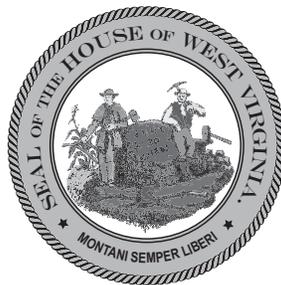


West Virginia Legislature

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February 7, 2018
TWENTY-NINTH DAY

Wednesday, February 7, 2018

TWENTY-NINTH 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 Tuesday, February 6, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Com. Sub. for H. B. 4020, Making technical corrections in the code when referencing chapter 49, still being in possession of the Clerk, was taken up for consideration.

On motions of Delegate Cowles, the House of Delegates then reconsidered the passage of the bill, as amended by the Senate, and the motion to concur in the Senate amendments.

On motion of Delegate Cowles, the House concurred in the Senate amendment with a title amendment, as follows:

Com. Sub. for H. B. 4020 – “A Bill to amend and reenact §7-4-4 and §7-4-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-7-2 of said code; to amend and reenact §7-10-2 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §15-2-15 of said code; to amend and reenact §15-2C-1 of said code; to amend and reenact §15-9-3 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §16-2F-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-9A-3 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §16-47-5 of said code; to amend and reenact §17C-5-6a of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-8-6a of said code; to amend and reenact §18A-5-1d of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §29-21-16 of said code; to amend and reenact §31-20-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-205 and §48-9-301a of said code; to amend and reenact §48-22-301 of said code; to amend and reenact §48-26-701 and §48-26-1002 of said code; to amend and reenact §48-27-403 of said code; to amend and reenact §49-1-201 of said code; to amend and reenact §51-2A-2 of said code; to amend and reenact §51-7-8 of said code; to amend and reenact §61-2-14h of said code; to amend and reenact §61-5-12b of said code; to amend and reenact §61-6-25 of said code; to amend and reenact §61-7-8 of said code; to amend and reenact §61-8-12 of said code; to amend and reenact §61-8B-11a of said code; to amend and reenact §61-8C-3b of said code; to amend and reenact §61-8D-9 of said code; to amend and reenact §61-11-23 of said code; to amend and reenact §61-12-10 of said code; and to amend and reenact §62-6B-5, all relating to clarifying and making technical corrections in the code when referencing chapter 49 of this code due to 2015 revisions to chapter 49 of said code; and defining terms.”

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 53**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Lane and Storch.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4020) passed.

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

Committee Reports

Delegate Espinosa, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4042, Redefining school zone to facilitate placement of school zone signs,

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. 4042) was referred to the Committee on the Judiciary.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4179, Transferring milk rules and regulations from Department of Health and Human Resources to Department of Agriculture,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4179) was referred to the Committee on Government Organization.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4295, Relating to farmers markets,

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. 4295) was referred to the Committee on the Judiciary.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4274, Relating to the operation of motorboats,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4274) was referred to the Committee on Finance.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4180, Relating to wildlife resources,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4180) was referred to the Committee on Government Organization.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4214, Increasing penalties for unlawfully possessing or digging ginseng,

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. 4214) 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. 4014, Relating to reorganization of the West Virginia Department of Health and Human Resources,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4014) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4320, Limiting the ability of an agent under a power of attorney to take self-benefiting actions,

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

Com. Sub. for H. B. 4320 - "A Bill to amend and reenact §39B-1-114 of the Code of West Virginia, 1931, as amended; and to amend and reenact §39B-2-101 of said code, all relating to limiting the ability of an agent under a power of attorney to take self-benefiting actions; clarifying the presumption that an act is not within the scope of authority granted in a power of attorney when an agent benefits from the act to the detriment of an ancestor, spouse, heir, or descendant; and clarifying the prohibition against an agent exercising authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise,"

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. 4307, Prohibiting the alcohol beverage commission from assessing a fee to another state agency,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4307) was referred to the Committee on Finance.

