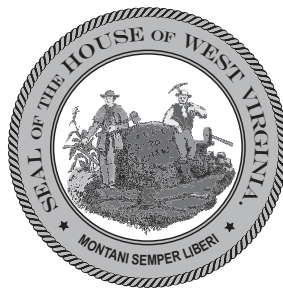


West Virginia Legislature

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HOUSE of DELEGATES

Eighty-Third Legislature  
First-Extraordinary Session

Held at Charleston  
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May 21, 2018  
SECOND DAY



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Monday, May 21, 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 Sunday, May 20, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**ELECTION OF SERGEANT AT ARMS**

The next order of business being the election of Sergeant at Arms, nominations were in order.

Delegate Rowan, the Delegate from the 57<sup>th</sup> Delegate District, nominated Anne Lieberman, of the County of Kanawha, as follows:

DELEGATE ROWAN. Thank you, Mr. Speaker. It is an honor to nominate Anne Lieberman as Sergeant at Arms to the West Virginia House of Delegates. She is loyal, dedicated, knowledgeable and best of all, she is a people person. She has served us well over the past several years and will continue to do so.

The nomination was seconded by Delegate Capito of the 35<sup>th</sup> Delegate District, with the following remarks:

DELEGATE CAPITO. Thank you, Mr. Speaker and members and guests. It's my honor and pleasure to second the nomination of Anne Lieberman to be Sergeant at Arms of this House. She has done a fantastic job, especially this last year. We cannot say that she comes into this job untested. She is professional and kind, but she is also tough, and we know that she will do a wonderful service to this House. I encourage her nomination and thank her for her service. Thank you, Mr. Speaker.

On motion of Delegate Cowles, nominations were closed and the Honorable Anne Lieberman, of the County of Kanawha, was elected Sergeant at Arms by acclamation. (Applause, the members rising.)

Ms. Lieberman then took the oath of office as prescribed for the Sergeant at Arms, which oath of office was administered by the Speaker of the House, Tim Armstead. (Applause.)

**Special Calendar**

**Second Reading**

**H. B. 101**, Reestablishing the Division of Culture and History as the Department of Arts, Culture and History; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Pyles and Rowe, the bill was amended on page eight, section one, line twenty-nine, following the word “arts”, by inserting a comma and the word “humanities”.

And,

On page eight, section one, line thirty-one, following the word “arts”, by inserting a comma and the word “humanities”.

Delegate Pyles moved to amend the bill by striking out all references in the bill to the word “curator” and inserting in lieu thereof the word “commissioner”.

And,

On page nine, section one, by striking out lines forty-five through fifty, and inserting in lieu thereof the following:

“(f) For the purposes of this article, ‘commissioner’ means the Commissioner of Arts, Culture and History, and ‘division’ or ‘department’ means the Division of Department of Arts, Culture and History. Any references throughout this code to the ‘Division of Culture and History’ means the ‘Department of Arts, Culture and History’.”

On the adoption of the amendment, Delegate Pyles demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 572**), and there were—yeas 37, nays 55, absent and not voting 8, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, Rowe, Sobonya, Sponaule, Thompson and Williams.

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, Love, McGeehan and Wilson.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegates Barrett and Ferro moved to amend the bill on page three, section one, line fifty-six, by striking out the words “which shall provide” and inserting in lieu thereof the words “for the sole purpose of providing”.

On the adoption of the amendment, Delegate Barrett demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 573**), and there were—yeas 36, nays 56, absent and not voting 8, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquina, Isner, Lane, Longstreth, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaule, Thompson and Williams.

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, Love, McGeehan and Wilson.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to engrossment and third reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 574**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, Kessinger, Love, McGeehan and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

Having been engrossed, the bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 575**), and there were—yeas 73, nays 20, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Bates, Boggs, Byrd, Canestraro, Diserio, E. Evans, Ferro, Fleischauer, Hornbuckle, Howell, Isner, Lane, Lovejoy, Lynch, Phillips, Pushkin, Pyles, Robinson, Rohrbach and Rowe.

