

West Virginia Legislature

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HOUSE of DELEGATES

Eighty-Third Legislature
Second Regular Session

Held at Charleston
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January 11, 2018
SECOND DAY

Thursday, January 11, 2018

SECOND DAY

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

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

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

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

Resolutions Introduced

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

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

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

Whereas, He attended Spencer High School; and

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

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

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

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

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

Resolved by the Legislature of West Virginia:

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

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

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

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

By Delegate Folk:

H. J. R. 101 – "Proposing an amendment to the Constitution of the State of West Virginia amending section one, article V thereof; and amending section fifty-one, article VI thereof, all relating to the authority of the Legislature with regard to the state budget; giving the Legislature the sole authority to determine what funds are necessary for the efficient and effective operation of the legislative, executive and judicial departments; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

By Delegate Deem:

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

Petitions

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

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

Bills Introduced

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

By Delegate Hanshaw:

H. B. 4020 - "A Bill to amend and reenact §7-4-4 and 7-4-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-7-2 of said code; to amend and reenact §7-10-2 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §15-2-15 of said code; to amend and reenact §15-2C-1 of said code; to amend and reenact 15-9-3 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §16-2F-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-9A-3 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §16-47-5 of said code; to amend and reenact §17C-5-6a and §18-5-15c of said code; to amend and reenact §18-8-6a of said code; to amend and reenact §18A-5-1d of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §29-21-16 of said code; to amend and reenact §31-20-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-205 and §48-9-301a of said code; to amend and reenact §48-22-301 of said code; to amend and reenact §48-26-701 and §48-26-1002 of said code; to amend and reenact §48-27-403 of said code; to amend and

reenact §49-1-201 of said code; to amend and reenact §51-2A-2 of said code; to amend and reenact §51-7-8 of said code; to amend and reenact §61-2-14h of said code; to amend and reenact §61-5-12b of said code; to amend and reenact §61-6-25 of said code; to amend and reenact §61-7-8 of said code; to amend and reenact §61-8-12 of said code; to amend and reenact §61-8B-11a of said code; to amend and reenact §61-8C-3b of said code; to amend and reenact §61-8D-9 of said code; to amend and reenact §61-11-23 of said code; to amend and reenact §61-12-10 of said code; and to amend and reenact and §62-6B-5, all relating to making technical corrections in the code when referencing chapter 49 of this code; and defining a term”; to the Committee on the Judiciary.

By Delegates Householder, Summers, Butler and Dean:

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

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

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

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

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

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

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

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

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

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

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

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

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

By Delegate Hanshaw:

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

By Delegate Summers:

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

By Delegate Summers:

H. B. 4030 - "A Bill to amend and reenact §17-2A-14 of the Code of West Virginia, 1931, as amended, relating to disposition of certain surplus equipment and materials, requiring recycling of metal if cost effective"; to the Committee on Roads and Transportation then Finance.

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

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

By Delegate Folk:

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

Miscellaneous Business

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

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

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

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, JANUARY 12, 2018

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON FINANCE
9:00 A.M. & 10:00 A.M. – ROOM 464M**

**COMMITTEE ON THE JUDICIARY
9:00 A.M. – ROOM 418M**

**COMMITTEE ON EDUCATION
9:00 A.M. – ROOM 434M**

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

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