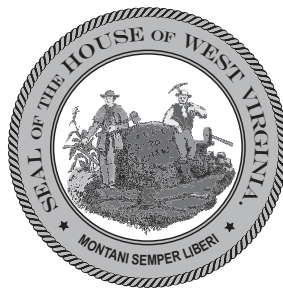


West Virginia Legislature

JOURNAL
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HOUSE of DELEGATES

Eighty-Third Legislature
Second Regular Session

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January 23, 2018
FOURTEENTH DAY

Tuesday, January 23, 2018

FOURTEENTH 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 following communication was laid before the House of Delegates and was read by the Clerk:

House of Delegates
West Virginia Legislature
212-M, State Capitol
1900 Kanawha Blvd., East
Charleston, WV 25305-0470

January 23, 2018

The Honorable Tim Armstead
Speaker
West Virginia House of Delegates
Building 1, Room 228-M
Charleston, West Virginia 25305

Dear Mr. Speaker:

I have been given the great opportunity to fill the vacant seat in the West Virginia Senate created by the resignation of Senator Mullins, and I hereby resign my seat in the West Virginia House of Delegates effective immediately.

I have been honored to serve in the House of Delegates, and I look forward to continuing to serve my constituents in the Senate.

Sincerely,

Lynne Carden Arvon

The Clerk proceeded to read the Journal of Monday, January 22, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2612, Repealing section relating to unattended motor vehicles and penalties,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2612) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 4047, Board of Examiners of Psychologists, rule relating to code of conduct,

H. B. 4057, Real Estate Commission, rule relating to requirements for real estate courses, course providers and instructors,

H. B. 4059, Real Estate Commission, rule relating to licensing real estate brokers,

And,

H. B. 4073, Board of Accountancy, rule relating to board rules and rules of professional conduct,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4047, H. B. 4057, H. B. 4059 and H. B. 4073) were each referred to the Committee on the Judiciary.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4144, Relating to the elimination of film tax credits,

And,

H. B. 4146, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

And reports the same back with the recommendation that they each do pass.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4135, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

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

Com. Sub. for H. B. 4135 – “A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates,”

With the recommendation that the committee substitute 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. 4207, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement,

And reports the same back with the recommendation that it 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. 4035, Creating a legislative coalition to study and report to the Legislature on palliative care,

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

Com. Sub. for H. B. 4035 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6 and §16-54-7, creating a state advisory coalition to improve palliative care in West Virginia, providing definitions, designating members of the coalition, providing for the powers and duties of the coalition, establishing that certain and other state agencies shall cooperate with the coalition, and establishing a termination date for the coalition, all relating to medical, end of life, serious illness and palliative care,”

H. B. 4169, Requiring certain establishments and facilities to post human trafficking assistance notices,

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

Com. Sub. for H. B. 4169 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9A-4, relating to requiring certain establishments and facilities to post human trafficking assistance notices; establishing where notices must be posted and contents of notice; directing the Director of the Division of Justice and Community Services to administer the program; authorizing state agents to give notice of violations; providing for criminal penalties for failure to comply with posting of notices once given notice of lawful duty to post; and defining terms,”

H. B. 2483, Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday,

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

Com. Sub. for H. B. 2483 - "A Bill to amend and reenact §49-4-720 and §49-4-722 of the Code of West Virginia, 1931, as amended, all relating to requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who turns eighteen years of age; requiring transfer of juvenile in adult jurisdiction upon reaching eighteen years of age if he or she has either been convicted or is in a pretrial status; directing the Division of Juvenile Services to notify the circuit court one hundred eighty days or as soon as practical of a juvenile reaching eighteen years of age; requiring the circuit court to set and conduct a hearing prior to the transfer to an adult correctional facility; providing for transfer to an adult facility in the event a hearing is not held; mandating that the position of victim be taken under consideration by the court in considering disposition or alternative placement; prohibiting juveniles that commit an adult offense while under the custody of the Division of Juvenile Services from returning back to the placement in a juvenile facility if the juvenile has attained the age of eighteen years; requiring the court to conduct a hearing prior to the completion of the adult sentence; and prohibiting a court from remanding a child who has reached eighteen years of age and completed serving an adult sentence to a juvenile facility,"

And,

H. B. 4174, Designating the placement of nonpartisan judicial offices on the primary election ballot,

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

Com. Sub. for H. B. 4174 - "A Bill to amend and reenact §3-5-13 of the Code of West Virginia, 1931, as amended, relating to primary elections and nominating procedures; and designating the placement of nonpartisan offices on the primary election ballot,"

With the recommendation that the committee substitutes each do pass.