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 101) passed.

Delegate Cowles moved that the bill take effect June 8, 2018.

On this question, the yeas and nays were taken (**Roll No. 576**), and there were—yeas 91, nays 2, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Isner and Pyles.

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 101) takes effect June 8, 2018.

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

**H. B. 102**, Relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Statler, the bill was amended on page one, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“CHAPTER 5H. SURVIVOR BENEFITS.****ARTICLE 1. WEST VIRGINIA FIRE, EMS, AND LAW-ENFORCEMENT OFFICER SURVIVOR BENEFIT ACT.****§5H-1-2. Death benefit for survivors.**

(a) In the event a firefighter, EMS, or law-enforcement provider dies as a proximate result of the performance of, his or her duties, the department chief, within 30 days from the date of death shall submit certification of the death to the Governor’s Office.

(b) This act includes both paid and volunteer fire, EMS, and law-enforcement personnel acting in the performance of his or her duties of any fire, EMS, or law-enforcement department certified by the State of West Virginia.

(c) A firefighter, EMS, or law-enforcement provider is considered to be acting in the performance of his or her duties for the purposes of this act when he or she is participating in any role of a fire, EMS, or law-enforcement department function. This includes training, administration meetings, fire, EMS, or law-enforcement incidents, service calls, apparatus, equipment or station maintenance, fundraisers, and travel to or from such functions.

(d) Travel includes riding upon or in any apparatus or vehicle which is owned or used by the fire, EMS, or law-enforcement department, or any other vehicle going to or directly returning from a firefighter’s home, place of business, or other place where he or she shall have been prior to participating in a fire, EMS, or law-enforcement department function, or upon the authorization of the chief of the department, agency head, or other person in charge.

(e) Certification shall include the name of the certified fire, EMS, or law-enforcement program, the name of the deceased firefighter, EMS, or law-enforcement provider, the name or names and address of the beneficiary or beneficiaries, any documentation designating a beneficiary or beneficiaries, and setting forth the circumstances that qualify the deceased individual for death benefits under this act. Upon receipt of the certification from the certified fire, EMS, or law-enforcement program, the state shall, from moneys from the State Treasury, General Fund, pay to the certified fire, EMS, or law-enforcement program the sum of \$100,000 in the name of the beneficiary or beneficiaries of the death benefit. Within five days of receipt of this sum from the state, the fire, EMS, or law-enforcement program certified by the state shall pay the sum as a benefit to the surviving spouse ~~or~~ designated beneficiary or beneficiaries. If there is no surviving spouse ~~or~~ designated beneficiary, then the sum shall be paid in accordance with the terms of the decedent’s will; and, if there is no will, then to the minor children of the firefighter, EMS, or law-enforcement provider who died as a proximate result of the performance of his or her duties. When no spouse, designated beneficiary, or minor children survive, the benefit shall be paid to the parent or parents of the firefighter, EMS, or law-enforcement provider the death benefit will be paid in a manner in accordance with §42-1-3 and §42-1-3a of this Code. It is the responsibility of the certified fire, ~~or~~ EMS, or law-enforcement program to document the ~~surviving spouse ~~or~~ beneficiary, beneficiaries, devisee or devisees above mentioned~~ for purposes of reporting to the Governor’s Office.

(f) Any death ruled by a physician to be a result of an injury sustained during any of the above mentioned performance of fire department, EMS, or law-enforcement duties will be eligible for this benefit, even if this death occurs at a later time.

(g) Those individuals who are covered by this article are eligible for only one state death benefit, paid pursuant to the provisions of this section, payment regardless of the amount.

(h) Every department or agency head employing persons to which this article applies shall provide notice of the benefit provided hereby to such employees and encourage covered employees to provide a written designation of beneficiary to be maintained in the employee's personnel file.

