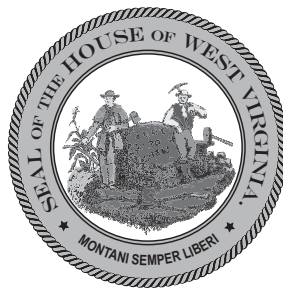


West Virginia Legislature

JOURNAL  
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February 5, 2018  
TWENTY-SEVENTH DAY



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Monday, February 5, 2018

**TWENTY-SEVENTH 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, February 2, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 4350**, Eliminating the regulation of upholstery,

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

**Com. Sub. for H. B. 4350** – “A Bill to repeal §47-1A-1, §47-1A-2, §47-1A-3, §47-1A-4, §47-1A-5, §47-1A-6, §47-1A-7, §47-1A-8, §47-1A-9, §47-1A-10, §47-1A-11, §47-1A-12, §47-1A-13, §47-1A-14, §47-1A-15, §47-1A-17 and §47-1A-18 of the Code of West Virginia, 1931, as amended, all relating to repealing the regulation and control of bedding and upholstery businesses,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 4154**, Establishing the 2018 Regulatory Reform Act,

And,

**H. B. 4317**, West Virginia Contractor Licensing Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4154 and H. B. 4317) were each referred to the Committee on the Judiciary.

Delegate Frich, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4285**, Relating to the West Virginia Safe Mortgage Licensing Act,

And reports the same back, with a title 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. 4285) was referred to the Committee on Finance.

Delegate Frich, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4343**, Relating to the delivery of financial statements to bank shareholders,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4343) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 4332**, Relating to home peritoneal renal dialysis,

And reports the same back with the recommendation that they each do pass, and with the recommendation that second reference of the bill to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (H. B. 4332) to the Committee on the Judiciary was abrogated.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 10** - "A Bill to amend and reenact §8-19-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §8-19-2a and §8-19-2b; and to amend and reenact §24-2-1, §24-2-2, §24-2-3, and §24-2-4b of said code, all relating generally to the jurisdiction of the Public Service Commission; excluding the setting and adjustment of rates, fees, and charges of municipal power systems from the jurisdiction of the Public Service Commission; providing for a right of appeal by customers; and clarifying the commission's jurisdiction as modified by chapters 161 and 209, Acts of the Legislature, regular session, 2017, over

Internet protocol-enabled service, voice-over Internet protocol-enabled service, storm water services by a public service district, political subdivisions providing separate or combined water and/or sewer services, and certain telephone company transactions”; 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. 258** - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; license to carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs required to get a license to carry deadly weapons”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2018, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 267** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing certain state employees’ salaries; increasing the annual salaries of members of the West Virginia State Police; increasing the annual salaries of public school teachers; and increasing the annual salaries of school service personnel”; 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

**Com. Sub. for S. B. 268** - “A Bill to amend and reenact §19-12A-1a, §19-12A-5, and §19-12A-6 of the Code of West Virginia, 1931, as amended, all relating to eliminating the requirement that the Division of Corrections and the Bureau for Public Health purchase commodities produced on institutional farms from the Department of Agriculture”; which was referred to the Committee on Agriculture and Natural Resources 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

**S. B. 324** - “A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to removing restrictions on where certain traditional lottery games may be played”; which was referred to the Committee on the Judiciary 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. 345** - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and authorizing the Director of the Division of Natural Resources to establish procedures and a fee schedule for individuals applying for limited permit hunts”; which was referred to the Committee on Agriculture and Natural Resources then 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. 350** - "A Bill to amend and reenact §29-22A-5 of the Code of West Virginia, 1931, as amended, relating to eliminating the obsolete requirement that the Lottery Commission file all racetrack video lottery game rules with the Secretary of State"; 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 and requested the concurrence of the House of Delegates in the passage, of

**S. B. 357** - "A Bill to amend and reenact §29-22B-503, §29-22B-504, §29-22B-903, and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating generally to limited video lottery; allowing operators to be retailers at up to 10 licensed locations with certain exceptions; increasing the maximum wager permitted per limited video lottery game; removing restrictions on bill denominations accepted by limited video lottery terminals; and fixing the state's share of gross terminal income at 50 percent on July 1, 2018"; which was referred to the Committee on the Judiciary then 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. 384** - "A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2018, organization 0506, and to the Bureau of Senior Services, fund 0420, fiscal year 2018, organization 0508, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018"; 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

**Com. Sub. for S. B. 386** - "A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2018, organization 0471, and to the Higher Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2018, organization 0471, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018"; which was referred to the Committee on Finance.

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, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**Com. Sub. for S. C. R. 3** - "Requesting Division of Highways to name bridge number 17-50/59-0.01 (17A227), locally known as Northview Overpass, carrying County Route 50/59 over U. S. Route 50 in Harrison County, West Virginia, the 'USMC PFC Michael Angiulli Memorial Bridge'."

