medication (except for prefilled insulin or insulin pens).

‘Approved medication assistive personnel (AMAP)’ means a staff member, who meets eligibility requirements, has successfully completed the required training and competency testing developed by the authorizing agency, and is considered competent by the authorized registered professional nurse to administer medications to residents of the nursing home in accordance with this article.

‘Authorized practitioner’ means a physician actively licensed under the provisions of §30-3-1 *et seq.* of this code or §30-14-1 *et seq.* of this code.

‘Authorized registered professional nurse’ means a person who is actively licensed pursuant to §30-7-1 *et seq.* of this code and meets the requirements to train and supervise approved medication assistive personnel pursuant to this article, and has completed and passed the facility trainer/instructor course developed by the authorizing agency.

‘Authorizing agency’ means the Office of Health Facility Licensure and Certification.

‘Delegation’ means transferring to a competent individual, as determined by the authorized registered professional nurse, the authority to administer medications or perform a health maintenance task.

‘Health care professional’ means an allopathic physician, osteopathic physician, registered professional nurse, advanced practice registered nurse, physician’s assistant, dentist, optometrist, or respiratory therapist licensed pursuant to the provisions of Chapter 30 of this code.

‘Health maintenance tasks’ means:

- (1) Administering glucometer tests;
- (2) Administering gastrostomy tube feedings;
- (3) Administering enemas;
- (4) Performing tracheostomy and ventilator care for residents.

'Prescribing practitioner' means an individual who has prescriptive authority as provided in Chapter 30.

'Medication' means a drug, as defined in §60A-1-101 of this code, which has been prescribed by a health care professional to be ingested through the mouth, inhaled through the nose or mouth, applied to the outer skin, eye or ear, or applied through nose drops, or applied through vaginal or rectal suppositories. Medication does not mean a controlled substance listed in Schedule I as provided in §60A-2-204 of this code and Schedule II as provided in §60A-2-206 of this code.

'Nursing Home' means as defined in §16-5C-2 of this code.

'Registered professional nurse' means a person who is actively licensed pursuant to §30-7-1 et seq. of this code.

'Resident' means a person living in a nursing home who is in a stable condition.

'Self-administration of medication' means the act of a resident, who is independently capable of reading and understanding the labels of medication ordered by an authorized practitioner, in opening and accessing prepackaged drug containers, accurately identifying and taking the correct dosage of the drugs as ordered by the health care professional, at the correct time and under the correct circumstances.

'Self-administration of medication with assistance' means assisting residents who are otherwise able to self-administer their own medications except their physical disabilities prevent them from completing one or more steps in the process.

'Stable' means the resident's health condition is predictable and consistent as determined by the registered professional nurse.

'Staff member' means an individual employed by a nursing home but does not include a health care professional acting within his or her scope of practice.

'Supervision of self-administration of medication' means a personal service which includes reminding residents to take medications, opening medication containers for residents, reading the medication label to residents, observing residents while they take medication, checking the self-administered dosage against the label on the container and reassuring residents that they have obtained and are taking the dosage as prescribed.

§16-5AA-2. Administration of medications.

(a) The authorizing agency shall create a program for the administration of medications in nursing homes. The authorizing agency shall create the program in consultation with the appropriate agencies and licensing boards.

(b) Administration of medication shall be performed by an AMAP who has been trained and retrained every two years and who is subject to the supervision of and approval by an authorized registered professional nurse.

(c) After assessing the health status of a resident daily, a registered professional nurse, in collaboration with the resident's prescriber, may allow an AMAP to administer medication.

(d) Nothing in this article prohibits a staff member from administering medications or performing health maintenance tasks or providing any other prudent emergency assistance to aid any person who is in acute physical distress or requires emergency assistance.

§16-5AA-3. Exemption from licensure; statutory construction.

(a) A staff member who is not authorized by law to administer medication may do so in a nursing home if he or she meets the requirements of this article.

(b) An AMAP is exempt from the licensing requirements of Chapter 30 of this code.

(c) A health care professional remains subject to his or her respective licensing laws.

(d) This article shall not be construed to violate or conflict with Chapter 30 of this code.

§16-5AA-4. Instruction and training.

(a) The authorizing agency shall develop and approve training curricula and competency evaluation procedures for an AMAP. The authorizing agency shall consult with the West Virginia Board of Examiners for Registered Nurses in developing the training curricula and competency evaluation procedures.

