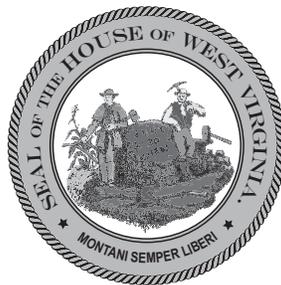


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



January 15, 2018
SIXTH DAY

Monday, January 15, 2018

SIXTH 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 Friday, January 12, 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. 4024, Relating generally to direct cremation or direct burial expenses for indigent persons,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4024) was 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. 4005, Clarifying that appeals to the Supreme Court are a matter of right,

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

**Messages from the Executive
and other Communications**

The following letter from the Legislative Rule-Making Review Committee was read by the Clerk:

West Virginia Legislature
Legislative Rule-Making Review Committee
State Capitol
Charleston, West Virginia 25305

December 19, 2017

The Honorable Clark Barnes
Clerk, West Virginia Senate
State Capitol
Charleston, WV 25305

The Honorable Steve Harrison
Clerk, West Virginia House of Delegates
State Capitol
Charleston, WV 25305

Gentlemen:

In accordance with the provisions of W.Va. Code, §29A-3-12, we have attached copies of the proposed legislative rules which have been submitted to and acted upon by the Legislative Rule-Making Review Committee, pursuant to the provisions of W.Va. Code, §29A-3-11, and which have not previously been submitted to the Legislature for study.

Also, attached is a report listing the proposed legislative rules considered by the Committee, and setting forth the recommendations of the Committee with respect to the proposed legislative rules. This letter also serves as a statement that a separate bill authorizing the promulgation of each proposed legislative rule has been drafted by the staff of the Legislative Rule-Making Review Committee.

In accordance with W.Va. Code, §29A-3-11, the draft bills are available for any member to introduce to the Legislature. The undersigned, as Co-Chairs of the Legislative Rule-Making Review Committee, are requesting that Senator Maynard's name be placed on the draft bills as the sponsor in the Senate, and Delegate Sobonya and Delegate Frich's, names be placed on the draft bills as the sponsors in the House of Delegates.

Thank you for your cooperation.

Sincerely,

Mark Maynard,
Senate.
Kelli Sobonya,
House of Delegates.

Report of the Legislative Rule-Making Review Committee

West Virginia Legislature
Legislative Rule-Making Review Committee
State Capitol
Charleston, West Virginia 25305

December 19, 2017

West Virginia Legislature
State Capitol
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairpersons of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the Committee, authorizing each of the proposed legislative rules below as submitted, as modified, as modified and amended, or as amended have been drafted by staff of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:

Administration, Department of
Parking, 148 CSR 6 [H. B. 4086]

DEP - Air Quality Board
Standards of Performance for New Stationary Sources, 45 CSR 16 [H. B. 4074]

DEP - Air Quality Board
Control of Air Pollution from Municipal Solid Waste Landfills, 45 CSR 23
[H. B. 4089]

DEP - Air Quality Board
Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal
Facilities, 45 CSR 25 [H. B. 4090]

DEP - Air Quality Board
Emission Standards for Hazardous Air Pollutants, 45 CSR 34 [H. B. 4091]

DEP – Air Quality Board
Ambient Air Quality Standards, 45 CSR 8 [H. B. 4092]

DEP – Secretary’s Office
Voluntary Remediation and Redevelopment Rule, 60 CSR 3 [H. B. 4094]

DEP – Water and Waste Management, Division of
Hazardous Waste Management System, 33 CSR 20 [H. B. 4093]

Health and Human Resources, Department of
West Virginia Clearance for Access: Registry and Employment Screening,
69 CSR 10 [H. B. 4125]

Health and Human Resources, Department of
Family Child Care Home Registration Requirements, 78 CSR 19 [H. B. 4122]

Health and Human Resources, Department of
Out-of-School-Time Child Care Center Licensing Requirements, 78 CSR 21
[H. B. 4133]

Hearing Aid Dealers, Board of
Rules Governing the West Virginia Board of Hearing Aid Dealers, 8 CSR 1
[H. B. 4071]