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. 4323, Relating to non-renewal of any certificate, license, registration, to any person who is delinquent in the payment of state or local taxes,

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. 4323) was 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. 4380, Making a supplementary appropriation to the Department of Agriculture,

H. B. 4381, Making a supplementary appropriation to the Department of Education,

H. B. 4384, Making a supplementary appropriation to the Department of Transportation,

And,

H. B. 4386, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services,

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. 2841, Requiring board members to have attended a board meeting in order to be compensated for the meeting,

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

Com. Sub. for H. B. 2841 – “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5F-2-8, relating to requiring board members to attend a board meeting in order to be compensated for that meeting; requiring the member to attest in writing to his or her attendance; requiring certain board members or officers to witness the same; and requiring records related to attendance of certain board meetings be kept for at least five years,”

And,

H. B. 4142, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment,

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

Com. Sub. for H. B. 4142 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4b, relating to providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority increases in annual pay: providing legislative findings; providing funding sources; providing that pay rates and employment requirements shall not be subject to procedures for state employees’ grievances; providing for primacy of section; limiting private causes of action; and, providing that if employee will make more than the maximum allowable by the Division of Personnel for the pay grade, this salary increase shall still take effect, and that employee shall make more than the pay grade maximum,”

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

Com. Sub. for S. B. 102 – “A Bill to amend and reenact §39B-2-101 of the Code of West Virginia, 1931, as amended; to amend and reenact §39B-3-101 of said code; and to amend said code by adding thereto a new article, designated §44-5B-1, §44-5B-2, §44-5B-3, §44-5B-4, §44-5B-5, §44-5B-6, §44-5B-7, §44-5B-8, §44-5B-9, §44-5B-10, §44-5B-11, §44-5B-12, §44-5B-13, §44-5B-14, §44-5B-15, §44-5B-16, §44-5B-17, §44-5B-18, and §44-5B-19, all relating to the Uniform Power of Attorney Act and the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing that an agent under power of attorney may exercise authority over the content of electronic communications sent or received by the principal; providing code references and additional language to the statutory form for power of attorney; creating the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing a short title; defining certain terms; setting forth to whom the article applies; providing for user direction for disclosure of assets with or without an online tool; addressing terms of service agreements; setting forth procedure for disclosing digital assets by custodian; allowing custodian to assess reasonable administrative charges; allowing custodian or fiduciary to seek court order when request imposes an undue burden; providing for disclosure of content of electronic communications and other digital assets of deceased users and setting forth required documentation; providing for disclosure of content of electronic communications and digital assets of a principal by custodian and setting forth required documentation; addressing disclosure of digital assets held in trust when the trustee is an original owner or user; addressing disclosure of contents of electronic communications held in trust and other digital assets when trustee is not an original owner or user and setting forth required documentation; addressing disclosure of digital assets to conservator of a protected person and setting forth required documentation; setting forth fiduciary’s duties and authority; providing for custodian’s compliance and immunity; setting time frame for compliance by custodian; authorizing application for court order for noncompliance; allowing custodian to notify user, deny a request, or receive a court order; providing for uniformity of application and construction of article; addressing relation of article to Electronic Signatures in Global and National Commerce Act; and providing for severability of article”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 181 - “A Bill to amend and reenact §64-6-1, §64-6-2, and §64-6-3 of the Code of West Virginia, 1931, as amended, all relating generally to the Department of Military Affairs and Public Safety; authorizing and directing certain agencies to promulgate certain legislative rules as filed and as modified and repealing an obsolete rule; authorizing the State Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs; directing the State Fire Marshal to promulgate a legislative rule relating to electrician licensing; authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to protocol for law-enforcement response to domestic violence; and repealing a Governor’s Committee on Crime, Delinquency and Correction rule relating to motor vehicle stop data collection standards for the study of racial profiling”; 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. 244 - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to specifying the conditions under which it is unlawful to possess a firearm or other deadly weapon at school-sponsored functions; revising the conditions under which a retired law-enforcement officer may possess a firearm or other deadly weapon on a school bus, in a public

primary or secondary education building, structure, facility or grounds, or at certain school-sponsored functions; and revising conditions for which certain persons holding a valid concealed handgun permit can possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school”; which was referred to the Committee on Education 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. 393 - “A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-23-4 of said code; all relating to the compensation and composition of the West Virginia Racing Commission”; which was referred to the Committee on Government Organization 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. 425 - “A Bill to amend and reenact §8-22-25a of the Code of West Virginia, 1931, as amended, relating to removing sunset dates upon which members of the policemen’s or firemen’s pension and relief fund are eligible for and elect to commence participation in a deferred retirement option plan”; which was referred to the Committee on Pensions and Retirement 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. 462 - “A Bill to amend and reenact §5-10-29 and §5-10-32 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-7 of said code; to amend and reenact §8-22A-8 of said code; to amend and reenact §15-2-26 of said code; to amend and reenact §15-2A-5 of said code; to amend and reenact §16-5V-8 of said code; to amend and reenact §18-7A-14; and to amend and reenact §51-9-2 and §51-9-4 of said code, all relating to establishing a pension contribution holiday for plans administered by the Consolidated Public Retirement Board when funding for certain public retirement plans”; which was referred to the Committee on Pensions and Retirement 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. 463 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-7-5A, relating to authorizing the establishment of a work group to examine the potential benefit and need of transferring some or all authority to promulgate milk rules and regulations from the Department of Health and Human Resources to the Department of Agriculture”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