(i) Any person making application for certification as a firefighter to which this section applies shall provide a written designation of beneficiary using forms and procedures prescribed by the State Fire Marshal. Any person making application for emergency medical services personnel certification to which this section applies shall provide a written designation of beneficiary using forms and procedures prescribed by the Commissioner of the Bureau for Public Health.

(j) The operation of the amendments to this section enacted during the 2018 Regular Session and 2018 First Extraordinary Session of the Legislature shall be effective retroactively to January 1, 2018."

The bill was then ordered to engrossment and third reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 577**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

Having been engrossed, the bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 578**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 102) passed.

Delegate Cowles moved that the bill take effect June 8, 2018.

On this question, the yeas and nays were taken (**Roll No. 579**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 102) takes effect June 8, 2018.

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

**H. B. 103**, Relating to the management and inventory of state vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 580**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 581**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 103) passed.

Delegate Cowles moved that the bill take effect June 5, 2018.

On this question, the yeas and nays were taken (**Roll No. 582**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 103) takes effect June 5, 2018.

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

**H. B. 104**, Modifying the type of businesses and establishments required to post human trafficking assistance notices; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Cowles, the bill was laid upon the table.

**H. B. 105**, Relating to the Physical Therapy Licensure Compact Act; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Cowles, the bill was laid upon the table.

**H. B. 106**, Relating to securing a real estate deed by a purchaser of a tax lien; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Cowles, the bill was laid upon the table.

**H. B. 107**, Supplementing and amending the appropriations to the Department of Health and Human Resources; on second reading, coming up in regular order, was reported by the Clerk.



On motion of Delegate Cowles, the bill was laid upon the table.

**H. B. 108**, Supplementing and amending the appropriations to the Department of Military Affairs and Public Safety; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegate Sponaugle was reported by the Clerk on page two, section one, line fifteen, by striking out the number "555,000" and inserting in lieu thereof the number "55,000".

Whereupon,

Delegate Sponaugle asked and obtained unanimous consent that the amendment be withdrawn.

The bill was then ordered to engrossment and third reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 583**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, Marcum, McGeehan and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

Having been engrossed, the bill was read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 584**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 108) passed.

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

On this question, the yeas and nays were taken (**Roll No. 585**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 108) 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.

At 12:37 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 1:00 p.m.

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**Afternoon Session**

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

**Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**S. B. 1004** – “A Bill to amend and reenact §15-9A-4 of the Code of West Virginia, 1931, as amended, as contained in Chapter 216, Acts of the Legislature, Regular Session, 2018, relating to modifying the type of businesses and establishments required to post human trafficking assistance notices; modifying the criminal penalties for failure to comply with posting of notices once given notice of lawful duty to post; providing that a business or establishment that does not correct a violation within 30 days from the receipt of notice is guilty of a misdemeanor and, upon a first conviction thereof, shall be fined not more than \$250; and providing that a second or subsequent conviction is punishable by a fine of not less than \$250 nor more than \$500.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 1004) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 586**), and there were—yeas 80, nays none, absent and not voting 20, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Capito, Cooper, Deem, Fluharty, Gearheart, Hartman, Hornbuckle, Love, Lynch, McGeehan, Moore, Nelson, Queen, Robinson, Rohrbach, Storch, Westfall, White and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

The bill was read a second time and ordered to third reading.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 587**), and there were—yeas 84, nays none, absent and not voting 16, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Capito, Cooper, Deem, Gearheart, Hartman, Love, McGeehan, Moore, Nelson, Queen, Rohrbach, Storch, Westfall, White and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1004) 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 the passage by the Senate, to take effect June 7, 2018, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 1005** – “A Bill to amend and reenact §30-41-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 177, Acts of the Legislature, Regular Session, 2018, related to creating the Physical Therapy Licensure Compact Act; establishing commission rule-making authority; providing for legal enforcement of compact rules and provisions; establishing proper venue; and retaining sovereign immunity.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 1005) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 588**), and there were—yeas 83, nays none, absent and not voting 17, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Capito, Cooper, Deem, Gearheart, Hartman, Hicks, Love, McGeehan, Moore, Nelson, Queen, Rohrbach, Storch, Westfall, White and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

The bill was read a second time and ordered to third reading.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 589**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1005) passed.

