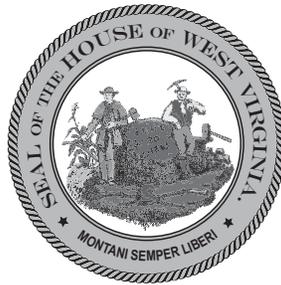


West Virginia Legislature

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January 22, 2018

THIRTEENTH DAY

Monday, January 22, 2018

THIRTEENTH 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 19, 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. 2916, Authorizing certain first responders to carry firearms,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2916 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6; to amend and reenact §6-1-3a of said code; to amend said code by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to authorizing certain investigators and first responders to carry firearms; authorizing supervising entities to authorize investigators employed by the attorney general, reserve deputy sheriffs, ambulance crew members, firefighters, rescue squad members, and emergency service personnel to carry firearms; specifying the training required for such persons to be eligible to carry a firearm; and, for first responders, allowing for reimbursement for the cost of the training,"

And,

H. B. 3004, Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 3004 - "A Bill to amend and reenact §3-10-3, §3-10-5 and §3-10-7 of the Code of West Virginia, 1931, as amended, all relating to filling vacancies in offices of state officials, Justices, judges, and magistrates; and requiring vacancy in the partisan offices of that section to be filled with individual of the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred; setting requirements for party executive committees to submit qualified names for vacancies in said offices; providing for circumstances where party

executive committees do not so act; requiring vacancies created in state Legislature to be filled by the Governor with a person from the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; requiring vacancies in offices of county commissioner or clerk of the county commission to be filled with person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing process for vacancy on county commission or clerk of the county commission to be filled by the county commission itself; providing process for vacancy on county commission to be filled if county commission fails to fill the vacancy by itself; requiring the Governor fill vacancies on county commission when no quorum on county commission with a person from the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; setting requirements for party executive committees to submit qualified names for county commission vacancies that must be filled by the Governor; ensuring county commission appointments are subject to time periods set forth in section one of the article; and making technical corrections,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 3005, Relating to regulation of unmanned aircraft systems,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 3005 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1 and §61-14-2, all relating to regulation of unmanned aircraft systems; defining terms; creating misdemeanor criminal offense for certain conduct using an unmanned aircraft system and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system equipped with a lethal weapon, creating exceptions, and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system with the intent to cause damage or disrupt in any way the flight of a manned aircraft and setting penalties therefor; and creating an exception for operating an unmanned aircraft system for commercial purposes that is authorized by the Federal Aviation Administration in a manner that is consistent with federal law and the provisions of this article,”

And,

H. B. 4150, Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4150 - “A Bill to amend the Code of West Virginia, 1931, as amended, to amend and reenact §46A-6F-501, all relating to prohibiting telemarketing companies from transmitting misleading or inaccurate caller identification information,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2727, Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license,

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. 2727) was referred to the Committee on Finance.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution:

S. C. R. 6 – “Encouraging and supporting the construction of a Gold Star Families Memorial Monument on the West Virginia State Capitol grounds.”

Whereas, The mission of the Hershel “Woody” Williams Medal of Honor Foundation is to honor Gold Star families, relatives, and children by building Gold Star Families Memorial Monuments throughout the United States, by offering scholarships to Gold Star children, by sponsoring outreach programs and events, and by educating communities about Gold Star families and the sacrifice they have endured; and

Whereas, The goal of the Gold Star Families Memorial Monument initiative is to establish a Gold Star Families Memorial Monument in all 50 states for the purpose of honoring Gold Star families, preserving the memory of the fallen, and to stand as a stark reminder that freedom is not free; and

Whereas, Through its core values of courage, sacrifice, patriotism, citizenship, integrity, and commitment, the Hershel “Woody” Williams Medal of Honor Foundation will honor Gold Star families in West Virginia by building this monument on the grounds of the West Virginia State Capitol; and

Whereas, Per capita, more citizens from West Virginia have served in our nation's armed forces than from any other state, and this monument will honor those West Virginia families who sacrificed a loved one for our freedom; and

Whereas, On behalf of the citizens of West Virginia, it is fitting that we offer this resolution in support of the Hershel “Woody” Williams Medal of Honor Foundation and West Virginia Gold Star families for the important work they do and in honor of the sacrifices they have made; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby encourages and supports the construction of a Gold Star Families Memorial Monument on the West Virginia State Capitol grounds; and, be it