Resolutions Introduced

Pursuant to House Rule 109, the following resolution was offered by Delegates Mr. Speaker (Mr. Armstead), Nelson, Ambler, Anderson, Butler, Capito, Cooper, Cowles, Criss, Dean, Ellington, Espinosa, Frich, Gearheart, Graves, Hamilton, Hamrick, Harshbarger, Higginbotham, Hill, Hollen,

Householder, Howell, Jennings, Kelly, Kessinger, Lane, Martin, McGeehan, C. Miller, Overington, Pack, Phillips, Queen, Rohrbach, Rowan, Shott, Sobonya, Statler, Storch, Summers, Upson, Walters, Westfall, White, Zatezalo, A. Evans and Folk:

H. R. 5 - "Requesting that the West Virginia Public Employees Insurance Agency (PEIA) Finance Board maintain its current financial plan for the coming year."

Whereas, On December 7, 2017, the West Virginia Public Employees Insurance Agency (PEIA) Finance Board (the Board) adopted the PEIA financial plan for the coverage of health care and health costs for Plan Year 2019 (the 2019 Plan), which begins July 1, 2018; and

Whereas, The 2019 Plan differs extensively from the current financial Plan in many particulars; and

Whereas, The 2019 Plan significantly increases costs to many Plan members as the result of those differences;

Whereas, Among the differences between the plans resulting in these increased costs are changes which would increase premiums, co-payments and coinsurance; for the first time use new "total family income" criteria as a basis for calculating premiums; reduce the number of salary index codes for determining premiums; reduce the number of coverage tiers; and institute financial penalties for declining to participate in one or more PEIA programs; and

Whereas, The Finance Board's goal when adopting these changes was to provide a fair plan for all, given the pressures of the escalating costs of health care and prescription drugs; and

Whereas, Notwithstanding the laudable efforts of the Finance Board, the House of Delegates finds that the changes to the Plan may have unintended consequences that could result in unfair and undue hardship to Plan members; and

Whereas, Governor Jim Justice and Legislative leaders have indicated that the suspension in the implementation of the 2019 Plan as adopted December 7, 2017, is desirable to allow lawmakers, PEIA officials and Plan members time to offer more input and consider all options over the coming year to ensure a fair structure for Plans in future years; and

Whereas, Maintaining the provisions of the current financial plan during the upcoming year while further consideration is given to developing a fairer plan is in the best interests of the Plan members and the State of West Virginia; and

Whereas, The Finance Board is scheduled to meet February 20, 2018, to reconsider its adoption of the 2019 Plan; now, therefore, be it

Resolved by the House of Delegates:

That it is the recommendation of the House of Delegates that the PEIA Finance Board suspend implementation of the financial plan as adopted December 7, 2017 for Plan Year 2019; and, be it

Further Resolved, That the Board adopt a new financial plan for Plan Year 2019, that returns to the general provisions of the current financial plan for Plan Year 2018; and, be it

Further Resolved, That the Board continue to work with lawmakers and officials, Plan members and others throughout the remainder of the year toward a more equitable plan that best serves our teachers, state and other public employees, as well as the taxpayers.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 5) to a committee was dispensed with, and it was taken up for immediate consideration.

Delegate Miley was recognized and asked and obtained unanimous consent that any member be permitted to be added as a cosponsor of H. R. 5 by informing the Clerk.

Subsequently,

Delegate Hanshaw then asked and obtained unanimous consent that all members who vote in favor of the resolution be listed as a cosponsor unless the member indicates to the Clerk that they did not want to be a cosponsor.

The question now being on the adoption of the resolution, Delegate Cowles demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 54**), and there were—yeas 97, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates.

Absent and Not Voting: Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 5) adopted.

Delegates Lynch and Boggs offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 6 - "Encouraging the extension of appropriate public service district water systems to serve the residents on Bug Ridge in Braxton County and Erbacon Mountain in Webster County."

Whereas, The House of Delegates recognizes that public service districts may fail to serve residents living on ridge areas when the cost of extension of uphill water lines becomes a barrier; and

Whereas, It is our fervent hope that situations such as this may be resolved to the satisfaction of all parties involved and that the cost is not prohibitive to either the public service district water system or the residents; therefore, be it

Resolved by the House of Delegates:

That support and encouragement be expressed by the members that the appropriate public service district water systems provide the extension of services to the residents on Bug Ridge in Braxton County and Erbacon Mountain in Webster County; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the appropriate public service district water systems in Braxton County and Webster County.