Messages from the Senate

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. 53 - "A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to correcting incorrect code reference resulting from recent amendment to said code exempting certain persons from prohibitions against carrying concealed handguns or deadly weapons on the property of another"; 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. 62 - "A Bill to amend and reenact §18-8-3 of the Code of West Virginia, 1931, as amended, relating to school attendance directors; and adjusting requirements for hiring an attendance director"; which was referred to the Committee on Education.

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. 98 - "A Bill to amend and reenact §7-11B-3, §7-11B-4 and §7-11B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-4 of said code; and to amend said code by adding thereto a new section, designated §7A-2-5, all relating to incentives for consolidating local governments; amending the definitions of certain terms to include municipalities that successfully consolidated; granting additional powers to governing bodies of municipalities that successfully consolidated; authorizing municipalities that successfully consolidate additional powers related to creation of a development or redevelopment district; allowing consolidation of local governments to include public school districts, library districts and fire districts; creating certain incentives for municipalities that consolidate; creating certain incentives for counties that consolidate; and creating certain incentives for municipalities and counties that form metro governments by consolidation"; which was referred to the Committee on Political Subdivisions then Government Organization.

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. 110 - "A Bill to amend and reenact §60-7-13 of the Code of West Virginia, 1931, as amended, relating generally to private club licensees; continuing Alcohol Beverage Control Enforcement Fund; requiring a private club licensee to timely notify emergency medical services or law enforcement of a life-threatening medical emergency occurring on the licensee's premises; authorizing sanctions against licensees' failing to notify such personnel as required; requiring a licensee to notify the Alcohol Beverage Control Administration within 48 hours of the occurrence of a life-threatening emergency; permitting the commissioner to sanction a licensee for failing to comply with the 48-hour notification requirement; providing examples of life-threatening medical emergencies; authorizing the promulgation of emergency rules; and requiring promulgation of proposed legislative rules"; 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

Com. Sub. for S. B. 133 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-3c, relating to exempting certain contracts related to recovery from a declared state of emergency from purchasing requirements; clarifying exemption from purchasing requirements for certain contracts entered into during declared state of emergency; exempting from purchasing requirements renewals of certain contracts entered into during declared state of emergency; exempting purchase of goods or services from federal government or agency when goods and services are directly and solely related to recovery from declared state of emergency; requiring Director of Division of Homeland Security and Emergency Management to certify eligibility for exemption; setting forth record-keeping requirements; and defining the term 'directly and solely related'"; which was referred to the Committee on Government Organization then 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

S. B. 263 - "A Bill to amend and reenact §11-13X-13 of the Code of West Virginia, 1931, as amended, relating to the elimination of film tax credits; preserving rights to all previously issued film tax credits; ceasing operations of the West Virginia Film Office; and transferring certain duties of the West Virginia Film Office to the Division of Tourism."

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 263) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 300 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, and §11-28-3, all relating to creating five-year tax credits for businesses locating on post-coal mine sites; defining terms; setting eligibility requirements for tax credit; establishing amount of tax credit allowed; establishing how the credit may be applied; and providing rule-making authority”; referred to the Committee on Energy then Finance.

Resolutions Introduced

Delegates Summers, Queen, Hamrick, Miley and Iaquina offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 27 - “Making Grafton’s Annual Memorial Day Parade the Official State Memorial Day Parade.”

Whereas, The idea of a National Memorial Day was conceived by Mrs. John A. Logan, wife of General John A. Logan, Civil War figure and Congressman from Illinois. She was deeply impressed and moved after seeing a woman dressed in mourning clothes reverently place a garland of spring blossoms on the grave of a loved one. She later related the tender scene to her husband and spoke of a national holiday for the dead of the nation. General Logan in turn introduced a bill in Congress on April 8, 1868, proposing to set aside May 30th as Memorial Day; and