- Labor, Division of
Zipline and Canopy Tour Responsibility Act, 42 CSR 10 [H. B. 4119]
- Labor, Division of
Bedding and Upholstered Furniture, 42 CSR 12 [H. B. 4118]
- Labor, Division of
Amusement Rides and Amusement Attractions Safety Act, 42 CSR 17 [H. B. 4117]
- Labor, Division of
Employer Wage Bonds, 42 CSR 33 [H. B. 4115]
- Labor, Division of
Registration of Service Persons and Service Agencies, 42 CSR 35 [H. B. 4114]
- Medicine, Board of
Continuing Education for Physicians and Podiatric Physician, 11 CSR 6
[H. B. 4070]
- Miners' Health, Safety and Training, Office of
Rules for Operating Diesel Equipment in Underground Mines in West Virginia,
56 CSR 23 [H. B. 4106]
- Natural Resources, Division of
Rules Controlling the Public Land Corporations Sale, Lease, Exchange or Transfer of
Land or Minerals, 58 CSR 2 [H. B. 4108]
- Natural Resources, Division of
General Hunting, 58 CSR 49 [H. B. 4109]
- Natural Resources, Division of
Special Migratory Game Bird Hunting, 58 CSR 56 [H. B. 4110]
- Natural Resources, Division of
Miscellaneous Permits and Licenses, 58 CSR 64 [H. B. 4111]
- Optometry, Board of
Rules of the West Virginia Board of Optometry, 14 CSR 1 [H. B. 4050]
- Pharmacy, Board of
Licensure and Practice of Pharmacy, 15 CSR 1 [H. B. 4067]
- Psychologists, Board of
Code of Conduct, 17 CSR 6 [H. B. 4047]
- Real Estate Appraiser Licensing and Certification Board
Requirements for Licensure and Certification, 190 CSR 2 [H. B. 4060]
- Real Estate Commission
Schedule of Fees, 174 CSR 2 [H. B. 4058]
- Secretary of State
Vote by Mail Pilot Project Phase 2: Voting by Mail, 153 CSR 39 [H. B. 4054]

Tax Department, West Virginia State
Payment of Taxes by Electronic Funds Transfer, 110 CSR 10F [H. B. 4103]

Tax Department, West Virginia State
Property Transfer Tax, 110 CSR 22 [H. B. 4104]

The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:

Accountancy, Board of
Board Rules and Rules of Professional Conduct, 1 CSR 1 [H. B. 4073]

Administration, Department of
State Owned Vehicles, 148 CSR 3 [H. B. 4087]

Agriculture, Department of
Animal Disease Control, 61 CSR 1 [H. B. 4083]

Agriculture, Department of
Auctioneers, 61 CSR 11B [H. B. 4082]

Agriculture, Department of
Noxious Weeds, 61 CSR 14A [H. B. 4081]

Agriculture, Department of
Inspection of Meat and Poultry, 61 CSR 16 [H. B. 4080]

Agriculture, Department of
West Virginia Apiary Law, 61 CSR 2 [H. B. 4079]

Agriculture, Department of
Inspection of Nontraditional, Domesticated Animals, 61 CSR 23D [H. B. 4078]

Agriculture, Department of
Schedule of Charges for Inspection Services: Fruit, 61 CSR 8B [H. B. 4077]

Athletic Commission, State
Administrative Rules of the West Virginia State Athletic Commission, 177 CSR 1 [H. B. 4076]

Athletic Commission, State
Regulation of Mixed Martial Arts, 177 CSR 2 [H. B. 4075]

DEP – Air Quality Board
Control of Air Pollution from Combustion of Solid Waste, 45 CSR 18 [H. B. 4088]

DEP – Mining and Reclamation
West Virginia Surface Mining Reclamation Rule, 38 CSR 2 [H. B. 4085]

DEP – Water and Waste Management, Division of
Underground Storage Tanks, 33 CSR 30 [H. B. 4084]