Delegates Kelly, Anderson, Higginbotham, Hollen, Deem, Criss, Pethtel, Harshbarger, Storch, Zatezalo and Miley offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

H. R. 7 - "Requesting West Virginia leaders urge federal policymakers to support the identified legislation and other bills, resolutions, or policies advancing the development of an Appalachian Storage Hub."

Whereas, The Appalachian region, defined here as Kentucky, Ohio, Pennsylvania, and West Virginia, contains world-class supplies of natural gas and natural gas liquids (NGL) that contribute to the nation's energy dominance; and

Whereas, Harnessing those supplies by constructing an Appalachian Storage Hub constitutes a major infrastructure (storage caverns and pipelines) investment and jobs program for residents of the Appalachian region; and

Whereas, Natural gas liquids are the major feedstock of the chemical industry and the region contains enough feedstock to attract \$35 billion in new chemical and plastics industry investment; and

Whereas, Chemical and plastic industry investments of this scale could create 100,000 new jobs, \$28 billion in new economic output, more than \$6 billion in annual payroll, and nearly \$3 billion a year in new federal, state, and local tax revenue; and

Whereas, A petrochemical feedstock storage hub located in the heart of Appalachia could support major energy, infrastructure, and manufacturing job creation opportunities; and

Whereas, Supporting the "*Appalachian Energy and Manufacturing Infrastructure Revitalization Act - S. 1340*" would improve the infrastructure permitting process by directing the secretaries of Energy and Commerce to approve the project as an Appalachian ethane storage hub, identify the lead federal and state agency liaisons, and coordinate with them on designating the project; and

Whereas, *S. 1340* directs the Federal Energy Regulatory Commission (FERC) to consider relevant licenses and permits for the requisite pipeline infrastructure, and then requires the other federal agencies to complete consideration of their respective permits within 60 days of the completion of the FERC licensing or have their jurisdictional permits deemed approved; and

Whereas, Supporting the "*Capitalizing on American Storage Potential (CASP) Act - H.R. 3143/S.1337*" would make a regional NGL storage hub eligible for the Department of Energy's successful Title XVII loan guarantee program; and

Whereas, Supporting the "*Appalachian Ethane Storage Hub Study Act of 2017- S. 1075/ H.R. 2568*" would help assess the feasibility and potential benefits of establishing a subterranean ethane storage and distribution hub in central Appalachia; and

Whereas, The Appalachian Storage Hub may be a beneficiary of a Department of Energy loan guarantee and Congress should renew its support for and fully fund the Department of Energy's highly successful Loan Programs Office; therefore, be it

Resolved by the House of Delegates:

That the State of West Virginia urges federal policymakers to support the identified legislation and other bills, resolutions, or policies advancing the development of an Appalachian Storage Hub; and, be it

Further Resolved, That the Clerk of the West Virginia House of Delegates is hereby requested to distribute a copy of this resolution to the President, congressional members from West Virginia, Kentucky, Pennsylvania, Ohio, and the U.S. Secretary of Energy.

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

H. C. R. 51 - "Requesting the Division of Highways to name bridge number 17-50-14.25 (17A195), locally known as the Adamston Bridge, carrying U.S. 50 over the West Fork River in Harrison County, the 'Gill Brothers World War II Veterans' Memorial Bridge'."

Whereas, Brothers William A. Gill Jr., James E. Gill, Jack S. Gill, and Foster Ray Gill honorably served their nation and state during World War II; and

Whereas, Sergeant William A. Gill Jr., born on November 16, 1916, in Clarksburg, West Virginia, enlisted in the United States Army on July 8, 1942, and served in the European and North African theaters of war; he received the Good Conduct Medal, the American Theater Service Ribbon, the European-African-Middle Eastern Service Ribbon, and the World War II Victory Ribbon and was honorably discharged on February 28, 1946; and

Whereas, Sergeant James E. Gill was born on July 7, 1918, in Clarksburg, West Virginia, enlisted in the West Virginia National Guard on April 1, 1944; he was honorably discharged on September 21, 1945; and

Whereas, Private Jack S. Gill was born on June 14, 1920, in Clarksburg, West Virginia, enlisted in the United States Army on June 9, 1942, and served in the European theater of war; Pvt. Gill received the Purple Heart Medal for wounds sustained in France in 1944, as well as the American Theater Service Ribbon, European-African-Middle Eastern Service Ribbon, the Good Conduct Medal, and World War II Victory Ribbon; he was honorably discharged on October 29, 1945; and