Further Resolved, That the Legislature will work with the Hershel “Woody” Williams Medal of Honor Foundation, the Governor of West Virginia, the Honorable Jim Justice, and all other entities involved to ensure the construction of the Gold Star Families Memorial Monument on the West Virginia State Capitol grounds; and, be it

Further Resolved, That the Legislature extends its sincere gratitude and appreciation to West Virginia Gold Star families for their sacrifice; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Hershel "Woody" Williams Medal of Honor Foundation and the Governor of West Virginia, the Honorable Jim Justice.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 6) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 73 - "A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to modifying the crime of fleeing the scene of an accident involving injuries; and increasing criminal penalties"; which was referred to the Committee on the Judiciary.

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

Com. Sub. for S. B. 154 - "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"; which was referred to the Committee on the Judiciary.

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. 296 - "A Bill to amend and reenact §5A-3-45 of the Code of West Virginia, 1931, as amended, relating to the sale or transfer of surplus property; and allowing spending units to designate the fund into which proceeds from the sale or transfer of surplus property shall be deposited if the fund that was used to purchase the property no longer exists"; which was referred to the Committee on Finance.

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. 297 - "A Bill to amend and reenact §33-3-15 of the Code of West Virginia, 1931, as amended, relating to eliminating taxation on annuity considerations collected and received by a life insurer"; which was referred to the Committee on Banking and Insurance then Finance.

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. 298 - "A Bill to amend and reenact §11-4-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county assessors to make separate entries in their landbooks when real property is partly used for exempt, and partly for nonexempt, purposes"; which was referred to the Committee on Finance.

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. 299 - "A Bill to amend and reenact §5-16-7 and §5-16-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-16B-6f; to amend said code by adding thereto a new section, designated §9-5-27; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to mandatory insurance coverage, up to the age of 20, for certain medical foods for amino acid-based formulas; providing a list of diagnosed conditions for which insurance coverage should extend; providing that coverage extends to medically necessary foods for home use when prescribed by a physician; defining terms; and providing for exclusions"; which was referred to the Committee on Health and Human Resources then Finance.

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. 301 - "A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to removing the limitation on the amount collected by the county via the hotel occupancy tax that may be used for medical care and emergency services"; which was referred to the Committee on Political Subdivisions then Finance.

Resolutions Introduced

Delegates Kelly, Zatezalo, Wagner, Atkinson, Sobonya, Westfall, Summers, Sypolt, Deem, Criss, and Lane offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 24 – "Recognizing March 2, 2018, as National Speech and Debate Education Day."

Whereas, It is essential for youth to learn and practice the art of communicating, with and apart from technology; and

Whereas, Speech and debate education offers students a myriad of forms of public speaking through which to develop their talents, and exercise their unique voice and character; and

Whereas, Speech and debate gives students the 21st century skills of communication, critical thinking, creativity, and collaboration; and

Whereas, Important ideas, texts, and philosophies have the opportunity to flourish when they have been analyzed critically and communicated effectively; and

Whereas, Personal, professional, and civic interactions are enhanced by their participants' abilities to listen, concur, question, and even dissent with reason and compassion; and

Whereas, Students who participate in speech and debate have chosen a challenging activity that requires regular practice, dedication, and hard work; and

Whereas, Teachers and coaches of speech and debate devote in-school, after-school, and weekend hours to equip students with life-changing skills and opportunities; and

Whereas, National Speech and Debate Education Day emphasizes the lifelong impact of providing citizens with the confidence and preparation to both discern and share their views; and

Whereas, National Speech and Debate Education Day acknowledges that most achievements, celebrations, commemorations, and pivotal moments in modern history begin, end, or are crystallized with public address; and

Whereas, National Speech and Debate Education Day recognizes that learning to research, construct, and present an argument is integral to personal advocacy, social movements, and the making of public policy; and

Whereas, The National Speech and Debate Association, in conjunction with national and local partners, honors and celebrates the importance of speech and debate through National Speech and Debate Education Day; and

Whereas, National Speech and Debate Education Day emphasizes the importance of speech and debate instruction and its integration across grade levels and disciplines; therefore, be it

Resolved by the Legislature of West Virginia:

That March 2, 2018, be designated as “National Speech and Debate Education Day”; and, be it

Further Resolved, That the Legislature strongly affirms the purposes of National Speech and Debate Education Day; and, be it

Further Resolved, That the Legislature encourages educational institutions, businesses, community and civic associations, and all citizens to celebrate and promote National Speech and Debate Education Day.