Whereas, Michael "Mike" Angiulli was born in North View in Harrison County, West Virginia, on September 1, 1924. He was the son of the late John and Mary Agnes Checchia Angiulli; and

Whereas, In 1942, he received his high school diploma from Victory High School; and

Whereas, Mike was married to Roanna Gay Snyder and had five children: John Michael Angiulli, Michael "Mike" Angiulli, Mary Ann Preston, Cheryl Angiulli, and Kenneth Snyder; and

Whereas, In 1943, Mike joined the United States Marine Corps and began serving in E Company, 9<sup>th</sup> Marine Regiment, 3<sup>rd</sup> Marine Division. During his time with the Marine Corps, he attained the rank of Private First Class. Throughout his time serving in World War II, he took part in three beach landings - Guam, Bougainville, and Iwo Jima in the Pacific; and

Whereas, In 1945, upon returning from World War II, Mike became a Clarksburg firefighter and later retired due to an injury; and

Whereas, In 1957, he and a small group formed the North View Athletic Club (NVAC) and at one time had three playgrounds in North View. Mike was awarded the Clarksburg Man of the Year Award in 1958 and remained active in the NVAC his entire life; and

Whereas, In the early 1980's, Mike built one of the first signs entering the North View community with the help of Roger Diaz; and

Whereas, In the 1990's, Mike worked with Pete Iquinto and Liberty Baseball. Mike was given the name the Grass Doctor by Pete; and

Whereas, During the 1990's and early 2000's, Mike made notebooks of World War II which he gave to area high schools and colleges, and he also gave talks about World War II; and

Whereas, Mike became ill in 2006 and was cared for by his family until he entered the West Virginia Veterans Nursing Facility in 2012; and

Whereas, Mike passed away on Thursday, July 23, 2015, at the Louis A. Johnson Veterans Administration Hospital in Clarksburg; and

Whereas, Mr. Angiulli was preceded in death by his wife, Roanna Gay Snyder Angiulli, on February 14, 2004, and son, Kenneth Snyder; and

Whereas, It is fitting that an enduring memorial be established to commemorate his service to his community and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-50/59-0.01 (17A227), locally known as Northview Overpass, carrying County Route 50/59 over U. S. Route 50 in Harrison County, West Virginia, the "USMC PFC Michael Angiulli Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "USMC PFC Michael Angiulli Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

### **Resolutions Introduced**

Delegates Pushkin, Barrett, Diserio, E. Evans, Hornbuckle, McGeehan, Paynter, Pyles and Robinson offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

**H. R. 4** - "Relating to empowering the House Committee on the Judiciary to investigate allegations of impeachable offenses against West Virginia Supreme Court Justice Allen H. Loughry II."

Whereas, By his own admission, Justice Loughry has utilized state property at his private residence, including property donated to the state and property purchased and owned by the state; and

Whereas, A desk which was part of the original furnishings of the State Capitol, which was selected by the architect for use by state officials in the State Capitol was at his private residence until removed based on public awareness of the desk's location; and

Whereas, Another such item, a leather couch, delivered and removed from his residence utilizing state employees and a state vehicle was for his personal use, as no subsequent assertion has been made of what public use the couch was being utilized for; and

Whereas, Although originally asserted by Justice Loughry that the couch was a gift from a prior Supreme Court justice, subsequently Justice Loughry revised his assertion and then stated that the couch was "abandoned property" although it had been in the possession of the Supreme Court for eight years, and was not abandoned and was in fact donated for use by the Court, and was state property; and

Whereas, Justice Loughry initially alleged the use of this property was pursuant to "Court Policy" although court personnel subsequently stated no such policy exists; and

Whereas, The attempts by Justice Loughry to explain his actions were admissions of wrongdoing and his subsequent recharacterization of his actions brings into question his motives and the veracity of his comments; and

Whereas, Justice Loughry's actions may be in violation of several state laws, specifically the West Virginia Governmental Ethics Act, which prohibits the use of public office for private gain and utilizing state employees, state vehicles and state furniture for private use; West Virginia state law relating to the disposition of surplus state property by improper possession of state-owned furniture; and possession of state property at a personal residence being grand larceny pursuant to West Virginia law; and

Whereas, Although Justice Loughry asserts that he was conducting public activities at his home, sufficient evidence exists that the use of this state property was of a personal nature and his intentional and fraudulent acts to cover up his actions reflect that he had knowledge that his actions were improper; and

Whereas, Justice Loughry's actions are in conflict with the Code of Judicial Conduct for West Virginia that subverted the judicial system as his actions undermine the integrity of the judiciary, failed to avoid the appearance of impropriety, the improper supervision of judicial employees by directing



their participating in this nonemployment-related scheme, all constitute violations of the Code of Judicial Conduct; and

Whereas, Justice Loughry's actions have caused an erosion of public trust in the judiciary; his intentional utilization of falsehoods to misrepresent his actions subverts the very essence of the integrity of the judicial system, and cast doubts upon his fitness for a judicial position established upon unbiased veracity and incorruptibility; and

Whereas, An investigation is in order by the West Virginia Legislature to determine whether sufficient evidence exists that Justice Loughery is guilty of maladministration, corruption, incompetency, gross immorality, a high crime or misdemeanor, and an inquiry is proper as to whether these actions are sufficient to require the Legislature to take impeachment actions to cause his removal; therefore, be it