Whereas, Corporal Foster Ray Gill was born on February 23, 1924, in Clarksburg, West Virginia, enlisted in the United States Army on March 22, 1943, and served in the European theater of war; Cpl. Gill received the Good Conduct Medal, the European-African-Middle Eastern Service Ribbon, and the World War II Victory Ribbon and was honorably discharged on December 2, 1945; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-50-14.25 (17A195), locally known as the Adamston Bridge, carrying U. S. 50 over the West Fork River in Harrison County, the "Gill Brothers World War II Veterans' Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and erected signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Gill Brothers World War II Veterans' Memorial Bridge"; and, be it

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

Delegate Thompson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 52 - "Requesting the Commissioner of the Division of Highways to name bridge number 50-152-5.70 (50A112), locally known as the Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, the 'Curtis 'Pap' and Millie 'Mammie' Asbury Bridge'."

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife Millie Ferguson was born on April 24, 1924. This couple was married in 1939; and

Whereas, Curtis and Millie Asbury established, owned and operated Asbury's Grocery located at the entrance to Cabwaylingo Park Road for 52 years. The grocery store became a vital source for community members. For five generations, the store not only provided necessary food and other goods but also became a meeting place for community members to gather in the mornings and evenings to discuss everything from politics to family life. It was the bus stop where school children of all ages would go and be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie's kindness and generosity. The love they both had for our community was displayed by their hardworking, gentle, giving spirits. They were devoted to making our small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly and encouraging and guiding the youth. They helped develop and organize our small community by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone's "Mammie" and "Pap". Curtis and Millie Asbury have touched every family in this small community and they should be honored by having this bridge named to commemorate them; and

Whereas, This dedication would serve as an ongoing reminder of Curtis and Millie's commitment to making our community a better place to live and to making our citizens better people; therefore, be it

Resolved by the Legislature of West Virginia:

That the Commissioner of the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), locally known as the Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, the "Curtis 'Pap' and Millie 'Mammie' Asbury Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create and erect signs at both ends of the bridge proclaiming the bridge the "Curtis 'Pap' and Millie 'Mammie' Asbury 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.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Mr. Speaker (Mr. Armstead), Delegates Kessinger, Rowan, Ward, Fast, C. Romine, Frich, Hollen, Graves, Jennings and Harshbarger:

H. J. R. 111 - "Proposing an amendment to the Constitution of the State of West Virginia to amend article six thereof by adding thereto a new section, designated section fifty-seven, and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Health and Human Resources then the Judiciary.

Motions

Delegate Sponaugle was recognized and moved, pursuant to House Rule 82, that H. B. 4346 be discharged from the Committee on Government Organization.

Delegate Cowles moved that the motion be tabled.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 55**), and there were—yeas 57, nays 41, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Ward and Williams.

Absent and Not Voting: Lane.

So, a majority of the members present and voting having voted in the affirmative, the motion to discharge was laid on the table.

Bills Introduced

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

By Delegates Shott, Hanshaw, Moore, C. Miller, Harshbarger, Fast, Lane, Hollen, Capito and Summers:

H. B. 4447 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31G-5-1, §31G-5-2, and §31G-5-3, all relating to providing a uniform and efficient system of broadband conduit installation coinciding with the construction, maintenance or improvement of highways, and right-of-way under the oversight of the Division of Highways"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Thompson, Marcum, Hicks, Rodighiero, R. Miller, Campbell and Dean:

H. B. 4448 - "A Bill to amend and reenact §18-7A-25 of the Code of West Virginia, 1931, as amended, relating to the State Teachers Retirement System, permitting retirement after 25 years of contributing service, regardless of age"; to the Committee on Pensions and Retirement then Finance.

By Delegates Walters and Hamilton:

H. B. 4449 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-13; and to amend and reenact §61-10-20 of said code, all relating to failure of employers to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board; authorizing the State Auditor, county commission or sheriff of the county to withhold monies due to a public employer that is delinquent in required contributions to a retirement plan after the Consolidated Public Retirement Board has certified the delinquency; authorizing withheld monies to be applied to the retirement system the delinquent payments would have been made to; providing for interest on delinquencies; making it a criminal offense for employers to knowingly and willfully fail to make required contributions; and providing criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegates Rohrbach and Lovejoy:

H. B. 4450 - "A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-19-2a, all relating to taxes on soft drinks and soft drink syrups; and changing persons responsible for the taxes"; to the Committee on Finance.