(b) The program developed by the authorizing agency shall require that a person who applies to act as an AMAP shall:

(1) Hold a high school diploma or its equivalent;

(2) Be a Certified Nurse Aide with at least one year of full-time experience;

(3) Be certified in cardiopulmonary resuscitation and first aid;

(4) Participate in the initial training program developed by the authorizing agency;

(5) Pass a competency evaluation developed by the authorizing agency;

(6) Not have a statement on the stated administered nurse aide registry indicating that the staff member has been the subject of finding of abuse or neglect of a long-term care nursing home resident or convicted of the misappropriation of a resident's property; and

(7) Participate in a retraining program every two years.

(c) A nursing home may offer the training and competency evaluation program developed by the authorizing agency to its staff members. The training and competency programs shall be provided by the nursing home through a registered professional nurse.

(d) A registered professional nurse who is authorized to train staff members to administer medications in nursing homes shall:

(1) Possess a current active license as set forth in §30-7-1 et seq. of this code to practice as a registered professional nurse;

(2) Have practiced as a registered professional nurse in a position or capacity requiring knowledge of medications for the immediate two years prior to being authorized to train staff members;

(3) Be familiar with the nursing care needs of the residents as described in this article; and

(4) Have completed and passed the nursing home trainer/instructor course developed by the authorizing agency.

§16-5AA-5. Eligibility requirements of nursing home staff.

(a) In order to administer medication an AMAP shall:

(1) Determine the medication to be administered is in its original container in which it was dispensed by a pharmacist or the physician;

(2) Make a written record of assistance of medication with regard to each medication administered, including the time, route, and amount taken;

(3) Display the title 'Approved Medication Assistive Personnel' at all times; and

(4) Comply with the legislative rules promulgated pursuant to §29A-3-1 *et seq.* of this code to implement the provisions of this article.

§16-5AA-6. Oversight of approved medication assistive personnel.

A nursing home using an AMAP shall establish an administrative monitoring system and shall comply with the applicable provisions of the legislative rules promulgated pursuant to §16-5O-11 of this code.

§16-5AA-7. Withdrawal of authorization.

(a) The registered professional nurse who supervises an AMAP may withdraw authorization for an AMAP to administer medications, if the nurse determines that the AMAP is not performing the function in accordance with the training and written instructions.

(b) The withdrawal of the authorization shall be documented and relayed to the nursing home and the authorizing agency. The agency shall remove the AMAP from the list of authorized individuals. The department shall maintain a list of the names of persons whose authorization has been withdrawn and the reasons for withdrawal of authorization. The list may be accessed by registered professional nurses and administrative personnel of nursing homes.

§16-5AA-8. Fees.

The authorizing agency may set and collect any appropriate fees necessary for the implementation of the provisions of this article pursuant to the legislative rules authorized by this article.

§16-5AA-9. Limitations on medication administration.

(a) An AMAP may not:

(1) Perform an injection, except that prefilled insulin or insulin pens may be administered;

(2) Administer irrigations or debriding agents to treat a skin condition or minor abrasions;

(3) Act upon verbal medication orders;

(4) Transcribe medication orders;

(5) Convert or calculate drug dosages;

(6) Administer medications to be given 'as needed' as ordered by the health care professional unless the supervising nurse has first performed and documented a bedside assessment, and then the AMAP may administer the medication based on the written order with specific parameters which preclude independent judgment; or

(7) Perform health maintenance tasks.

(b) An AMAP's primary responsibility shall be to administer medication when assigned. While performing medication administration he or she may respond to routine requests from residents as long as it would not conflict with the administration of medication. An AMAP may perform other resident care activities during such times that the AMAP is not engaged in, or scheduled to be engaged in, the administration of medication.

§16-5AA-10. Permissive Participation.

The provisions of this article are not mandatory upon any nursing home or nursing home employee. A nursing home may not, as a condition of employment, require any of its health care professionals to use AMAPs.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 7D. MEDICATION ASSISTIVE PERSONS.

§30-7D-1. Pilot program.

[Repealed]

§30-7D-2. Definitions.

[Repealed]

§30-7D-3. Certificate required.

[Repealed]

§30-7D-4. Designated facilities.

[Repealed]

§30-7D-5. Qualifications.

[Repealed]

§30-7D-6. Scope of work.