*Resolved by the House of Delegates:*

That the House Committee on the Judiciary be, and is by this resolution, empowered to investigate or cause to be investigated, any allegations or charges raised herein or identified by its investigation, and make findings of fact based upon such investigations and hearings; and to report to the House of Delegates its findings of facts and any recommendations which the Committee on the Judiciary may deem proper; and if the recommendation of the committee be to impeach Justice Allen H. Loughery II, to present to the House of Delegates a resolution of impeachment and articles of impeachment; and, be it

*Further Resolved,* That in carrying out its duties pursuant to this resolution, the House Committee on the Judiciary is authorized:

(1) To examine witnesses, to send for persons and papers, documents and other physical evidence, to order the attendance of any witness, or the production of any paper, document and other physical evidence, and to exercise all other powers described under the provisions of §4-1-5 of the Code of West Virginia; and

(2) To issue summonses, subpoenas and subpoenas duces tecum and to enforce obedience to its summonses and subpoenas in accordance with the provisions of §4-1-5 of the Code of West Virginia or by invoking the aid of the courts of this state; and

(3) To determine whether all or any portion of a meeting or hearing should be held in an executive session, pursuant to the provisions of House Rule eighty-three; and, be it

*Further Resolved,* That in carrying out his duties pursuant to this resolution, the Chairman of the Committee on the Judiciary is authorized:

(1) To establish or define rules of procedure for the conduct of meetings or hearings held pursuant to this resolution; and

(2) To employ, with the prior approval of the Speaker of the House, a court reporter or stenographer and such other professional or clerical employees as may be reasonably required; and

(3) To designate a subcommittee or subcommittees of the Committee on the Judiciary to assist the Chairman or the Committee in performing his or her its duties pursuant to this resolution; and

(4) To determine the time and place of all meetings or hearings of the Committee and its designated subcommittees; and, be it

*Further Resolved*, That the Committee on the Judiciary, during its inquiry, may entertain such procedural and dispositive motions as may be made in the case of any other bill or resolution referred to that committee, or, in making its recommendations, if any, pursuant to this resolution, may include:

(1) A recommendation that the Honorable Allen H. Loughry II, Justice of the West Virginia Supreme Court, not be impeached; or

(2) A recommendation that the Honorable Allen H. Loughry II be impeached for maladministration, corruption, incompetence, gross immorality, neglect of duty, or any high crime or misdemeanor, as provided for in Section 9, Article IV of the West Virginia Constitution, and that the Honorable Allen Loughery be removed and disqualified from office, and that the House of Delegates adopt a resolution of impeachment and formal articles of impeachment as prepared by the Committee on the Judiciary, and deliver the same to the Senate in accordance with the procedures of the House of Delegates, for consideration by the Senate according to rules of procedure and state law.

Delegates Higginbotham, Espinosa, Kelly, Atkinson, Wilson, Statler, Rohrbach, Cooper, Westfall, Hamrick and Kessinger offered the following resolution, which was read by its title and referred to the Committee on Education:

**H. C. R. 41** - "Establishing the Virtual Library Study Commission to conduct a study regarding development of a statewide virtual library and to submit a written report of findings and recommendations to the House Education Committee and the Senate Education Committee not later than March 1, 2019."

Whereas, A number of states in the United States have established statewide virtual libraries composed of high-quality electronic resources and online services; and

Whereas, Public libraries, elementary and secondary school libraries, and the academic libraries of postsecondary education institutions have some resources available online, but not all resources are available to all groups nor to all counties in the state, thus creating an inequality of opportunity; and

Whereas, The availability of greater educational resources online provides the opportunity to lower costs for students and the public in purchasing educational materials; and

Whereas, Many college students face textbook costs of more than \$1,000 per year, making education less affordable; open educational resources, representing the development of shared online accessible textbook collections, can bring educational costs down considerably while making efficient use of tax dollars; and

Whereas, A robust statewide virtual library would provide the opportunity for all West Virginia residents to access reliable online resources and allow research to be more than simply a web search of sources with unknown reliability; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature of West Virginia does hereby establish the Virtual Library Study Commission to conduct a study and make recommendations regarding the establishment of a statewide virtual library in West Virginia; and, be it

*Further Resolved*, That the commission shall have the following members:

(1) The chair of the House Education Committee, or designee;

(2) The chair of the Senate Education Committee, or designee;

(3) The State Superintendent of Schools, or designee;

(4) The Chancellor for Higher Education, or designee;

(5) The Governor, or designee;

(6) One member of the West Virginia Library Association selected by the president of the association; and

(7) The chair of the West Virginia Library Commission, or designee; and, be it

*Further Resolved*, That the commission shall meet as necessary and submit a written report of findings and conclusions, including any recommendations for legislation relative to establishing a statewide virtual library, to the House Education Committee and the Senate Education Committee not later than March 1, 2019; and, be it

*Further Resolved*, That members of the commission shall serve without compensation; and, be it

*Further Resolved*, That the Governor or his designee shall be responsible for designating staff to assist the commission in performing its duties and, by August 1, 2018, convening the commission for its first meeting, at which the commission shall adopt rules of procedure, a work schedule, and any additional measures that it deems necessary for the timely performance of its duties; and, be it

*Further Resolved*, That the commission shall terminate on June 30, 2019; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Governor, who shall be responsible for transmitting a copy to each person who is to serve on the commission or designate someone to serve in his or her place and to the president of each association from which commission members are being selected.