Delegates Fleischauer, Hollen, Criss, Deem, Kelly, Anderson, Cooper, Phillips, McGeehan, Atkinson, and Butler offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 25 – “Requesting the Division of Highways to name the bridge on WV Route 14 over Slate Creek, bridge number 54-14-0.64 (54A193), locally known as Slate Bridge, in Wood County, the ‘U. S. Army SPC David A. Hess Memorial Bridge’.”

Whereas, U. S. Army Specialist David A. Hess was born on April 28, 1985, in Charleston, to Kathryn Dowler and Jeffrey Hess; and

Whereas, Specialist Hess grew up in the Slate Creek area of Wood County. He attended the Mineral Wells Elementary School, Edison Junior High, and Parkersburg South High School and graduated in May 2003. While in school, he was active in sports, playing football, baseball, and wrestled. Specialist Hess spent his spare time umpiring girls’ softball games in Mineral Wells, and fishing near the Slate Creek Bridge; and

Whereas, Specialist Hess joined the United States Army in 2008 and served with the 101st Airborne. He was awarded the Gold Star, two Purple Hearts, the War on Terrorism Medal, North Atlantic Treaty Organization Medal, and the Afghanistan Campaign Medal for his service; and

Whereas, Specialist Hess' unit was deployed to Afghanistan in April 2010 to assist in the war on terrorism; and

Whereas, On October 10, 2010 while in Afghanistan, Specialist Hess' unit was on patrol in Kabul and he was riding in the lead vehicle. His vehicle was crossing a bridge that had been cleared for any explosives just seven minutes prior. While crossing the bridge an IED exploded, taking his life; and

Whereas, Specialist Hess is survived by his parents, his wife Diane Hess, his son Bryon and two sisters; and

Whereas, Naming that bridge on WV Route 14, bridge number 54-14-0.64 (54A193), locally known as Slate Bridge, in Wood County, the "U. S. Army SPC David A. Hess Memorial Bridge" is an appropriate recognition of his selfless service to his country and having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on WV Route 14 over Slate Creek, bridge number 54-14-0.64 (54A193), locally known as Slate Bridge, in Wood County, the "U. S. Army SPC David A. Hess Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U. S. Army SPC David A. Hess Memorial Bridge"; and, be it

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

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

H. C. R. 26 – "Requesting the Division of Highways to name bridge number 12-3-0.02 (12A003), locally known as Maysville Bridge, carrying County Route 3 over Lunice Creek in Grant County, the 'U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge'."

Whereas, Tracy Victor Rohrbaugh was born October 27, 1922, in Martin, Grant County, West Virginia, son of Victor Adam Rohrbaugh and Dovie Clara Rohrbaugh; and

Whereas, Tracy was later joined by three brothers and five sisters; and

Whereas, The Rohrbaugh family had been well established in Grant County for many years; and

Whereas, The Rohrbaugh family lived in Martin for all of Tracy's life; and

Whereas, Tracy Victor Rohrbaugh was inducted into the United States Army in January 1942, and trained at Camp Maxy and Camp Hood in Texas; and

Whereas, The young soldier was shipped overseas for service in the European Theater on New Year's Day, 1943; and

Whereas, U. S. Army PFC Tracy Victor Rohrbaugh served with the 625th Ordnance Ammunition Company during his time in Europe; and

Whereas, In his last letter home on April 17, 1944, PFC Rohrbaugh stated, "Everything is going fine and I could not be in any better shape." Sadly, this would not last for long; and

Whereas, Just ten days after that letter was written, PFC Tracy Victor Rohrbaugh was killed in action while participating in Exercise Tiger, a large scale training exercise in England in preparation for the Normandy invasion; and

Whereas, PFC Tracy Victor Rohrbaugh, whose body was buried at sea, was posthumously awarded the Purple Heart, American Campaign Medal and WW-II Victory Medal; and

Whereas, In recognition of his honorable service in World War II, and for his ultimate sacrifice, PFC Rohrbaugh's name is inscribed on the Tablets of the Missing at the Cambridge American Cemetery in Cambridge, England, and his name was one of the original names inscribed on the West Virginia Veterans Memorial; and