By Delegates Shott, Hanshaw, Howell, Fast, Mr. Speaker (Mr. Armstead), Lane, Moore, Zatezalo, Hollen, Harshbarger and Capito:

H. B. 4451 - "A Bill to amend and reenact §15-9-4 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4 and §15-9C-5, all relating to creating the West Virginia Sentencing Commission; establishing the commission as a standing subcommittee of the Governor's committee on crime, delinquency and correction; authorizing commission to seek and utilize funding and grants; setting forth legislative findings; establishing composition and membership of commission; setting forth the powers and duties of the commission; setting forth objectives for the commission; directing commission provide annual assessment and recommendations to the Legislature; and authorizing the commission to make additional recommendations to the Legislature"; to the Committee on the Judiciary.

By Delegates Moore, Atkinson, Hill, Howell, Upson, Zatezalo, Westfall and Storch:

H. B. 4452 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13Y-3a; to amend and reenact §11-21-8 of said code; and to amend said code by adding thereto a new section, designated §11-24-5a, all relating to creating newly-established small business tax credits; providing for application of new credits against corporate net income tax and personal income tax in the amount of certain property taxes paid; providing definitions; disallowing carryover of credit; requiring certain schedules; providing effective date; providing for application of new credit against corporate net income tax and personal income tax in an amount calculated and determined so as to result in an effective rate of tax of one percent per annum on state income derived from a newly-established small business; providing limitations; establishing termination date for availability of credits; and eliminating language relating to an expired severance tax credit"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Shott, Fleischauer, Pethtel, Isner, Lovejoy, Hornbuckle, Byrd, Canestraro, Lane, Moore and Summers:

H. B. 4453 - "A Bill to amend and reenact §9-2-13 of the Code of West Virginia, 1931, as amended, relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review; and correcting an error by changing 'not' to 'or'"; to the Committee on the Judiciary.

By Delegates Caputo, Longstreth, Boggs, Ward, Hartman, Barrett, Hamilton, Lynch, Hicks, Westfall and Miley:

H. B. 4454 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-15a; to amend said code by adding thereto a new section, designated §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto a new section, designated §33-24-45; to amend said code by adding thereto a new section, designated §33-25-22; and to amend said code by adding thereto a new section, designated §33-25A-36, all relating to the assignment of certain benefits in dental care insurance coverage"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Overington, Isner, Kessinger, Harshbarger, Queen, Fast, Foster, Canestraro, Paynter, R. Miller and Martin:

H. B. 4455 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to the criminal offense of bestiality; prohibiting activities connected with bestiality; establishing criminal penalties; providing for forfeiture of animals, payment of associated costs, and restrictions on owning animals upon conviction; and requiring psychiatric evaluation and counseling"; to the Committee on the Judiciary.

By Delegates Fleischauer, Longstreth, Bates, Storch, Graves, Sobonya, C. Miller, Lovejoy, Robinson, Isner and Pushkin:

H. B. 4456 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-5-3a, relating to orders or decisions involving claims of sexual harassment, sexual abuse or sexual assault; prohibiting confidential financial terms of settlement or nondisclosure of defendant; penalties"; to the Committee on the Judiciary.

By Delegates Rohrbach, Sobonya, C. Miller, C. Romine, Lovejoy, Hornbuckle, Sypolt and Summers:

H. B. 4457 - "A Bill to amend and reenact §16-5B-18 of the Code of West Virginia, 1931, as amended, relating to designation of hospitals for stroke treatment; adding a designation as a thrombectomy-capable stroke center; modifying the make-up of the advisory committee; requiring approval of legislative rules by the advisory committee prior to filing; providing for a database; and prohibiting certain inspections of hospitals conducted by the Department of Health and Human Resources"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Butler, Sobonya, Folk, Frich, Kelly, Zatezalo, Ward, Paynter, Maynard, C. Miller and Sypolt:

H. B. 4458 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, §5-30-7 and §5-30-8; all relating to creating Citizen and State Accountability Act; authorizing departments, agencies, and officials of state or local government to apply for major and minor grant agreements; establishing the requirements for applying for the grant agreements; requiring reports; requiring written consent of major grant requests by the Governor; permitting the Governor to prohibit the submission of a minor grant application or prohibit the acceptance of any such grant; repealing all statutes that conflict with the Citizen and State Accountability Act; and defining terms"; to the Committee on Government Organization then Finance.

By Delegate Eldridge:

H. B. 4459 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-9-605, relating to permitting parents to petition the court for visitation on Mother's Day and Father's Day"; to the Committee on the Judiciary.