Delegate Cowles moved that the bill take effect June 7, 2018.

On this question, the yeas and nays were taken (**Roll No. 590**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1005) takes effect June 7, 2018.

*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 the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 1006** – “A Bill to amend and reenact §11A-3-19, §11A-3-20, §11A-3-23, §11A-3-27, §11A-3-55, §11A-3-56, and §11A-3-59 of the Code of West Virginia, 1931, as amended, all relating generally to purchasers of liens securing a deed; amending dates and time frames for securing deeds; allowing property to be redeemed prior to recording of deed; and amending the time frame for notice to be provided or published.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 1006) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 591**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

The bill was read a second time.

Delegate Sponaugle moved to amend the bill on page eight, section fifty-six, line fourteen, by striking out the number “\$200” and inserting in lieu thereof the number “\$500”.

And,

On page nine, line thirty-eight, following the period, by inserting the following:

**“§11A-3-58. Distribution to purchaser.**

(a) Where the land has been redeemed in the manner set forth in §11A-3-56 of this code, and the deputy commissioner has delivered the redemption money to the sheriff pursuant to §11A-3-57 of this code, the sheriff shall, upon delivery of the sum necessary to redeem, promptly notify the purchaser, his or her heirs or assigns, by mail, of the redemption and pay to the purchaser, his or her heirs or assigns, the following amounts: (1) The amount paid to the deputy commissioner at the sale; (2) all other taxes thereon, which have since been paid by the purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment; (3) such additional expenses as may have been incurred in preparing the list of those to be served with notice to redeem, and any title examination incident thereto, with interest at the rate of one percent per month from the date of payment, but the amount which shall be paid, excluding said interest, for such expenses incurred for the preparation of the list of those to be served with notice to redeem required by §11A-3-52 of this code, and any title examination incident thereto, shall not exceed ~~\$200~~ \$500; and (4) all additional statutory costs paid by the purchaser.

(b) (1) The notice shall include:

(A) A copy of the redemption certificate issued by the deputy commissioner;

(B) An itemized statement of the redemption money to which the purchaser is entitled pursuant to the provisions of this section; and

(C) Where, at the time of the redemption, the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served with notice to redeem and any title examination incident thereto, the deputy commissioner shall also include instructions to the purchaser as to how these expenses may be claimed.

(2) Subject to the limitations of this section, the purchaser is entitled to recover any expenses incurred in preparing the list of those to be served with notice to redeem and any title examination incident thereto from the date of the sale to the date of the redemption.

(c) Where, pursuant to §11A-3-56 of this code, the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, and any title examination incident thereto, in the form of receipts or other evidence thereof, and therefore received from the purchaser as required by §11A-3-56 and delivered to the sheriff the sum of ~~\$200~~ \$500, plus interest thereon at the rate of one percent per month from the date of the sale to the date of redemption, and the sheriff has not received from the purchaser such satisfactory proof of such expenses within 30 days from the date of notification, the sheriff shall refund such amount to the person redeeming and the purchaser is barred from any claim thereto. Where, pursuant to §11A-3-56 of this code, the deputy commissioner has received from the purchaser and therefore delivered to the sheriff said sum of ~~\$200~~ \$500, plus interest thereon at the rate of one percent per month from the date of the sale to the date of redemption, and the purchaser provides the sheriff within 30 days from the date of notification such satisfactory proof of such expenses, and the amount of such expenses is less than the amount paid by the person redeeming, the sheriff shall refund the difference to the person redeeming.”

The Speaker put the question on the adoption of the foregoing amendment and the same did not prevail.