Whereas, The history of the Grafton National Cemetery on Walnut Street goes back to 1865 when Samuel Swinton Burdett, Commander in Chief of the Grand Army of the Republic and a Congressman from Iowa, visited Pruntytown. While visiting, he toured the battlegrounds of the area and conceived the idea of having all war dead in the area reburied in a location accessible from all parts of the new West Virginia, so that those who lost loved ones might visit the graves and pay their respects. Burdett introduced a bill in Congress to establish a National Cemetery in Northern West Virginia. The bill was approved and the War Department ordered Major R. C. Bates to select a site. Bates decided on Grafton because of its location and the availability of the railroad, and contacted the heirs of Alexander Yates for approximately four acres of land between Walnut Street and the Baltimore and Ohio right-of-way in what was called West Grafton. The deed was recorded in the office of the county clerk in Pruntytown; and

Whereas, Development of national cemeteries began during the Civil War. During the early years of the war, the dead were buried in field and church yards, or close to the hospitals and prison camps where they died. President Abraham Lincoln, on July 17, 1862, signed legislation which authorized the creation of the first National Cemeteries. Grafton National Cemetery was one of 50 cemeteries created after the Civil War and was established in 1867 by an Act of Congress and within two years 1,251 bodies of both Union and Confederate Troops of the Civil War were interred in Grafton under the supervision of the U. S. Burial Corps, and 664 of the gravesites are for Unknown Soldiers that are identified by numbered 8 inch square headstones. Burial records indicate only from what state or location the bodies were disinterred. Work on the Grafton National Cemetery started in the early spring of 1867. Following the completion of two terraces, the War Department sent James Fitzgerald, a Civil War Veteran, to supervise the planting and seeding of trees and shrubbery. Edward E. Gilbert,

a Civil War Veteran from Company H, 12th West Virginia Infantry, was appointed as Superintendent in 1868; and

Whereas, Work on the cemetery was slowed by winter and resumed in the spring of 1868, when Major Bates contacted James Breedlove to exhume the bodies of 68 soldiers who had been buried on upper Maple Avenue and cart them to the new cemetery. The remaining dead were gathered from various battlefields, camps, and hospitals situated in 32 counties of West Virginia. Those interred originally represented 14 states which now stands at 24, among them are both white and black, women, children, and 12 members of the famous Volunteer Regiment of the Army who adopted the dress and skill of Zouaves, a body of infantry in the French service noted for their dash and valor; and

Whereas, It was the intention of the Civil War Veterans to dedicate the new Grafton National Cemetery on Saturday, May 30, 1868, to mark the anniversary of May 30, 1861, when General B. F. Kelly entered Grafton to start the opening land engagement of the Civil War. However, a three-day rain that left the ground muddy forced Captain Daniel Wilson to postpone the dedication ceremonies. In addition to the rainy weather, trains and Army ambulances bearing disinterred bodies from nearby battlefields streamed into Grafton until bodies were piled high on the ground awaiting reburial. Due to the large number of dead to be buried, the cemetery dedication was postponed once again. Finally, on Sunday afternoon, June 14, 1868, Captain Wilson aligned Veterans of Company B, 2nd and 17th West Virginians in military formation at Compton's Corner. The procession was headed by a small martial band composed of Thomas Gough, fifer of the 5th Calvary, George Hammond, musician of the 12th Infantry, snare drummers Clinton Albright, Millard Carr, Henry Lippencott, Edward W. Walters, and bass drummer Joseph N. Shannon. The assembled procession moved down St. John Street, across the 'Boardwalk', then across the railroad bridge to West Grafton. The parade was joined by the citizens of West Grafton and proceeded to march out Pearl Street to the cemetery. At the cemetery, there were so many unburied bodies still lying on the ground that the procession continued past the cemetery to Handley's Grove. At the Grove, Captain Wilson introduced the Reverend George Davidson, Pastor of the Baptist Church, who asked the divine blessing. The first Memorial Day Address was given by the Honorable Jacob B. Bristol; and

Whereas, The Grafton National Cemetery also has the distinction of having interred here the remains of Private Thornesberry Bailey Brown of the 2nd West Virginia Infantry, the first Union soldier killed by Confederate forces during the Civil War. On the night of May 22, 1861, Daniel Knight of the Confederate Army was placed as a sentinel at the B & O Railroad where it crosses a small creek near the upper end of Fetterman. During the night, T. Bailey Brown and Daniel Wilson came down the railroad tracks from Grafton. When they came near Knight, he called them to halt and they refused to obey. Brown shot Knight in the ear and Knight returned fire and killed Brown. A special monument to Private Brown is erected at the Grafton National Cemetery on the first terrace, in addition to a monument off U. S. Route 50 and Riverside Drive near the location he was killed; and