Whereas, It is fitting that the state continue to honor this fallen hero by a memorial in the area in which he lived; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 12-3-0.02 (12A003), locally known as Maysville Bridge, carrying County Route 3 over Lunice Creek in Grant County, the "U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as bridge number 12-3-0.02 (12A003), locally known as Maysville Bridge, carrying County Route 3 over Lunice Creek in Grant County, the "U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge"; and, be it

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

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

By Delegates Zatezalo, Householder, Martin, Storch, Hill, Blair, C. Romine, Kessinger, Statler, McGeehan and Fast:

H. J. R. 107 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof, relating to the establishment of a general fund expenditure limit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

And,

By Delegates McGeehan, Kessinger, Hamrick, Butler, Folk, Paynter, Dean, Howell, R. Romine, Ward and Overington:

H. J. R. 108 - "Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate

of any tax levied or fee imposed may not be enacted unless two thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on Finance then the Judiciary.

Bills Introduced

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

By Delegates Howell, Criss, Hill, Hamrick, Statler, Queen, Blair, Summers, Sypolt, Moore and Storch:

H. B. 4015 - “A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10, §5A-12-11, and §5A-12-12; to amend said code by adding thereto a new section, designated §12-6D-7; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26, and §17A-3-27; and to amend and reenact §29B-1-4 of said code, all relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies; repealing provisions relating to the central motor pool; continuing management of state owned or leased aircraft through an aviation division; continuing the Fleet Management Office; providing powers and duties of the Director of the Fleet Management Office; continuing special fund; requiring reporting of state vehicles to Fleet Management Office; requiring reporting to and inventory of vehicles by State Agency for Surplus Property; requiring reporting to and inventory of vehicles by Enterprise Resource Planning Board; authorizing a rental pool; requiring legislative compliance audit; requiring new title, registration, and license plates for state vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue special plates to organizations and entities; requiring agencies to apply for a new uniform vehicle title and registration plate; exempting confidential information relating to certain vehicles from public disclosure under the Freedom of Information Act; authorizing rule-making; and requiring annual reports to Legislature and Governor”; to the Committee on Government Organization then Finance.

By Delegates Storch, Hamrick, Ferro, Barrett and Ellington:

H. B. 4233 - “A Bill to amend and reenact §40-1A-1, §40-1A-2, §40-1A-4, §40-1A-5, §40-1A-6, and §40-1A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §40-1A-13, §40-1A-14, and §40-1A-15, all relating generally to fraudulent transfers; establishing that a presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probable than its existence; providing that a creditor making a claim for relief has the burden of proving the elements of the claim for relief by a preponderance of the evidence; setting forth rules regarding the defenses, liability and protection of transferees; establishing the governing law; providing for the application to series organizations; providing for the limiting, modifying or superseding of the federal Electronic Signatures in Global and National Commerce Act; and adding and modifying definitions”; to the Committee on the Judiciary.

By Delegates Iaquinta, A. Evans, Hartman, Canestraro, R. Romine, Hamilton, Ellington, Walters, Dean, Barrett and Ferro:

H. B. 4234 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1E-6, relating to creating the ‘West Virginia Winner’ program to promote healthy living, improve lifestyle and increase longevity of West Virginia residents by competing in various athletic and cultural events in the fifty-five counties; providing that the program be

administered by the Office of Healthy Lifestyles; and declaring who may participate in the events together with participation fees”; to the Committee on Health and Human Resources then Finance.

By Delegates Hamilton, Harshbarger, Brewer, Atkinson, Ward, Queen, Diserio, Longstreth, Wagner, R. Romine and A. Evans:

H. B. 4235 - “A Bill to amend and reenact §20-2B-7, of the Code of West Virginia, 1931, as amended, relating to permit full-time nonresident students attending an in-state college or university to purchase lifetime resident statewide hunting, trapping and trout fishing and fishing licenses”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Nelson, Hanshaw and Shott:

H. B. 4236 - “A Bill to amend and reenact §5A-10-9 of the Code of West Virginia, 1931, as amended, relating to requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division; removing the exemption of certain agencies from reporting property holdings to the Real Estate Division; clarifying the information to be reported annually by agencies; and requiring an annual report by the Real Estate Division to the Governor and Legislature”; to the Committee on Government Organization.