Delegates Robinson, Ambler, Anderson, Atkinson, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Dean, Deem, Diserio, Eldridge, Ellington, Hamrick, Hanshaw, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Howell, Iaquina, Isner, Jennings, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, McGeehan, Miley, R. Miller, Moore, Moye, Nelson, Overington, Pack, Paynter, Pethel, Phillips, Pushkin, Pyles, Queen, Rodighiero, Rohrbach, R. Romine, Rowan, Rowe, Shott, Sobonya, Sponaule, Statler, Storch, Sypolt, Thompson, Wagner, Walters, Ward, Westfall, Williams, Wilson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

**H. C. R. 42** - "Requesting the Joint Committee on Government and Finance study methods to incentivize and advise middle and high school students to participate in career and technical education programs."

Whereas, Eighty-one percent of high school dropouts report that real-world learning opportunities would have kept them in high school; and

Whereas, Career and technical education programs prepare students to be college and career ready by providing core academic, technical, and employability skills; and

Whereas, High-quality career and technical education programs ensure that coursework is aligned with rigorous academic standards and specific skills needed in specialized career pathways are addressed; and

Whereas, Eighty-one percent of students taking a college preparatory academic curriculum with rigorous career and technical education courses met college and career readiness goals; and

Whereas, The level of academic achievement students attain by eighth grade has a more significant impact on their college and career readiness than any other academic factor; and

Whereas, Neighboring states Ohio and Virginia have middle school level career and technical training programs and Pennsylvania, Maryland, and Kentucky have high school level career and technical training programs; and

Whereas, According to the West Virginia Higher Education Policy Commission, in 2012, only 56.4 percent of high school students pursued higher education pathways; and

Whereas, According to the Association for Career and Technical Education, the graduation rate for CTE students is a staggering ninety-three percent; and

Whereas, Eighty percent of secondary CTE graduates who pursued post-secondary education had earned a credential or were still enrolled after two years; and

Whereas, According to the National Center for Education Statistics, in 2009, CTE post-secondary graduates had an employment rate in their field of study of 79.7 percent; and

Whereas, Given the importance of career and technical education programs in fostering college and career readiness, it is essential that middle and high school students are informed and prepared to take advantage of career and technical education programs in their schools and communities; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study methods to incentivize and advise middle and high school students to participate in career and technical education programs; 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 a study, prepare reports and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Martin, Butler, Dean, A. Evans, Folk, Hamilton, Higginbotham, Hill, Jennings, Kessinger, Pack, C. Romine, R. Romine, Rowan, Storch and Sypolt offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 43** - "Requesting the Division of Highways to name bridge number 21-1-4.66 (21A003), locally known as Horse Run Rib Arch Bridge, carrying County Route 1 over Freeman's Creek in Lewis County Freeman's Creek in Weston, Lewis County, the 'U. S. Navy BT 2 Wade Eugene Lee Burnside Memorial Bridge'."

Whereas, Wade Eugene Lee Burnside born on August 15, 1929, and passed on April 18, 2012. He lived his entire life in Lewis County on the family farm of his great grandfather John Lew Burnside, which is still owned by family. While living on the farm, he raised cattle, sheep, hogs, and other farm animals. He tended many crops including buckwheat and sugar cane; and

Whereas, Wade Eugene Lee Burnside enlisted in the U. S. Navy in 1949 and served during the Korean conflict on the USS Robert A. Owens, a Navy destroyer, where they chased Russian submarines. While serving on the Robert A. Owens, he served as a Boiler Technician 2. He served in the U. S. Navy until 1953. He further used these skills upon discharge when he worked for Equitable Gas Company working on the boilers at Reed Station in Lewis County where he served as station engineer. Although he did not serve as a firefighter, he recognized the importance of a community department and was instrumental in establishing the Jackson's Mill Volunteer Fire Department in 1971. Two of his grandsons became members of the department when they were old enough. He also recognized the importance of being able to compete as an athlete and for several years was a participant in the torch run for the Special Olympics in WV, donating his time and RV to transport the runners carrying the torch; and

Whereas, It is fitting that an enduring memorial be established to commemorate Wade Eugene Lee Burnside and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 21-1-4.66 (21A003), locally known as Horse Run Rib Arch Bridge, carrying County Route 1 over Freeman's Creek in Lewis County Freeman's Creek in Weston, Lewis County, the "U. S. Navy BT 2 Wade Eugene Lee Burnside Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the 'U. S. Navy BT 2 Wade Eugene Lee Memorial Bridge'; and, be it

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

Delegates Eldridge, Rodighiero, R. Miller, Marcum, Phillips, Maynard and Love offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 44** - "Requesting the Division of Highways to name bridge number 23-7-3.44 (23A374), locally known as New Gore Fork Bridge, carrying County Route 7 over Gore Fork Creek in Logan County, the 'U. S. Army PFC Clayton Collins Memorial Bridge'."