Whereas, Decorating the graves at the Grafton Cemetery began in 1869 when Mayor William Mallonee issued a proclamation asking all citizens to lay aside their tasks at bench, forge, and shops and join the Civil War Veterans in observance of 'Flower Strewing Day' on the 30th of May. He requested that those who grew flowers to donate liberally to children who would call for them and place them on the graves. "Flower Strewing Day" retained the name until 1882, when Reno Post Number 7, Grafton Unit of the Grand Army of the Republic, was organized and adopted the more appropriate name of Memorial Day; and

Whereas, The Grafton National Cemetery contains the remains of over 2,000 graves of men and their dependents, including veterans of the Spanish-American War, World War I, World War II, Korea, and Vietnam. Plans to purchase additional land to expand the cemetery on Walnut Street did not

work out and hard work by veterans from the State of West Virginia resulted in the creation of the West Virginia National Cemetery on land from the former site of the West Virginia Industrial School for Boys at Pruntytown. The dedication ceremonies took place in 1987 and the West Virginia National Cemetery became the 110th national cemetery in the system. The dedication of the Administration and Maintenance Building took place in June of 1991. A current expansion project began in the fall of 2001 and includes seven new sections with an additional 4,648 developed gravesites and 5,336 sites set aside for future use. The capacity of the Grafton National Cemetery was reached in 1961, and the West Virginia National Cemetery will have enough gravesites to serve veterans and their families until 2050 with still more room with future development. The West Virginia Memorial Day Committee held the first Memorial Day Program at the new cemetery in May 1988, under the direction of General Chairman Otis B. Shahan. The Annual Ceremony is held at 3:00 PM on the Sunday before Memorial Day; and

Whereas, The Annual Memorial Day Program on the holiday designated as Memorial Day by the federal government in the 1970s continues to be held at the Grafton National Cemetery following the Memorial Day Parade. The parade route follows a tradition that was established in 1890. During that year, a new bridge was constructed across the Tygart River and assumed its present route down Main Street, across Memorial City Bridge (St. Mary's Bridge), and up Walnut Street to the Grafton National Cemetery. In 1961, the Parade basically went backwards through Grafton due to construction of the St. Mary's Bridge and the Memorial Day Parade again went backwards in 2005 starting at the Grafton Post Office, East on Main Street, across Bridge Street, to Front Street, across the Southside Bridge to Walnut Street. The traditional parade route returned for the 139th Annual Memorial Day Parade; and

Whereas, The highlight of the Annual Memorial Day Parade is the participation of the Taylor County schoolchildren. Schoolchildren from preschool to Grafton High School seniors take part in the line of march and assist in decorating the graves at Grafton National Cemetery with flowers. Any citizen of Taylor County who attended Taylor County schools can proudly boast that he or she has marched in the Memorial Day Parade in years past and helped decorate the graves of our nation's heroes. Some local families have participated in this observance for five or six generations. Although schoolchildren have participated with Memorial Day since 1869, it was not until 1896 that Mrs. Maria Leads had the schoolchildren placed in the line of march. Interest in the Memorial Day activities had decreased in the 1890s. The Grand Army of the Republic had been in charge of the 30th of May activities in Taylor County. When the schoolchildren first participated, they marched in a separate parade in the morning with the main parade with speakers and veterans held in the afternoon; and

Whereas, Memorial Day also became 'Homecoming Day' for many former citizens of Grafton and Taylor County, who come from all over the country to renew old acquaintances and be with fellow alumni of past Memorial Days. It is no wonder that Grafton with its rich history and dedication to the activities of Memorial Day became known as "Memorial City" and when VFW Post #3081 was organized it became known as "Memorial City Post #3081, Veterans of Foreign Wars". For 150 years, many different organizations have been in charge of Memorial Day activities, including Civil War veterans, the Grand Army of the Republic, Spanish-American War Veterans, World War I Veterans, the American Legion, the Veterans of Foreign Wars, the Daughters of the American Revolution, and others. In November 1980, the West Virginia Memorial Day Committee, Inc. was formed to combine the efforts of the American Legion, VFW, the Disabled American Veterans, and other veterans organizations. Each year, the Memorial Day Committee sponsors the National Cemetery Essay Contest on the history of the two National Cemeteries. The primary purpose is to stimulate interest in all West Virginia high school students in the historical significance of the two hallowed sites; and

Whereas, Each Governor of the State of West Virginia has been the principal speaker once during his term of office, and a great number of nationally known people have appeared in the same role.