[Repealed]

§30-7D-7. Renewal of certifications.

[Repealed]

§30-7D-8. Disciplinary actions.

[Repealed]

§30-7D-9. Offenses and Penalties.

[Repealed]

§30-7D-10. Injunction.

[Repealed]

§30-7D-11. Medication Assistive Person Advisory Committee.

[Repealed]

§30-7D-12. Applicability of article.

[Repealed]

§30-7D-13. Rulemaking authority.

[Repealed]"

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4199 - "A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse; defining terms; authorizing an AMAP to administer medication in nursing home; providing certain exemptions from chapter thirty licensing requirements; establishing requirements for training curricula and competency evaluation procedures; establishing eligibility criteria; establishing procedures by which an AMAP must administer medication; requiring nursing homes using an AMAP to establish an administrative monitoring system; permitting a registered professional nurse to withdraw authorization for an AMAP to administer medications in certain circumstances; allowing certain fees to be collected; providing limits on administration of medication by an AMAP; providing that use of an AMAP in nursing homes is permissive; and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting."

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 291**), and there were—yeas 51, nays 43, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Adkins, Bates, Blair, Boggs, Brewer, Butler, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Fast, Ferro, Fleischauer, Fluharty, Graves, Hollen, Iaquina, Isner, Longstreth, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Paynter, Pushkin, Pyles, Queen, Rodighiero, Rohrbach, Rowan, Rowe, Sponaugle, Summers, Thompson, Upson, Wagner, Ward and Williams.

Absent and Not Voting: Deem, Hicks, Hornbuckle, Kelly, Storch and Walters.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4199) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 4285, Relating to the West Virginia Safe Mortgage Licensing Act.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 4385, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 102, Creating WV Uniform Fiduciary Access to Digital Assets Act,

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

And,

S. B. 545, Relating to driving privileges and requirements for persons under 18,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 412, Relating to authority of county litter control officers,

And,

Com. Sub. for S. B. 522, Relating generally to Administrative Procedures Act,

And reports the same back with the recommendation that they each do pass.

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 490, Relating to Revised Uniform Athlete Agents Act of 2015,

And,

Com. Sub. for S. B. 419, Establishing classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory,

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

In accordance with the former direction of the Speaker, the bills (Com. Sub. for S. B. 490 and Com. Sub. for S. B. 419) were each 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:

Com. Sub. for S. B. 514, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 514) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 515, Clarifying PSC jurisdiction over water and sewer utilities,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 515) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

S. B. 393, Relating to compensation and composition of WV Racing Commission,

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

In accordance with the former direction of the Speaker, the bill (S. B. 393) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 572, Creating Farm-to-School Grant Program,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 572) was referred to the Committee on Finance.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leave of absence for the day was granted Delegate Deem.

Miscellaneous Business

Delegate Rowe noted to the Clerk that had he been at his desk when the vote was taken on Roll No. 275, he would have voted "Yea" thereon.

Delegate Upson noted to the Clerk that she was absent on today when the votes were taken on Com. Sub. for S. B. 37, Com. Sub. for S. B. 46, Com. Sub. for S. B. 134, Com. Sub. for S. B. 146, S. B. 338, Com. Sub. for S. B. 360 and S. B. 364, and that had she been present, she would have voted "Yea" thereon.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegate C. Romine regarding Marshall University in the Appendix to the Journal:

At 5:39 p.m., the House of Delegates adjourned until 9:30 a.m., Saturday, March 3, 2018.

**Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470**

SPECIAL CALENDAR

Saturday, March 3, 2018

53rd Day

9:30 A. M.

THIRD READING

- S. B. 143 - Permitting DNR identification tag be used to identify trap (SHOTT) (REGULAR)
- S. B. 343 - Limiting expenses in preparing list for notice to redeem (SHOTT) (REGULAR)
- S. B. 350 - Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for S. J. R. 12 - No Constitutional right to abortion Amendment (SHOTT) (REGULAR)
- Com. Sub. for S. B. 73 - Modifying crime of fleeing from scene of accident (SHOTT) (REGULAR)
- Com. Sub. for S. B. 110 - Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 307 - Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance (SHOTT) (REGULAR)
- Com. Sub. for S. B. 327 - Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty (SHOTT) (REGULAR)
- S. B. 346 - Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 351 - Permitting ballot commissioners serve while candidates for certain offices (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 395 - Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 397 - Creating crime of impersonating blind or disabled person (SHOTT) (REGULAR)
- Com. Sub. for S. B. 404 - Relating to sex offender registry information (SHOTT) (REGULAR)