Whereas, Clayton Collins of Pecks Mill, Logan County, West Virginia, was born March 24, 1942; and

Whereas, PFC Clayton Collins, as a U. S. Army armor reconnaissance specialist, was a member of C Troop, 1<sup>st</sup> Squadron, 4<sup>th</sup> Cavalry, 1<sup>st</sup> Infantry Division; and

Whereas, PFC Clayton Collins died at the age of 23 on November 5, 1965, during hostile action in South Vietnam; and

Whereas, It is proper to dedicate a fitting memorial to this young soldier who gave his life for his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-7-3.44 (23A374), locally known as New Gore Fork Bridge, carrying County Route 7 over Gore Fork Creek in Logan County, the "U. S. Army PFC Clayton Collins 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 PFC Clayton Collins Memorial Bridge"; and, be it

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

Delegates Lovejoy, Rohrbach, Sobonya, C. Romine, Hornbuckle, C. Miller, Hicks, Thompson, Byrd and Cowles offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 45** - "Requesting the Division of Highways to name bridge number 06-64-20.19 (38.42106) (-82.2522), carrying Interstate 64 over Blue Sulphur Road in Cabell County, West Virginia, the 'U. S. Air Force Reserves 2<sup>nd</sup> Lieutenant Richard E. Tyson Memorial Bridge'."

Whereas, Richard E. Tyson was born on October 1, 1926, in Parkersburg, Wood County, West Virginia, to John L. and Edith Dickson Tyson Helmick; and

Whereas, Richard E. Tyson served his country in World War II in the U. S. Army Air Corps and as Second Lieutenant in the U. S. Air Force Reserves from 1949 to 1953; and

Whereas, Richard E. Tyson married Norma Rose Delligatti on October 18, 1952, in Fairmont, West Virginia, with whom he raised a son, David Richard Tyson, of Huntington, West Virginia and daughter, Patricia Tyson Gebhard, of Pittsburgh, Pennsylvania; and

Whereas, Richard E. Tyson earned a bachelor's degree from Indiana University in 1949 and Juris Doctorate from West Virginia University in 1952; and

Whereas, Richard E. Tyson held a long tenure of public service, including service as Assistant City Attorney for Huntington from 1953 to 1954, Municipal Court Judge in Huntington from 1957 to 1963, Special Master, United States District Court for the Southern District of West Virginia in 1968, Assistant Prosecuting Attorney of Cabell County from 1971 to 1972 and from 1974 to 1982, Divorce Commissioner, Circuit Court of Cabell County in 1984, Chairman of the Board of Review for the West Virginia Department of Employment Security and Fiduciary Commissioner for Cabell County from 1982 to 2012; and

Whereas, Throughout more than half a century of public service, Richard E. Tyson also served the legal needs of his community in West Virginia's state and federal courts through his private law practice, culminating in the formation of the law firm of Tyson and Tyson in 1981 with his son, David Richard Tyson; and

Whereas, Richard E. Tyson further served his community as Secretary and member of the St. Mary's Hospital School of Nursing's Lay Advisory Board, Trustee of the Hospital Service, Inc., Director of the Boys Club of Huntington, member of the Marshall University Foundation, Inc., Department Judge Advocate of the American Legion, Member of the Executive Committee of the WVU Alumni Association and President of its Huntington Chapter, and as a member of the American Society of Hospital Attorneys, Catholic Hospital Attorney Association, American Society of Law and Medicine and President of the Cabell County Bar Association; and

Whereas, After an impactful life of service to his nation, state, and community, Richard E. Tyson passed away on February 28, 2015, in Huntington, West Virginia, leaving behind his beloved bride of 62 years, Norma, his children David and Patricia, and three very special granddaughters and their spouses, Annie and Jeff Massey, Laura and Luke Harvilla, and Julie and Kelly Robinson; and

Whereas, Naming bridge number 06-64-20.19 (38.42106) (-82.2522), carrying Interstate 64 over Blue Sulphur Road in Cabell County, West Virginia, the "U. S. Air Force Reserves 2<sup>nd</sup> Lieutenant Richard E. Tyson Memorial Bridge" is an appropriate recognition of Richard E. Tyson's lifelong contributions to his country, state, community and Cabell County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 06-64-20.19, carrying Interstate 64 over Blue Sulphur Road in Cabell County, West Virginia, the "U. S. Air Force Reserves 2<sup>nd</sup> Lieutenant Richard E. Tyson Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs at both ends identifying the bridge as the "U. S. Air Force Reserves 2<sup>nd</sup> Lieutenant Richard E. Tyson Memorial Bridge"; and, be it

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

Delegates Phillips, Marcum, R. Miller, Eldridge and Maynard offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 46** - "Requesting the Division of Highways name bridge number 23-16/49-0.02 (23A234), locally known as Ellis Lumber Bridge, carrying County Route 16/49 over Buffalo Creek in Logan County, the 'U. S. Army, Private First Class Charles Thurman "Buddy" Ellis Memorial Bridge'."