Governor Bob Wise spoke in 2002, Governor Cecil Underwood spoke in 1998, and Governor Jay Rockefeller spoke in 1980. An invitation to speak is offered every year to the current Governor of the State of West Virginia. The activities of the Memorial Day Committee are made possible by an appropriation of the West Virginia State Legislature through the West Virginia Division of Veterans Affairs. Additional funding also comes from the Taylor County Commission, the City of Grafton, many local businesses and the general public; and

Whereas, In 2017 Grafton celebrated Memorial Day with its Sesquicentennial parade and memorial services at the state's only national cemeteries located in Grafton and Pruntytown. Although not the official Memorial Day Parade for the state, the Memorial Day Committee promotes the parade as the West Virginia Memorial Day Parade. Grafton shines by having the nation's longest continuous running Memorial Day Parade and Memorial Services; therefore, be it

Resolved by the Legislature of West Virginia:

That Grafton's Annual Memorial Day Parade is the Official State Memorial Day Parade; and

Further Resolved, That Grafton's Annual Memorial Day Parade is an important historic and cultural resource in the State of West Virginia; and

Further Resolved, The Grafton National Cemetery and the West Virginia National Cemetery are the state's only national cemeteries; and

Further Resolved, That all concerned parties, public and private, have an obligation to future generations to continue to honor those West Virginia soldiers who have fought and died in the name of freedom; and

Further Resolved, That the Clerk of the House of Delegates forward copies of this resolution to Peggy Knotts Barney, Mayor of Grafton, the Grafton City Council, and the Superintendents of the Grafton National Cemetery and the West Virginia National Cemetery.

Delegates Walters, Maynard, Howell and Hamrick offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 28 - "Requesting the Secretary of the Department of Transportation to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways."

Resolved by the Legislature of West Virginia:

That the Secretary of the Department of Transportation authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of the Department of Transportation and the Governor.

Delegates Iaquina, Maynard, A. Evans, Brewer, Ferro, Robinson, Sponaugle and Williams offered the following resolution, which was read by its title and referred to the Committee on Banking and Insurance then Rules:

H. C. R. 29 - "Requesting the Joint Committee on Government and Finance study Bitcoin, its future and potential impact on the state, its citizens, and businesses."

Whereas, In 2017, the Global Cryptocurrency Study was published by Cambridge University; and

Whereas, As Bitcoin stands to affect many West Virginians, their businesses, and their governmental agencies; and

Whereas, Many aspects of Bitcoin need to be studied, including how it achieves decentralization, its mechanics, the mining of Bitcoin, its anonymity, its regulation, Bitcoin as a platform, altcoins, and the cryptocurrency ecosystem, and Bitcoin's future; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study Bitcoin, its future and potential impact on the state, its citizens and businesses; and, be it

Further Resolved, That the Joint Committee on Government and Finance enlist the assistance of other state agencies and departments as necessary in conducting the study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Bills Introduced

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

By Delegates Moore, Summers, Sobonya, Shott, Hanshaw, Westfall, Maynard, Paynter, Harshbarger, Kessinger and Queen:

H. B. 4254 - "A Bill to amend and reenact §60A-3-308 of the Code of West Virginia, 1931, as amended, relating to prescriptions of Schedule II drugs; placing a seven-day supply limitation on the amount of Schedule II drugs which can be lawfully prescribed; and providing exceptions"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Rodighiero, Thompson, Hicks, Marcum, Westfall, Kelly, Atkinson, Eldridge, Campbell, Williams and Lynch:

H. B. 4255 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-41, relating to requiring the state board of education to develop an elective course on Vocational Agriculture"; to the Committee on Education then Finance.