The bill was then ordered to third reading.

The bill was then read a third time and put upon its passage.

Delegate Moye requested to be excused from voting on the passage of S. B. 1006 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. 592**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1006) passed.

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

On this question, the yeas and nays were taken (**Roll No. 593**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1006) takes effect from its passage.

*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 the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 1007** – “A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 1007) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 594**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time and ordered to third reading.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 595**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1007) passed.

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

On this question, the yeas and nays were taken (**Roll No. 596**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1007) takes effect from its passage.

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

At 1:45 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 2:30 p.m.

\* \* \* \* \*

### **Afternoon Session**

\* \* \* \* \*

- continued -

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect June 8, 2018, a bill of the House of Delegates as follows:

**H. B. 101**, Reestablishing the Division of Culture and History as the Department of Arts, Culture and History.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect June 8, 2018, a bill of the House of Delegates, as follows:

**H. B. 102**, Relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act.

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

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

#### **“CHAPTER 5H. SURVIVOR BENEFITS.**

#### **ARTICLE 1. WEST VIRGINIA FIRE, EMS, AND LAW-ENFORCEMENT OFFICER SURVIVOR BENEFIT ACT.**

##### **§5H-1-2. Death benefit for survivors.**

(a) In the event a firefighter, EMS, or law-enforcement provider dies as a proximate result of the performance of, his or her duties, the department chief, within 30 days from the date of death shall submit certification of the death to the Governor’s Office.

(b) This act includes both paid and volunteer fire, EMS, and law-enforcement personnel acting in the performance of his or her duties of any fire, EMS, or law-enforcement department certified by the State of West Virginia.

(c) A firefighter, EMS, or law-enforcement provider is considered to be acting in the performance of his or her duties for the purposes of this act when he or she is participating in any role of a fire, EMS, or law-enforcement department function. This includes training, administration meetings, fire, EMS, or law-enforcement incidents, service calls, apparatus, equipment or station maintenance, fundraisers, and travel to or from such functions.

(d) Travel includes riding upon or in any apparatus or vehicle which is owned or used by the fire, EMS, or law-enforcement department, or any other vehicle going to or directly returning from a firefighter's home, place of business, or other place where he or she shall have been prior to participating in a fire, EMS, or law-enforcement department function, or upon the authorization of the chief of the department, agency head, or other person in charge.

(e) Certification shall include the name of the certified fire, EMS, or law-enforcement program, the name of the deceased firefighter, EMS, or law-enforcement provider, the name or names and address of the beneficiary or beneficiaries, any documentation designating a beneficiary or beneficiaries, and setting forth the circumstances that qualify the deceased individual for death benefits under this act. Upon receipt of the certification from the certified fire, EMS, or law-enforcement program, the state shall, from moneys from the State Treasury, General Fund, pay to the certified fire, EMS, or law-enforcement program the sum of \$100,000 in the name of the beneficiary or beneficiaries of the death benefit. Within five days of receipt of this sum from the state, the fire, EMS, or law-enforcement program certified by the state shall pay the sum as a benefit to the surviving spouse ~~or~~ designated beneficiary or beneficiaries. If there is no surviving spouse ~~or~~ designated beneficiary, then the sum shall be paid as if the decedent had designated as beneficiaries those persons who are entitled to inherit the decedent's intestate estate, in the proportions established by to the minor children of the firefighter, EMS, or law-enforcement provider who died as a proximate result of the performance of his or her duties. When no spouse, designated beneficiary, or minor children survive, the benefit shall be paid to the parent or parents of the firefighter, EMS, or law-enforcement provider §42-1-3 and §42-1-3a of this Code. It is the responsibility of the certified fire, ~~or~~ EMS, or law-enforcement program to document the ~~surviving spouse or~~ beneficiary or beneficiaries above mentioned for purposes of reporting to the Governor's Office.