Whereas, Charles Thurman "Buddy" Ellis was born November 14, 1924, at Sunbeam, a son of the late Floyd and Catherine Ellis; and

Whereas, He attended Logan County schools until the 8th grade; and

Whereas, He joined the United States Army on June 10, 1943, where he served on the beaches of Normandy during WWII. He loved to tell stories about the war and how it was in Normandy that he learned to drive. He returned home on February 16, 1946; and

Whereas, When he returned home he began driving a truck for Ideal Cleaners. It was there that he met his wife, Juanita, whom he married on February 15, 1947. After some time, he began selling merchandise, along with delivering dry-cleaning on his delivery truck. He and Juanita founded Ellis Clothing in the 1950s, which sold clothing, housewares and general merchandise. In 1972, the decision was made to focus on hardware and building supplies. They bought property in Crown and erected a new store. Ellis Supply prospered and continues to serve our area today, with locations in Crown and Oceana; and

Whereas, He joined the church along with his wife, Juanita on November 20, 1949, and helped build the current Man Church of the Nazarene. Buddy believed that you should be in church any time the door is open and that supporting the church should be a priority. Throughout his 68 years of church membership, Buddy served in many offices and capacities including as a lifelong trustee on the church board where he had served for over 60 years. He sang with the choir, salted the parking lot and kept the candy basket stocked with peppermints. He served as a former Sunday school

teacher, former Sunday school superintendent, former church treasurer, and former church bus driver. Leading people to Jesus was his passion in life. He transported countless people to church over the years and never had a conversation that didn't include his testimony or a church invitation; and

Whereas, Charles Thurman "Buddy" Ellis, 92 of Man, joined his beloved wife, Juanita in Heaven on Thursday, April 20, 2017; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army, Private First Class Charles Thurman "Buddy" Ellis and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-16/49-0.02(23A234), locally known as Ellis Lumber Bridge, carrying County Route 16/49 over Buffalo Creek in Logan County, the "U. S. Army Private First Class Charles Thurman 'Buddy' Ellis Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army Private First Class Charles Thurman 'Buddy' Ellis Memorial Bridge"; and, be it

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

### **Bills Introduced**

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

**By Delegates Fleischauer, Rohrbach, Fluharty, Lovejoy, Williams, Sponaugle, Campbell, Pyles, Hornbuckle, Storch and Queen:**

**H. B. 4418** - "A Bill to amend and reenact §46A-2-122 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-6-101, §46A-6-102 and §46A-6-109 of said code, all relating to the Consumer Credit and Protection Act; and declaring that its provisions apply to residential leases, landlords, tenants and residential rental fees a landlord may charge in a general lease of residential real property"; to the Committee on the Judiciary.

**By Delegates Howell, Maynard, Ward, Ambler, Cooper, Zatezalo, Graves, Sobonya, Frich, Criss and Kessinger:**

**H. B. 4419** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, §61-11-27 and §61-11-28, all relating to securing the borders against persons who may be in the country unlawfully; providing enhanced penalty for committing a felony while not a lawful immigrant or resident of the United States, and providing for reporting to United States Homeland Security persons arrested for whom the arresting officer has probable cause to believe the person may not be lawfully in the country"; to the Committee on the Judiciary.

**By Delegate Sobonya:**

**H. B. 4420** - "A Bill to repeal §8-1-5a of the Code of West Virginia, 1931, as amended, relating to the Municipal Home Rule Pilot Program and the Municipal Home Rule Board, terminating the Municipal Home Rule Pilot Program effective July 1, 2018"; to the Committee on Government Organization then the Judiciary.



**By Delegates Howell, Hamrick, Ward, Ambler, Zatezalo, Graves, Upson, McGeehan, Storch, Criss and R. Miller:**

**H. B. 4421** - "A Bill to repeal §29-25-24 of the Code of West Virginia, 1931, as amended, relating to the repeal of the section of said code that restricts who can participate in gaming at an authorized gaming facility"; to the Committee on the Judiciary then Finance.

**By Delegates Frich, Walters, Westfall, Upson, Householder, Statler, Ambler, A. Evans, C. Miller and Anderson:**

**H. B. 4422** - "A Bill to amend and reenact §35-5-4 of the Code of West Virginia, 1931, relating to permitting permanent endowment funds of cemeteries to invest their principal in government bonds, and corporate bonds that have been rated A or above"; to the Committee on the Judiciary then Finance.

**By Delegates Householder, Foster, Kessinger, Butler, Westfall, Walters, Howell, Zatezalo, Hill and Overington:**

**H. B. 4423** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3 and §21-5A-4, all relating to prohibiting political subdivisions from enacting any ordinance, regulation, local policy, local resolution or other legal requirements regulating certain areas of the employer-employee relationship and the sale or marketing of consumer merchandise; establishing a short title; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies or local regulations; and providing for exceptions and applicability"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Miley, Mr. Speaker (Mr. Armstead), Shott, Fleischauer, Lane, Rowe, Hanshaw, Boggs, Hamilton and Caputo:**

**H. B. 4424** - "A Bill to amend and reenact §6B-1-3 of the Code of West Virginia, 1931, as amended, relating to providing that the Ethics Act applies to certain persons providing services without pay to state elected officials"; to the Committee on the Judiciary.

