

West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Third Legislature  
Second Regular Session

Held at Charleston  
Published by the Clerk of the House



January 12, 2018  
THIRD DAY



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Friday, January 12, 2018

**THIRD DAY**

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

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

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

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

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

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

And,

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

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

In accordance with the former direction of the Speaker, the bills (H. B. 2205 and H. B. 2379) were each referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

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

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

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

Your Committee on Government Organization has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2698) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

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

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

And,

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

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

In accordance with the former direction of the Speaker, the bills (H. B. 2841, H. B. 3013 and H. B. 3104) were each referred to the Committee on Finance.

### **Resolutions Introduced**

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

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

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

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

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

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

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

Whereas, Romey Earl Hughart, Jr., a native of Ravenswood, West Virginia, born December 14, 1944, served as a military policeman in the United States Army, reaching the rank of corporal; and

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

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

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

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

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

*Resolved by the Legislature of West Virginia:*

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

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

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

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

**H. C. R. 4** - "Requesting the Division of Highways to name bridge number 13-92-0.01 (13A173), locally known as Wades Creek Bridge, carrying WV 92 over Wades Creek in Greenbrier County, the 'U. S. Army SPC4 Gary Wayne Morgan Memorial Bridge'."

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

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

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

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

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

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

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

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

*Resolved by the Legislature of West Virginia:*

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

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

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

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

**H. C. R. 5** – "Requesting the Division of Highways name Bridge Number 13-92-9.25 (13A177), locally known as Whites Draft Bridge, carrying WV 92 over Whites Draft in Greenbrier county, the 'U. S. Army PFC Jessie Franklin Crow Memorial Bridge'."

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

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

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

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

*Resolved by the Legislature of West Virginia:*

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

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

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

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

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

### Petitions

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

### Bills Introduced

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

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

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

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

**H. B. 4002** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2c, relating to the decennial redistricting of the House of Delegates and setting forth certain findings and providing that following the reapportionment and redistricting of the

Legislature following the United States Census in 2020, all delegates shall be elected from one hundred single districts”; to the Committee on the Judiciary.

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

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

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

**H. B. 4005** - “A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and providing that all appeals shall be afforded a full and meaningful review, an opportunity to be heard, and a written decision on the merits”; to the Committee on the Judiciary.

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

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



curriculum; repealing provisions related to center for development professional development project; repealing provisions related to principals academy establishment, mission, required attendance and employment of coordinator; repealing provisions related to pilot program of delivering educational services via distance learning; repealing provisions related to creation of depositories for assistive devices and services at two colleges or universities; repealing provisions creating the National Institute For Teaching Excellence and its governing board; modifying membership of Sesquicentennial of the American Civil War Commission; modifying membership of Commission for National and Community Service; removing Department of Education and the Arts as option to provide technical support to the Academy of Science and Technology in preparation of annual report; eliminating Department of Education and the Arts as executive department headed by secretary; transferring Division of Culture and History and Division of Rehabilitation Services to Department of Commerce; making the Educational Broadcasting Authority and Library Commission each an independent agency within executive branch; eliminating salary of Secretary of Education and the Arts; modifying the scope and goals of the system for coordination and delivery of professional development to be instituted by State Board of Education; modifying legislative findings with respect to professional development; eliminating requirement for State Board of Education master plan for professional development; requiring State Board of Education rule to include process for aggregating school and system strategic plan information to assist design and delivery of professional development; replacing references to the secretary and the Department of Education and the Arts in rehabilitation and vocational services related statutes; modifying membership of Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board; transferring fund administration to Department of Commerce; modifying membership of College Prepaid Tuition and Savings Program Board; including instructional leadership among the responsibilities of principals and requiring course work in instructional leadership and related topics as prerequisite for administrative certification; moving from a precertification requirement to a pre-employment requirement that principals, assistant principals and administrators complete education and training in evaluation skills; deleting provisions proscribing limitations on certain rights and privileges of principals and assistant principals as teachers; removing requirements for interaction between State Board Of Education and Center for Professional Development regarding performance evaluations; removing proscription of issuance or renewal of certain administrative certificate; removing requirement for State Board Of Education consultation with Secretary of Education and Arts and Chancellor for Higher Education prior to exercise of authority over education; adding within standards for education of professional educators requirement providing for the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United States of America; authorizing State Board of Education cooperation with regional education service agencies for selected phases of preparation programs and expenditure of funds; removing requirement for State Board of Education to consult with Secretary of Education and the Arts and the Chancellor of Higher Education; removing provisions related to required training and professional development of principals through principals academy; adding instructional leadership and management techniques to required minimum standards for rule governing training of principals; removing language relating to waivers, ineligibility, progress tracking and expenses relating to training of principals; requiring county professional staff development councils to base proposals for staff development on analysis of individual and collective need indicated in school's strategic plans; incorporating principals development in the provisions for a comprehensive system to improve teaching and learning; making legislative finding that professional development resources must be focused rather than increased; removing obsolete provisions related to phased implementation of provisions for professional personnel evaluations; eliminating requirement for five percent of evaluations to be based on state summative assessment and increasing percent based on evidence of student learning by five percent; incorporating principals into the comprehensive system of support for improved professional performance; requiring deficiencies identified through personnel evaluations to be incorporated in strategic plans for continuous improvement; removing language requiring posting and other provisions relating to employment; restricting certain appropriations for certain activities; modifying membership of Higher