By Delegates Hartman, Lynch, Sponaugle, Caputo, Iaquina and Brewer:

H. B. 4460 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-11b; and to amend said code by adding thereto a new section, designated §60-6-27, all relating to allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for the retail sale of nonintoxicating beer and alcoholic liquors to a duly organized nonprofit corporation, limited liability entity or an association having received federal tax-exempt status, when raising money for artistic, athletic, charitable, educational or religious purposes"; to the Committee on Government Organization then Finance.

By Delegates Upson, Householder, Statler, Espinosa and Blair:

H. B. 4461 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §30A-1-1, §30A-1-2, §30A-2-1, §30A-2-2, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2-6, and §30A-2-7, all relating to using records of criminal conviction to disqualify a person from receiving a license or other authorization to practice an occupation; defining the scope of the law and defining terms; requiring specificity in defining disqualifying offenses; establishing time limits; barring political subdivisions from creating restrictions for new license categories; providing a petition process to review the effect of a criminal record; and requiring state authorities to update legislative rules"; to the Committee on Government Organization then the Judiciary.

By Delegates Byrd, Hollen, Folk, Criss, Robinson, Phillips, Dean, Kelly, Westfall, Canestraro and Summers:

H. B. 4462 - "A Bill to amend and reenact §15-2-18 of the Code of West Virginia, 1931, as amended, relating to allowing off duty members and officers of the department of public safety to guard private property"; to the Committee on the Judiciary.

By Delegate Eldridge:

H. B. 4463 - "A Bill to amend and reenact §16-49-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Clearance for Access: Registry and Employment Screening Act; and adding applicants for child care and foster care subject to background checks"; to the Committee on the Judiciary.

By Delegate Eldridge:

H. B. 4464 - "A Bill to amend and reenact §18-7D-6 of the Code of West Virginia, 1931, as amended, relating to extending the time that teachers may pay into the State Teachers Retirement System after transfer from the Teachers' Defined Contribution Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegate Summers:

H. B. 4465 - "A Bill to amend and reenact §30-36-2, §30-36-7, §30-36-9, §30-36-10, §30-36-14, §30-36-17 and §30-36-18 of the Code of West Virginia, 1931, as amended, all relating to authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; defining terms; providing rulemaking and emergency rulemaking authority; requiring certificates; establishing qualifications for certificate holders; providing for the surrender of certificates; limiting scope; prohibiting advertising; and providing for the suspension or revocation of certificates"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Fluharty, Barrett, Byrd, Fleischauer, Hornbuckle, Pushkin, Robinson, Sponaugle, Williams and Pyles:

H. B. 4466 - "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to expanding the amount of PROMISE scholarship funds awarded to persons majoring in science, technology, engineering and mathematics fields"; to the Committee on Education then Finance.

By Delegates Rowan, Wilson, Lane, Rohrbach, Ambler, Butler, Paynter, C. Miller, Fast, A. Evans and Frich:

H. B. 4467 - "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, and §16-54-4, all relating to creating the Nondiscrimination in Involuntary Denial of Treatment Act; requiring the provision of medical treatment under certain circumstances; requiring the disclosure of policies related to the life-preserving treatment a patient may receive or be denied; requiring the Department of Health and Human

Resources to maintain and report on certain information”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Fleischauer, Williams, Pyles, Fluharty, Ferro, Pethtel, Iaquina, E. Evans, Campbell, Dean and Ambler:

H. B. 4468 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-16-28, relating to providing that state retirees’ insurance benefits be restored to the benefit levels that existed in 2015”; to the Committee on Pensions and Retirement then Finance.

By Delegates Sponaugle, Caputo, Miley, Isner, Diserio, Robinson, Pushkin, Fluharty, Lovejoy, R. Miller and Williams:

H. B. 4469 - “A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing the salaries of public school teachers over a five-year period”; to the Committee on Education then Finance.

House Calendar

Third Reading

Com. Sub. for H. B. 2654, Expanding county commissions’ ability to dispose of county or district property; 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. 56**), and there were—yeas 97, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Love.

Absent and Not Voting: Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2654) 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. 3020, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person; 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. 57**), and there were—yeas 96, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fleischauer and Fluharty.

Absent and Not Voting: Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3020) 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. 4156, Establishing the qualifications of full and part time nursing school faculty members; 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. 58**), 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: Householder, Lane and Pyles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4156) passed.

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

On this question, the yeas and nays were taken (**Roll No. 59**), 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: Householder, Lane and Pyles.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4156) takes effect from its passage.