**By Delegate Love:**

**H. B. 4425** - "A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-11-6 of said code; and to amend and reenact §62-1D-8 of said code, all relating to crimes involving acts of violence; making it a crime for a spouse, parent, stepparent, grandparent, sibling, half sibling, child, stepchild or grandchild, whether related by blood or marriage, of a person under investigation to impede or obstruct a law-enforcement officer by knowingly and willfully making a materially false statement in the conduct of an investigation of a felony when the offense that is being investigated involves an act of violence; allowing certain family members to be prosecuted as an accessory after the fact if they aid or assist a principal felon, or accessory before the fact, to avoid or escape from prosecution or punishment when offense that is being investigated involves an act of violence; and allowing orders authorizing the interception of wire, oral or electronic communications when the prosecuting attorney or special prosecutor has shown reasonable cause to believe the interception would provide evidence of the commission of any crime of violence"; to the Committee on the Judiciary.

**By Delegates Harshbarger, Kelly, Westfall, Butler, Paynter, Hanshaw, Sobonya and Foster:**

**H. B. 4426** - "A Bill to amend and reenact § 22-11-6 of the Code of West Virginia, 1931, as amended, relating to the Department of Environmental Protection; standards of water quality and effluent limitations; establishing net permit limits; procedures for setting benchmarks and permit limits for storm water discharges; setting a time for submittal of discharge monitoring reports; and limiting reasons for major modification of permits"; to the Committee on the Judiciary.

**By Delegates Lane, Kelly, Zatezalo, Criss, Anderson, Fleischauer, Boggs, Caputo and Williams:**

**H. B. 4427** - "A Bill to amend and reenact §17-6-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-29-13 of said code; and to amend said code by adding thereto a new section, designated §17A-2-26; all relating to requiring federal fingerprint background checks for transportation network company drivers and taxi drivers; providing that the background check reports for transportation network company drivers be shared with the Division of Motor Vehicles; providing that the background check reports for taxi cab drivers be shared with the Public Service Commission; requiring complaints against transportation network companies or their drivers be investigated by the Division of Motor Vehicles; and requiring rulemaking"; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Foster, Cowles, Upson, Householder, Moore, Walters and Butler:**

**H. B. 4428** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3 and §21-1E-4; and to amend said code by adding thereto a new article designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to requiring the Division of Labor and occupational and licensing boards to recognize career technical training acquired in public schools and apprenticeships completed with employers; establishing a short title, and providing exceptions and applicability"; to the Committee on Education.

**By Delegates Lovejoy, R. Miller, Hollen, Hornbuckle, Canestraro, Rohrbach, Sobonya, Isner, Williams, Summers and Robinson:**

**H. B. 4429** - "A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Rowe, Miley, Hornbuckle, Robinson, Lovejoy, Pushkin, Fleischauer, Lane, Cooper, Rowan and Wagner:**

**H. B. 4430** - "A Bill to amend and reenact §18C-1-1, §18C-1-3 and §18C-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18C-7A-1, §18C-7A-2, §18C-7A-3, §18C-7A-4, §18C-7A-5, §18C-7A-6, §18C-7A-7, and §18C-7A-8, all relating to creation of a merit-based scholarship program for tuition and fee payments for certain students attending state community and technical college education programs"; to the Committee on Education then Finance.

**By Delegates Statler, Miley, Caputo, Fleischauer, Pethel, Williams, Pyles, Summers, Frich, Ward and Hamrick:**

**H. B. 4431** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, §20-14A-12, and §20-14A-13, all relating to establishing the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; providing definitions; establishing the Mountaineer Trail Network Recreation Authority; providing for a method of appointment to the board of the authority; prescribing the terms of appointment; describing the powers and duties of the authority; limiting the liability of landowners; setting forth purchasing and bidding procedures; providing civil remedies; providing for conflicts of interest; providing criminal penalties; providing for severability; establishing an effective date; and authorizing rule-making"; to the Committee on Government Organization then the Judiciary.

**By Delegates Statler, Anderson and Harshbarger:**

**H. B. 4432** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-2A-5, relating to requiring fifty percent of state vehicles use compressed natural gas, liquified natural gas or propane by December 31, 2025"; to the Committee on Government Organization then Finance.

**By Delegates Nelson, Boggs, Ambler, Anderson, Frich, Hamilton, C. Miller, Walters, Longstreth, Pethtel and Sponaugle:**

**H. B. 4433** - "A Bill recognizing and declaring certain claims against an agency of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof"; to the Committee on Finance.

**By Delegates Shott and Hanshaw:**

**H. B. 4434** - "A Bill to amend and reenact §3-5-23 of the Code of West Virginia, 1931, as amended; to clarify provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement, preventing candidates from a political party from using the provisions of the section to seek candidacy for office"; to the Committee on the Judiciary.