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

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

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

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

**H. B. 4008** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8 and §18-31-9, all relating to enacting an Educational Savings Account Program; providing a short title and definitions; providing basic elements of an educational savings account; application requirements; responsibilities of the Treasurer; establishing a Parent Review Committee; providing eligibility requirements for and rights of education service providers; including responsibilities of resident school districts; and addressing legal proceedings"; to the Committee on Education then Finance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**By Delegate Cowles:**

**H. B. 4036** - "A Bill to amend and reenact §51-2A-6 of the Code of West Virginia, 1931, relating generally to salaries of family court employees; and increasing the maximum salaries of family case coordinators and secretary-clerks"; to the Committee on the Judiciary then Finance.

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

**H. B. 4037** - "A Bill to amend and reenact §18C-7-1 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §18C-8-1, §18C-8-2, §18C-8-3, §18C-8-4, §18C-8-5 and §18C-8-6, all relating to expiring the PROMISE Scholarship Program; establishing the Promise for All Scholarship Program; providing legislative findings and purpose of the new program; defining terms; providing eligibility, conditions and limitations for

participating in the program; directing the Higher Education Policy Commission administer the program; providing commission directives and authority to administer; providing for loss of scholarship if certain conditions are not fulfilled; placing limitations and conditions on scholarship awards; providing for legislative and emergency rules; establishing a new fund to hold and invest scholarship moneys; and providing for funding of program”; to the Committee on Education then Finance.

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

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

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

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

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

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

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

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

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

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

**By Delegate Walters:**

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

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

**H. B. 4044** - “A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-20-33 of said code, all relating to increasing pay to facilitate hiring and retention of employees by the Division of Corrections and by the Regional Jail Authority

and Correctional Facility Authority; providing \$3,000 across the board increases for each employee pay scale”; to the Committee on the Judiciary then Finance.

**By Delegate Boggs:**

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

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

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

**Miscellaneous Business**

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

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

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

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

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

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

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

**HOUSE CALENDAR**

**Monday, January 15, 2018**

**6<sup>th</sup> Day**

**11:00 A. M.**

**FIRST READING**

H. B. 2869 -

Providing for paid leave for certain state officers and employees during a declared state of emergency (SHOTT) (REGULAR)

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**MONDAY, JANUARY 15, 2018**

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**HOUSE CONVENES AT 11:00 A.M.**

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

**COMMITTEE ON ROADS & TRANSPORTATION  
1:00 P.M. – ROOM 215E**

**COMMITTEE ON FINANCE  
2:00 P.M. – ROOM 464M**

**COMMITTEE ON EDUCATION  
2:30 P.M. – ROOM 434M**

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