- S. B. 539 - Increasing limit for settling claims against DOH (SHOTT) (REGULAR)
- Com. Sub. for S. B. 561 - Increasing minimum contract price requiring execution of bond with respect to building or repairing school property (ESPINOSA) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 7 - Relating to claims under Wage Payment and Collection Act (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 47 - Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child (SHOTT) (REGULAR)
- Com. Sub. for S. B. 102 - Creating WV Uniform Fiduciary Access to Digital Assets Act (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 133 - Exempting renewal of certain contracts entered into during declared state of emergency (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 272 - Relating generally to drug control (ELLINGTON) (REGULAR) (PREVENTION AND TREATMENT OF SUBSTANCE ABUSE COMMITTEE AMENDMENT PENDING)
- S. B. 298 - Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes (NELSON) (REGULAR)
- Com. Sub. for S. B. 319 - Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma (ESPINOSA) (JULY 1, 2018) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 365 - Relating to Young Entrepreneur Reinvestment Act (HILL) (REGULAR)
- Com. Sub. for S. B. 412 - Relating to authority of county litter control officers (SHOTT) (REGULAR)
- S. B. 427 - Modifying form of notice for certain tax delinquencies (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 441 - Relating to health care provider taxes (NELSON) (JULY 1, 2018) (JULY 1, 2018)
- Com. Sub. for S. B. 456 - Physical Therapy Licensure Compact Act (ELLINGTON) (REGULAR) (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 493 - Relating to guaranty associations (WESTFALL) (REGULAR)
- Com. Sub. for S. B. 499 - Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees (ELLINGTON)

(REGULAR) (HEALTH AND HUMAN RESOURCES COMMITTEE
AMENDMENT PENDING)

Com. Sub. for S. B. 510 - Designating hospitals for stroke treatment (ELLINGTON) (REGULAR)

Com. Sub. for S. B. 522 - Relating generally to Administrative Procedures Act (SHOTT)
(REGULAR)

S. B. 545 - Relating to driving privileges and requirements for persons under
18 (SHOTT) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Saturday, March 3, 2018

53rd Day

9:30 A. M.

THIRD READING

- Com. Sub. for H. B. 4235 - Permitting full-time nonresident students attending an in-state college or university to purchase lifetime resident hunting, trapping, and fishing licenses (NELSON) (REGULAR)
- Com. Sub. for H. B. 4296 - Establishing the Southern West Virginia Lake Development Study Commission (NELSON) (REGULAR)

SECOND READING

- S. B. 385 - Decreasing and adding appropriations out of Treasury to DHHR and MAPS (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2114 - Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2383 - Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4158 - Relating to municipal home rule (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4241 - Transitioning foster children into managed care (NELSON) (REGULAR)
- Com. Sub. for H. B. 4563 - Relating to the severance tax on oil and gas produced from low producing wells (NELSON) (REGULAR)

FIRST READING

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

SATURDAY, MARCH 3, 2018

**COMMITTEE ON RULES
9:15 A.M. – BEHIND CHAMBER**

**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES
1:00 P.M. – ROOM 215E**

**COMMITTEE ON THE JUDICIARY
IMMEDIATELY FOLLOWING FLOOR SESSION – ROOM 434M**

MONDAY, MARCH 5, 2018

**PUBLIC HEARING – COMMITTEE ON GOVERNMENT ORGANIZATION
8:00 A.M. – HOUSE CHAMBER
COM. SUB. FOR S. B. 313, WAIVING OCCUPATIONAL FEES AND LICENSING
REQUIREMENTS FOR CERTAIN LOW-INCOME INDIVIDUALS, MILITARY FAMILIES,
AND YOUNG WORKERS.**

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:00 A.M. – ROOM 215E**

TUESDAY, MARCH 6, 2018

**PUBLIC HEARING – COMMITTEE ON THE JUDICIARY
8:30 A.M. – HOUSE CHAMBER
COM. SUB. FOR S. B. 434, SPECIFYING DOCUMENTS NOT SUBJECT TO
DISCOVERY IN CERTAIN PROCEEDINGS.**

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