**By Delegates Lane, Westfall, Higginbotham, Moore, Storch, Blair, Walters, Hornbuckle, Byrd, Fleischauer and Pushkin:**

**H. B. 4435** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5, and §47-12-6, all relating to the Youth Mental Health Protection Act; providing for legislative findings; setting out a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for discipline of providers for a violation"; to the Committee on Health and Human Resources then the Judiciary.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2655**, Defining and establishing the crime of cyberbullying; 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. 42**), and there were—yeas 94, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Brewer, Canestraro, Ellington and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2655) 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. 2662**, Prohibiting the waste of game animals, game birds or game fish; 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. 43**), and there were—yeas 56, nays 39, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Blair, Butler, Caputo, E. Evans, Fast, Ferro, Fluharty, Folk, Frich, Hamrick, Hanshaw, Hartman, Howell, Isner, Jennings, Kelly, Kessinger, Love, Lovejoy, Lynch, Martin, McGeehan, Miley, Moore, Moye, Pethtel, Pyles, Robinson, Rowe, Sobonya, Sponaugle, Statler, Storch, Summers, Thompson, Wagner and Ward.

Absent and Not Voting: Brewer, Canestraro, Ellington and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2662) 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. 2696**, Relating to crossbow hunting; 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. 44**), 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: Brewer, Canestraro and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2696) 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. 4162**, Granting authority to the State Conservation Committee to contract for flood response; 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. 45**), 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: Brewer, Canestraro and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4162) 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. 4199**, Permitting a nursing home to use trained individuals to administer medication; on third reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

**Com. Sub. for H. B. 4251**, Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors; on third reading, coming up in regular order, was read a third time.

Delegate Marcum requested to be excused from voting on the passage of Com. Sub. for H. B. 4251 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. 46**), and there were—yeas 95, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Pyles.

Absent and Not Voting: Brewer, Canestraro and Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4251) 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. 2693**, Relating to state ownership of wildlife; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4156**, Establishing the qualifications of full and part time nursing school faculty members; on second reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

**Com. Sub. for H. B. 4230**, Relating to credit for reinsurance; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4329**, Requiring pawnbrokers to providing certain information to law-enforcement agencies; on second reading, coming up in regular order, was read a second time.

Delegate Martin moved to amend the bill on page one, section two-a, line four, after the word "authority" and the period, by inserting the following proviso: "*Provided further*, That pawnbrokers are not required to transmit pawn and purchase transaction information of firearms to an electronic database. Notwithstanding any provision of this code to the contrary, pawnbrokers shall comply with subsection (d), section (2) of this article."

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

The yeas and nays having been ordered, they were taken (**Roll No. 47**), and there were—yeas 14, nays 81, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Blair, Butler, Fast, Folk, Frich, Gearheart, Hill, Kelly, Kessinger, Martin, McGeehan, Paynter, Thompson and Wilson.

Absent and Not Voting: Brewer, Canestraro, Ellington and C. Romine.

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

The bill was then ordered to engrossment and third reading.

### 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. 2654**, Expanding county commissions' ability to dispose of county or district property,

**Com. Sub. for H. B. 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person,

**Com. Sub. for H. B. 4175**, Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment,

**H. B. 4178**, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies,

**Com. Sub. for H. B. 4275**, Relating to the law-enforcement authority of the director and officers of the division of protective services,

And,

**Com. Sub. for H. B. 4359**, Relating to the removal of animals left unattended in motor vehicles.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Brewer, Canestraro and Ellington.

### **Miscellaneous Business**

Delegate Wilson announced that he was absent today when the vote was taken on Com. Sub. for H. B. 2662, and that had he been present, he would have voted "Nay" thereon.

Delegate C. Romine noted to the Clerk that he was absent today when the vote was taken on Roll No. 47, and that had he been present, he would have voted "Nay" thereon.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate R. Miller during the debate regarding the amendment to Com. Sub. for H. B. 4329.
- Delegate Love during the debate on Com. Sub. for H. B. 2662
- Delegate Upson during the debate on Com. Sub. for H. B. 2655

Delegate Pack filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4349.

At 1:25 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 6, 2018.

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

## **HOUSE CALENDAR**

**Tuesday, February 6, 2018**

**28<sup>th</sup> Day**

**11:00 A. M.**

### **THIRD READING**

- Com. Sub. for H. B. 2693 - Relating to state ownership of wildlife (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4199 - Permitting a nursing home to use trained individuals to administer medication (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4230 - Relating to credit for reinsurance (SHOTT) (JANUARY 1, 2019)
- Com. Sub. for H. B. 4329 - Requiring pawnbrokers to providing certain information to law-enforcement agencies (SHOTT) (REGULAR)

### **SECOND READING**

- Com. Sub. for H. B. 2654 - Expanding county commissions' ability to dispose of county or district property (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3020 - Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4156 - Establishing the qualifications of full and part time nursing school faculty members (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4175 - Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment (ELLINGTON) (REGULAR)
- H. B. 4178 - Permitting certain portions of certified nurse aide training to be provided through distance learning technologies (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4275 - Relating to the law-enforcement authority of the director and officers of the division of protective services (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4359 - Relating to the removal of animals left unattended in motor vehicles (SHOTT) (REGULAR)

**FIRST READING**

H. B. 4332 - Relating to home peritoneal renal dialysis (ELLINGTON) (REGULAR)

Com. Sub. for H. B. 4350 - Eliminating the regulation of upholstery (HOWELL) (REGULAR)



**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**TUESDAY, FEBRUARY 6, 2018**

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

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

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

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

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

**PENSIONS & RETIREMENT  
4:00 P.M. – ROOM 460M**





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