By Delegate Shott:

H. B. 4237 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto, a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-7, §37-16-8, §37-16-9, §37-16-10, §37-16-11, §37-16-12, and §37-16-13, all relating to enacting the Uniform Partition of Heirs Property Act; defining terms; providing for a court hearing to determine if the partition action concerns heirs’ property; providing for notice by publication in a partition action; providing for requirements for commissioners; providing procedures for a court to follow in determining the value of the property and factors for a court to consider for certain types of partitions; providing procedures for cotenant buyout; providing for alternatives to a partition action; providing for certain factors for the court to consider in determining whether partition in kind is appropriate; providing for open-market sales, sealed bids, or auctions; providing reporting requirements for an open-market sale; providing for uniformity of application and construction; and modifying, limiting, and superseding the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 *et seq.*”; to the Committee on Energy then the Judiciary.

By Delegates Fleischauer, Williams, Pyles, Statler, Frich, Hamrick, Robinson, Brewer, Storch, Howell and Miley:

H. B. 4238 - “A Bill to amend and reenact §8A-3-3 of the Code of West Virginia, 1931, as amended, relating to authorizing counties and municipalities to establish a joint airport hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety or preventing hazardous conditions; describing requirements for written agreements; requiring submission of a plan and public hearing; providing for modifications to written agreements; and providing just compensation for diminution of property value”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Rohrbach, Ellington, Sobonya, Queen, Summers, White, Criss and Hollen:

H. B. 4239 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to regulating prior authorizations”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Summers, Pushkin, R. Miller, Lane, Moore, Kessinger, Hollen, Atkinson and Shott:

H. B. 4240 - “A Bill to amend and reenact §17C-5-2b of the Code West Virginia, 1931, as amended, relating to expungement of the records associated with driving under the influence after

completion of the deferral program”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Westfall, White, Criss, Rohrbach, Ellington, Summers and Hanshaw:

H. B. 4241 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to transitioning foster children into managed care”; to the Committee on Health and Human Resources then Finance.

By Delegates Shott and Hanshaw:

H. B. 4242 - “A Bill to amend and reenact §50-4-8 of the Code of West Virginia, 1931, as amended, relating to clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court”; to the Committee on the Judiciary.

By Delegates Kessinger, Hill, Paynter, Howell and Moore:

H. B. 4243 - “A Bill to amend and reenact §18-5-9 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to conduct regular structural inspections of school facilities and structures; and requiring boards to establish a schedule of rotating inspections for all schools every ten years”; to the Committee on Education then Finance.

By Delegates Ward, Howell, Hollen, Paynter, Moore, Lane, Frich, Longstreth, Sobonya, Martin and Hamrick:

H. B. 4244 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, §11-13EE-5, and §11-13EE-6, all relating generally to business tax credits; granting business tax credits that financially support students enrolled in in the state’s community and technical colleges; establishing the amount of credits available; setting forth conditions; defining terms; requiring rule-making; and establishing an effective date”; to the Committee on Education then Finance.

By Delegates Ward, Howell, Paynter, Frich, Martin, Hamrick, Kelly, Atkinson, Hamilton, Butler and Fast:

H. B. 4245 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9p, relating to exempting wood furniture from state sales tax if seventy-five percent of the finished product is made from wood timbered in the state and the furniture is manufactured in the state”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Kessinger, Pack, Martin, Hill, Paynter, Howell and Foster:

H. B. 4246 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2A-1, relating to requiring abortions to be performed by a licensed physician”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Kessinger, Pack, Hill, Paynter and Howell:

H. B. 4247 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-30-26, relating to life-sustaining treatment policies of health care facilities”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Kessinger, Martin, Hill, Paynter, Howell and Foster:

H. B. 4248 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g, relating to requiring county boards of education to permit

students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school"; to the Committee on Education.

By Delegates Kessinger, Martin, Hill, Paynter, Howell, Moore and Foster:

H. B. 4249 - "A Bill to amend and reenact §18-5-9 of the Code of West Virginia, 1931, as amended, relating to allowing private entities to lease buildings to local school boards in cases of emergency or condemnation"; to the Committee on Education.