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

Com. Sub. for H. B. 4175, Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment; on third reading, coming up in regular order, was read a third time.

Delegate Wilson requested to be excused from voting on the passage of Com. Sub. for H. B. 4175 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. 60**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Householder and Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4175) passed.

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

H. B. 4178, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies; 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. 61**), and there were—yeas 94, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Isner.

Absent and Not Voting: Householder, Lane, Robinson and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4178) 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. 4275, Relating to the law-enforcement authority of the director and officers of the division of protective services; 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. 62**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Householder and Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4275) 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. 4359, Relating to the removal of animals left unattended in motor vehicles; 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. 63**), and there were—yeas 96, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Householder and Lane.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4359) 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

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

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

And,

Com. Sub. for H. B. 4350, Eliminating the regulation of upholstery.

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. 4023, Relating to the regulation of dialysis technicians,

H. B. 4025, Permitting reciprocity for licensure as a pharmacy technician,

Com. Sub. for H. B. 4186, Relating generally to guaranteed asset protection waivers,

Com. Sub. for H. B. 4236, Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division,

Com. Sub. for H. B. 4276, Allowing magistrates to grant work release privileges,

And,

H. B. 4410, Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leave of absence for the day was granted Delegate Lane.

Remarks by Members

Pursuant to House Rule 61, Delegate Sponaugle moved to take from the table the motion to discharge H. B. 4346.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 64**), and there were—yeas 42, nays 56, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Wagner, Ward and Williams.

Absent and Not Voting: Lane.

So, a majority of the members present and voting not having voted in the affirmative, the motion to take from the table the motion to discharge H. B. 4346 was rejected.

Miscellaneous Business

Pursuant to House Rule 94b, Members filed forms with the Clerk's Office to be removed as a cosponsor of the following bills:

- Delegate Rohrbach for H. B. 4287
- Delegate Queen for H. B. 4294
- Delegate Kelly for H. B. 4403
- Delegate Sobonya for H. B. 4413

Pursuant to House Rule 94b, Members filed forms with the Clerk's Office to be added as a cosponsor of the following bills:

- Delegate Shott for H. B. 4400
- Delegate Frich for H. B. 4042 and H. B. 4449

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 Boggs regarding veterans
- Delegate Robinson during Remarks by Members
- Delegate Sponaugle during Remarks by Members
- Delegate Cooper during Remarks by Members

At 12:45 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 8, 2018.

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

HOUSE CALENDAR

Thursday, February 8, 2018

30th Day

11:00 A. M.

THIRD 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)

SECOND READING

- Com. Sub. for H. B. 4023 - Relating to the regulation of dialysis technicians (HOWELL) (REGULAR)
- H. B. 4025 - Permitting reciprocity for licensure as a pharmacy technician (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4186 - Relating generally to guaranteed asset protection waivers (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4236 - Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4276 - Allowing magistrates to grant work release privileges (SHOTT) (REGULAR)
- H. B. 4410 - Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2841 - Requiring board members to have attended a board meeting in order to be compensated for the meeting (NELSON) (REGULAR)
- Com. Sub. for H. B. 4142 - Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment (NELSON) (REGULAR)

- Com. Sub. for H. B. 4320 - Limiting the ability of an agent under a power of attorney to take self-benefiting actions (SHOTT) (REGULAR)
- H. B. 4380 - Making a supplementary appropriation to the Department of Agriculture (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4381 - Making a supplementary appropriation to the Department of Education (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4384 - Making a supplementary appropriation to the Department of Transportation (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4386 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services (NELSON) (EFFECTIVE FROM PASSAGE)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, FEBRUARY 8, 2018

HOUSE CONVENES AT 11:00 A.M.

**SMALL BUSINESS, ENTREPRENEURSHIP & ECONOMIC DEVELOPMENT
9:00 A.M. – ROOM 434M**

**BANKING & INSURANCE
10:00 A.M. – ROOM 215E**

**SENIOR CITIZEN ISSUES
1:00 P.M. – ROOM 215E**

**PREVENTION & TREATMENT OF SUBSTANCE ABUSE
2:00 P.M. – ROOM 215E**

**HEALTH & HUMAN RESOURCES
2:30 P.M. – ROOM 215E**

FRIDAY, FEBRUARY 9, 2018

**PUBLIC HEARING-COMMITTEE ON THE JUDICIARY
8:30 A.M. – HOUSE CHAMBER
H. B. 4268, CO-TENANCY MODERNIZATION AND MAJORITY
PROTECTION ACT.**

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