By Delegates Nelson and Boggs:

H. B. 4256 - "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"; to the Committee on Finance.

By Delegates Nelson and Boggs:

H. B. 4257 - "A Bill to repeal §11-12D-1, §11-12D-2, §11-12D-3, §11-12D-4, §11-12D-5, and §11-12D-6 of the Code of West Virginia, 1931, as amended, all relating to the Office of Business Registration and Creation of Centralized Records"; to the Committee on Government Organization then Finance.

By Delegates Statler, Frich, Cooper, Pethel, Fleischauer, Criss, Deem, Hill, Martin, Hollen and Williams:

H. B. 4258 - "A Bill to amend and reenact §7-3-2a of the Code of West Virginia, 1931, as amended, relating to requiring the purchase by county commissions and display of POW/MIA flags at county courthouses"; to the Committee on Political Subdivisions then Finance.

By Delegates Robinson, Cooper, Dean, Rowe, Lane, Canestraro, Isner, Hanshaw, Lovejoy, Williams and R. Miller:

H. B. 4259 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40; and to amend said code by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, and §18-33-4, all relating to vocational and technical education programs, requiring State Board and Commerce Department create lists of apprenticeships and certifications and credentials to provide students; requiring county school districts to provide certain information to students; establishing the Governor's Workforce Credential; establishing requirements for the Governor's Workforce Credential; mandating graduation recognition for recipients of credential; and creating monetary incentive for schools who graduate recipients of credential"; to the Committee on Education.

By Delegates Atkinson, Hollen, Sobonya, C. Miller, Westfall, Love, Eldridge, R. Miller, Hill, Jennings and Dean:

H. B. 4260 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-16, relating to providing limited prescriptive authority to a licensed psychologist who meets certain criteria"; to the Committee on Health and Human Resources then the Judiciary.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley
[By Request of the Executive]:**

H. B. 4261 - "A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-3-10b, §5A-3-10c, §5A-3-10e, §5A-3-33d, and §5A-3-33f of said code; to amend said code by adding thereto a new section, designated §5A-3-37a; to amend and reenact §5A-3-45 of said code; to amend said code by adding thereto a new section, designated §5A-3-61; to amend and reenact §5G-1-3 of said code; and to amend and reenact §6D-1-1 of said code, all relating generally to procurement by state agencies; establishing direct award procurement requirements; authorizing awarding contracts without competitive bidding if certain requirements are met; establishing prequalification agreements and their requirements; authorizing agency delegated bidding and its procedure; increasing certain cost limits from \$50,000 to \$1 million; establishing the concept of 'reciprocal preference' for an in-state vendor over an out-of-state vendor from any state that gives or requires a preference to bidders from that state, and setting forth its requirements; modifying the value determination of certain motor vehicles that are to be sold; permitting spending units to use a standardization process to purchase commodities and setting forth its requirements; expanding the scope of those who may be debarred; permitting an architectural or engineering firm to be selected without bidding if certain conditions exist; permitting alternate funds to be substituted if the original fund no longer exists; increasing certain contract limits from \$100,000 to \$1 million; defining terms; and authorizing rulemaking"; to the Committee on Government Organization then Finance.

By Delegates Fleischauer, Pyles, Williams, Boggs, Summers, E. Evans, Statler, Frich, Rohrbach, Moye and Cooper:

H. B. 4262 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting retirement income of members of certain uniformed services from state income tax"; to the Committee on Pensions and Retirement then Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley
[By Request of the Executive]:**

H. B. 4263 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, and §16-54-9; to amend and reenact §30-3-14 of said code; to amend and reenact §30-3A-1, §30-3A-2, §30-3A-3, and §30-3A-4 of said code; to amend and reenact §30-4-19 of said code; to amend and reenact §30-5-6 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-8-18 of said code; to amend and reenact §30-14-12a of said code; to amend and reenact §30-36-2 of said code; to amend and reenact §60A-2-204, §60A-2-206, and §60A-2-210 of said code; and to amend and reenact §60A-9-4, §60A-9-5, and §60A-9-5a of said code, all relating to reducing the use of opiates; providing reports to licensing boards regarding abnormal prescribing practices; requiring the Board of Pharmacy to report quarterly to various licensing boards; permitting the investigation and discipline for abnormal prescribing and dispensing of prescription drugs, adding substances to Schedule I, II and IV of the Uniform Controlled Substances Act; and allowing licensing boards who regulate prescribers to investigate abnormal prescribing and dispensing of prescription drugs based upon information"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Ellington, Fleischauer, Walters, Longstreth and Pushkin:

H. B. 4264 - "A Bill to repeal §61-2-8 of the Code of West Virginia, 1931, as amended, relating to the penalty for performing an abortion"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Nelson and Boggs:

H. B. 4265 - "A Bill to amend and reenact §11-21-74 of the Code of West Virginia, 1931, as amended, relating generally to employer withholding taxes; changing due date for employers to file annual reconciliation and withholding statements with Tax Commissioner to January 31; requiring certain employers to file withholding return information electronically with the Tax Commissioner; and deleting obsolete language"; to the Committee on Finance.