By Delegates Kessinger, Hill, Paynter and Howell:

H. B. 4250 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to creating a digital learning pilot project; establishing a purpose; establishing goals; establishing objectives; establishing key components of the pilot project; establishing qualifications; and establishing a deadline"; to the Committee on Education then Finance.

By Delegates Shott, Ellington and Gearheart:

H. B. 4251 - "A Bill to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended, relating to permitting employees of baccalaureate institutions and universities outside of this state to be appointed to a board of governors of a state institution of higher education; and making a technical correction"; to the Committee on Education.

By Delegates R. Miller, Campbell, Canestraro, Eldridge, Maynard and Isner:

H. B. 4252 - "A Bill to amend and reenact §57-5-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the prosecuting attorney to issue a subpoena duces tecum for documents deemed material to a criminal investigation"; to the Committee on the Judiciary.

By Delegates Kessinger, Hill, Paynter and Howell:

H. B. 4253 - "A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section designated §8-15-28; and to amend said code by adding thereto a new section designated §16-4C-24, all relating to creating the 'Responders Protection Act' authorizing certain responders to carry firearms; authorizing supervising entities to authorize ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for them to be eligible to carry a firearm; allowing reimbursement for the cost of the training; and requiring proposal of rules relating to this issue"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

House Calendar

Third Reading

Com. Sub. for H. B. 3089, Relating to the adoption of instructional resources for use in the public schools; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 5**), and there were—yeas 72, nays 24, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Brewer, Byrd, Canestraro, Caputo, Diserio, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lynch, Miley, Pethtel, Pushkin, Pyles, Robinson, Rowe, Sponaugle and Williams.

Absent and Not Voting: Blair, Dean, C. Romine and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3089) passed.

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

Com. Sub. for H. B. 4002, Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020; on third reading, coming up in regular order, was read a third time.

Speaker Pro Tempore Overington in the Chair

Mr. Speaker, Mr. Armstead, arose from his seat and addressed the House regarding Com. Sub. for H. B. 4002.

Mr. Speaker, Mr. Armstead, in the Chair

Delegate Frich requested to be excused from voting on the passage of Com. Sub. for H. B. 4002 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. 6**), and there were—yeas 72, nays 25, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Brewer, Campbell, Canestraro, Caputo, Criss, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Kelly, Longstreth, Miley, Pyles, Robinson, Rodighiero, Sponaule, Thompson, Ward and Williams.

Absent and Not Voting: Dean, C. Romine and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4002) passed.

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

Com. Sub. for H. B. 4013, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 7**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Dean, Hamrick, C. Romine, Storch and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4013) passed.

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

H. B. 4026, Exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 8**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Isner and Marcum.

Absent and Not Voting: Dean, C. Romine, Storch and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4026) passed.

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

Second Reading

Com. Sub. for H. B. 2028, Relating to the venue for suits and other actions against the state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2607, Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations,

H. B. 2822, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter,

And,

H. B. 2838, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Dean, C. Romine and Storch.

Miscellaneous Business

Delegate Sponaugle asked and obtained unanimous consent that the remarks of Delegates Moye, E. Evans and Hornbuckle during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Sponaugle also asked and obtained unanimous consent that the remarks of all Members regarding Com. Sub. for H. B. 4002 today be printed in the Appendix to the Journal.

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4241 and to be removed from H. B. 2868.

At 1:39 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 23, 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 23, 2018

14th Day

11:00 A. M.

THIRD READING

Com. Sub. for H. B. 2028 - Relating to the venue for suits and other actions against the state (SHOTT) (REGULAR)

SECOND READING

Com. Sub. for H. B. 2607 - Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations (SHOTT) (REGULAR)

H. B. 2822 - Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter (COOPER) (REGULAR)

H. B. 2838 - Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician (COOPER) (REGULAR)

FIRST READING

Com. Sub. for H. B. 2916 - Authorizing certain first responders to carry firearms (SHOTT) (REGULAR)

Com. Sub. for H. B. 3004 - Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates (SHOTT) (REGULAR)

Com. Sub. for H. B. 3005 - Relating to regulation of unmanned aircraft systems (SHOTT) (REGULAR)

Com. Sub. for H. B. 4150 - Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, JANUARY 23, 2018

HOUSE CONVENES AT 11:00 A.M.

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

**HEALTH & HUMAN RESOURCES
2:00 P.M. – ROOM 215E**

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

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