(f) Any death ruled by a physician to be a result of an injury sustained during any of the above mentioned performance of fire department, EMS, or law-enforcement duties will be eligible for this benefit, even if this death occurs at a later time.

(g) Those individuals who are covered by this article are eligible for only one state death benefit, paid pursuant to the provisions of this section, payment regardless of the amount.

(h) Every department or agency head employing persons to which this article applies shall provide notice of the benefit provided hereby to such employees and encourage covered employees to provide a written designation of beneficiary to be maintained in the employee's personnel file.

(i) Any person making application for certification as a firefighter to which this section applies shall provide a written designation of beneficiary using forms and procedures prescribed by the State Fire Marshal. Any person making application for emergency medical services personnel certification to which this section applies shall provide a written designation of beneficiary using forms and procedures prescribed by the Commissioner of the Bureau for Public Health.



(j) The operation of the amendments to this section enacted during the 2018 Regular Session and 2018 First Extraordinary Session of the Legislature shall be effective retroactively to January 1, 2018.

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. 597**), and there were—yeas 85, nays none, absent and not voting 15, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Bates, Blair, Cooper, Deem, Gearheart, Hartman, Hicks, Kessinger, Marcum, Maynard, McGeehan, Nelson, White and Wilson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 102) passed.

Delegate Cowles moved that the bill take effect June 8, 2018.

On this question, the yeas and nays were taken (**Roll No. 598**), and there were—yeas 85, nays none, absent and not voting 15, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Bates, Blair, Cooper, Deem, Gearheart, Hartman, Hicks, Kessinger, Marcum, Maynard, McGeehan, Nelson, White and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 102) takes effect June 8, 2018.

*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, to take effect June 5, 2018, a bill of the House of Delegates as follows:

**H. B. 103**, Relating to the management and inventory of state vehicles.

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. 108**, Supplementing and amending the appropriations to the Department of Military Affairs and Public Safety.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

### **Miscellaneous Business**

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had completed the business of this First Extraordinary Session of the 83<sup>rd</sup> Legislature and was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates Ambler, Sypolt and Lynch.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature was ready to adjourn *sine die*.

The Speaker appointed as members of such committee the following:

Delegates Kelly, Sobonya and Hicks.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegate Pushkin regarding the petition to reconvene in the Appendix to the Journal.

Delegate Storch noted to the Clerk that she was absent on today when the votes were taken on Roll Nos. 586, 587 and 588, and that had she been present, she would have voted "Yea" thereon.

### Committee Reports

In accordance with House Rule 68, Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills filed the following report with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the dates listed, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

#### May 23, 2018

**H. B. 101**, Reestablishing the Division of Culture and History as the Department of Arts, Culture and History,

**H. B. 102**, Relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act,

**H. B. 103**, Relating to the management and inventory of state vehicles,

**H. B. 108**, Supplementing and amending the appropriations to the Department of Military Affairs and Public Safety,

**S. B. 1004**, Modifying types of businesses required to post human trafficking assistance notices,

**S. B. 1005**, Amending sections of Physical Therapy Licensure Compact Act,

**S. B. 1006**, Amending deadlines for securing deeds,

And

**S. B. 1007**, Supplementing and amending appropriations to DHHR, Division of Health.

**Messages from the Executive**

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on May 24, 2018, he approved **H. B. 108 and S. B. 1007**; and on June 7, 2018, he approved **H. B. 101, H. B. 102, H. B. 103, S. B. 1004, S. B. 1005 and S. B. 1006**.

There being no further business to come before the House, at 3:07 p.m., on motion of Delegate Cowles, the House of Delegates adjourned *sine die*.



*We hereby certify that the forgoing record of the proceedings of the House of Delegates, First Extraordinary Session, 2018, is the Official Journal of the House of Delegates for said session.*

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Tim Armstead  
*Speaker of the House of Delegates*

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Stephen J. Harrison  
*Clerk of the House of Delegates*

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