- Dietitians, Board of
Licensure and Renewal Requirements, 31 CSR 1 [H. B. 4072]
- Fire Commission, State
Electrician Licensing Rules, 87 CSR 2 [H. B. 4098]
- Fire Commission, State
Hazardous Substance Emergency Response Training Programs, 87 CSR 3
[H. B. 4097]
- Governor's Committee on Crime, Delinquency and Correction
Law Enforcement Training and Certification Standards, 149 CSR 2 [H. B. 4096]
- Governor's Committee on Crime, Delinquency and Correction
Protocol for Law Enforcement Response to Domestic Violence, 149 CSR 3
[H. B. 4095]
- Health and Human Resources, Department of
Hospital Licensure, 64 CSR 12 [H. B. 4129]
- Health and Human Resources, Department of
Food Establishments, 64 CSR 17 [H. B. 4128]
- Health and Human Resources, Department of
Public Water Systems, 64 CSR 3 [H. B. 4127]
- Health and Human Resources, Department of
Emergency Medical Services, 64 CSR 48 [H. B. 4126]
- Health and Human Resources, Department of
Development of Methodologies to Examine Needs for Substance Use Disorder
Treatment Facilities within the State, 69 CSR 13 [H. B. 4132]
- Health and Human Resources, Department of
Collection and Exchange of Data Related to Overdoses, 69 CSR 14 [H. B. 4131]
- Health and Human Resources, Department of
Child Care Centers Licensing, 78 CSR 1 [H. B. 4124]
- Health and Human Resources, Department of
Family Child Care Facility Licensing Requirements, 78 CSR 18 [H. B. 4123]
- Health and Human Resources, Department of
Child Placing Agencies Licensure, 78 CSR 2 [H. B. 4121]
- Health and Human Resources, Department of
Informal and Relative Family Child Care Home Registration Requirements,
78 CSR 20 [H. B. 4120]
- Health and Human Resources, Department of
Pilot Program for Drug Screening of Applicants for Cash Assistance, 78 CSR 26
[H. B. 4134]

- Health Care Authority
Financial Disclosure Rule, 65 CSR 13 [H. B. 4130]
- Highways, Division of
Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance, 157 CSR 2 [H. B. 4099]
- Labor, Division of
Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions, 42 CSR 36 [H. B. 4113]
- Lottery,
State Lottery Rules, 179 CSR 1 [H. B. 4100]
- Medicine, Board of
Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants, 11 CSR 1B [H. B. 4069]
- Natural Resources, Division of
Hunting, Fishing and Other Outfitters and Guides, 58 CSR 11 [H. B. 4107]
- Osteopathic Medicine, Board of
Osteopathic Physician Assistants, 24 CSR 2 [H. B. 4068]
- Pharmacy, Board of
Pharmacist Recovery Networks, 15 CSR 10 [H. B. 4066]
- Pharmacy, Board of
Immunizations Administered by Pharmacists and Pharmacy Interns, 15 CSR 12 [H. B. 4065]
- Pharmacy, Board of
Centralized Prescription Processing, 15 CSR 14 [H. B. 4064]
- Pharmacy, Board of
Uniform Controlled Substances Act, 15 CSR 2 [H. B. 4063]
- Pharmacy, Board of
Registration of Pharmacy Technicians, 15 CSR 7 [H. B. 4062]
- Pharmacy, Board of
Controlled Substances Monitoring Program, 15 CSR 8 [H. B. 4061]
- Psychologists, Board of
Fees, 17 CSR 1 [H. B. 4049]
- Psychologists, Board of
Requirements for Licensure as a Psychologist and/or a School Psychologist, 17 CSR 3 [H. B. 4048]
- Real Estate Commission
Licensing Real Estate Brokers, Associate Brokers and Salespersons and the Conduct of Brokerage Business, 174 CSR 1 [H. B. 4059]

Secretary of State
Procedures for Canvassing Elections, 153 CSR 18 [H. B. 4056]

Secretary of State
Procedures for Handling Ballots and Counting Write-In Votes in Counties Using Optical Scan Ballots, 153 CSR 27 [H. B. 4055]

Tax Department, West Virginia State
Farm-To-Food Bank Tax Credit, 110 CSR 13DD [H. B. 4102]

Tax Department, West Virginia State
Municipal Sales and Service and Use Tax Administration, 110 CSR 28 [H. B. 4105]

Veterinary Medicine, Board of
Organization and Operation and Licensing of Veterinarians, 26 CSR 1 [H. B. 4053]

Veterinary Medicine, Board of
Certified Animal Euthanasia Technicians, 26 CSR 5 [H. B. 4052]

Veterinary Medicine, Board of
Schedule of Fees, 26 CSR 6 [H. B. 4051]

The Committee submits the following legislative rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which was approved by the Committee with the modifications and with the recommendation that the rule be authorized for adoption by the agency with amendments:

Natural Resource, Division of
Wildlife Disease Management, 58 CSR 69 [H. B. 4112]

Real Estate Commission
Requirements for Real Estate Courses, Course Providers and Instructors,
174 CSR 3 [H. B. 4057]

The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for adoption by the agency with amendments:

Labor, Division of
Elevator Safety Act, 42 CSR 21 [H. B. 4116]

Racing Commission
Thoroughbred Racing, 178 CSR 1 [H. B. 4101]

Bills Introduced

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

By Delegates Arvon, Kessinger, Martin, Rowan, Ward, Jennings, Fast, C. Romine, Hollen, Frich and Graves:

H. B. 4012 - "A Bill to amend and reenact §9-1-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of medical services, so as to exclude abortion"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4047 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to code of conduct"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4048 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to requirements for licensure as a psychologist and/or a school psychologist"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4049 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to fees"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4050 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to rules of the West Virginia Board of Optometry"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4051 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4052 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to certified animal euthanasia technicians"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4053 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4054 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to vote by mail pilot project phase 2: voting by mail"; to the Committee on the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4055 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to procedures for handling ballots and counting write-in votes in counties using optical scan ballots"; to the Committee on the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4056 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to procedures for canvassing elections"; to the Committee on the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4057 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers and instructors"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4058 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to schedule of fees"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4059 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage business"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4060 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4061 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring program"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4062 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4063 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to uniform controlled substances act"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4064 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4065 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists and pharmacy interns"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4066 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to pharmacist recovery networks"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4067 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4068 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4069 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4070 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4071 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to rules governing the West Virginia Board of Hearing Aid Dealers"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4072 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4073 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4074 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a

legislative rule relating to standards of performance for new stationary sources”; to the Committee on Energy then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4075 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4076 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4077 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4078 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4079 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia apiary law”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4080 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 4081 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to noxious weeds”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4082 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4083 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule

relating to animal disease control”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4084 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground storage tanks”; to the Committee on Energy then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4085 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation”; to the Committee on Energy then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4086 - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to parking”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4087 - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles”; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4088 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste”; to the Committee on Energy then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4089 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4090 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities”; to the Committee on Energy then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4091 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants”; to the Committee on Energy then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4092 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards”; to the Committee on Energy then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4093 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4094 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4095 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to protocol for law enforcement response to domestic violence"; to the Committee on the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4096 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards"; to the Committee on the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4097 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4098 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to electrician licensing"; to the Committee on Government Organization then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4099 - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to disposal, lease and management of real property and appurtenant structures and relocation assistance"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4100 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules"; to the Committee on Finance then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4101 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing"; to the Committee on Finance then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4102 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to farm to food bank tax credit"; to the Committee on Finance then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4103 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer"; to the Committee on Finance then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4104 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to property transfer tax"; to the Committee on Finance then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4105 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to municipal sales and service and use tax administration"; to the Committee on Finance then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4106 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health Safety and Training to promulgate a legislative rule relating to operating diesel equipment in underground mines in West Virginia"; to the Committee on Energy then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4107 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing and other outfitters and guides"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4108 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to controlling the public land corporation's sale, lease, exchange or transfer of land or minerals"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4109 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to general hunting"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4110 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4111 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4112 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to wildlife disease management"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Sobonya:

H. B. 4113 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4114 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4115 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to employer wage bonds"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4116 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to elevator safety act"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4117 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to amusement rides and amusement attractions safety act"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4118 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to bedding and upholstered furniture"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4119 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to zipline and canopy tour responsibility act"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4120 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4121 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child placing agencies licensure"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4122 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4123 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4124 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4125 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access: registry and employment screening"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4126 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4127 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4128 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4129 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a

legislative rule relating to hospital licensure”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4130 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosure”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4131 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4132 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4133 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Frich:

H. B. 4134 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance”; to the Committee on the Judiciary.

House Calendar

First Reading

H. B. 2869, Providing for paid leave for certain state officers and employees during a declared state of emergency; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Miscellaneous Business

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

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

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

Delegate Foster filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4020.

Delegates Butler, Dean, Gearheart, McGeehan, Paynter, Pushkin and Sobonya filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. J. R. 101.

At 11:47 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 16, 2018.

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

HOUSE CALENDAR

Tuesday, January 16, 2018

7th Day

11:00 A. M.

SECOND READING

H. B. 2869 - Providing for paid leave for certain state officers and employees during a declared state of emergency (SHOTT) (REGULAR)

FIRST READING

H. B. 4005 - Clarifying that appeals to the Supreme Court are a matter of right (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, JANUARY 16, 2018

HOUSE CONVENES AT 11:00 A.M.

**AGRICULTURE & NATURAL RESOURCES
8:30 A.M. – ROOM 215E**

**INDUSTRY & LABOR
10:00 A.M. – ROOM 215E**

**POLITICAL SUBDIVISIONS
1:00 P.M. – ROOM 434M**

**PREVENTION & TREATMENT OF SUBSTANCE ABUSE
3:30 P.M. – ROOM 215E**

**PENSIONS & RETIREMENT
4:00 P.M. – ROOM 464M**

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