By Delegates Westfall, Boggs, Statler and White:

H. B. 4266 - "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"; to the Committee on Banking and Insurance then Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley
[By Request of the Executive]:**

H. B. 4267 - "A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; establishing Advanced Career Education (ACE) programs and pathways; providing that certain high school graduates shall be considered adults enrolled in regular secondary programs for funding purposes; requiring community and technical colleges establish partnerships with career technical education centers, county boards of education, or both that provide for ACE programs; providing requirements for ACE programs and pathways; requiring the board of education (board) and the West Virginia Council for Community and Technical College Education (council) promulgate joint guidelines; requiring the division of vocational education and the council maintain and annually report certain information; providing that community and technical colleges and career technical education centers shall participate in one or more ACE partnership in order to receive certain funding; establishing the WV Invests Grant Program; defining terms; authorizing the council to award WV Invests Grants under certain terms and conditions; requiring the council to report certain information on the WV Invests Grant Program; requiring the council to promulgate rules; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; establishing the WV Invests Fund"; to the Committee on Education then Finance.

House Calendar

Third Reading

Com. Sub. for H. B. 2028, Relating to the venue for suits and other actions against 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. 9**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Storch and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2028) 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. 2607, Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Cooper, the bill was amended on page one, immediately following the enacting clause, by striking out the enacting section.

The bill was then ordered to engrossment and third reading.

H. B. 2838, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Cooper, the bill was amended on page one, immediately following the enacting clause, by striking out the enacting section.

The bill was then 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. 2916, Authorizing certain first responders to carry firearms,

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

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

And,

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

Leaves of Absence

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

Miscellaneous Business

Delegate C. Romine asked and obtained unanimous consent that the remarks of Delegate C. Miller regarding the death of Huntington Police Chief Joe Ciccarelli be printed in the Appendix to the Journal.

In the absence of objection, the remarks of the following Members during Remarks by Members on today were ordered printed in the Appendix to the Journal:

Delegates Gearheart and Zatezalo, at the request of Delegate McGeehan,

Delegate Cowles, at the request of Delegate Howell,

Delegate Cooper, at the request of Delegate Rohrbach,

And,

Delegate Thompson, at the request of Delegate Sponaugle.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4266.

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

Delegate Sobonya filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4199.

Delegate Walters filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4264.

Delegate C. Romine noted to the Clerk that he was absent on yesterday when the vote was taken on Roll No. 6, and that had he been present, he would have voted "Yea" thereon.

At 12:34 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 24, 2018.

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

HOUSE CALENDAR

Wednesday, January 24, 2018

15th Day

11:00 A. M.

THIRD 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)

SECOND READING

- S. B. 263 - Eliminating film tax credits (NELSON) (EFFECTIVE FROM PASSAGE)
- 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)

FIRST READING

- Com. Sub. for H. B. 2483 - Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4035 - Creating a legislative coalition to study and report to the Legislature on palliative care (SHOTT) (REGULAR)

- Com. Sub. for H. B. 4135 - Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4144 - Relating to the elimination of film tax credits (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4146 - Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4169 - Requiring certain establishments and facilities to post human trafficking assistance notices (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4174 - Designating the placement of nonpartisan judicial offices on the primary election ballot (SHOTT) (REGULAR)
- H. B. 4207 - Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

WEDNESDAY, JANUARY 24, 2018

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON FINANCE
9:00 A.M. AND 2:00 P.M. – ROOM 464M**

**VETERANS' AFFAIRS & HOMELAND SECURITY
1:00 P.M. – ROOM 434M**

**COMMITTEE ON EDUCATION
2:00 P.M. – ROOM 434M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
3:00 P.M. – ROOM 215E**

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
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