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February 28, 2018

FIFTIETH DAY

Wednesday, February 28, 2018

FIFTIETH DAY

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 9:00 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 27, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for H. B. 4235, on Third reading, Special Calendar, to the Special Calendar.

Committee Reports

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

S. B. 626, Relating generally to coal mining,

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 (S. B. 626) was referred to the Committee on the Judiciary.

Delegate Walters, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

S. B. 425, Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan,

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

In accordance with the former direction of the Speaker, the bill (S. B. 425) was referred to the Committee on Finance.

Delegate Walters, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

S. B. 339, Relating to WV Retirement Health Benefit Trust Fund within PEIA,

And,

Com. Sub. for S. B. 501, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System,

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 Finance.

In accordance with the former direction of the Speaker, the bills (S. B. 339 and Com. Sub. for S. B. 501) were each referred to the Committee on Finance.

Messages from the Executive

Mr. Speaker, Mr. Armstead presented a communication from His Excellency, the Governor, advising that on February 27, 2018, he approved **Com. Sub. for S. B. 154, Com. Sub. for S. B. 163, Com. Sub. for S. B. 165, Com. Sub. for S. B. 184, S. B. 379, S. B. 382, S. B. 384, Com. Sub. for S. B. 386, S. B. 388, Com. Sub. for H. B. 2831, Com. Sub. for H. B. 4162, and Com. Sub. for H. B. 4242.**

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. 82 - "A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding leukemia, lymphoma, or multiple myeloma arising out of and in the course of employment as a firefighter on July 1, 2023, absent legislative action to the contrary; and eliminating outdated and obsolete language"; 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. 331 - "A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature; and providing that persons who first become members of the retirement system after June 30, 2018,

shall have their final average salary calculated based on total years of service; and providing that members of the Legislature shall receive one day of credited service for each day paid"; 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

Com. Sub. for S. B. 426 - "A Bill to repeal §7-1-3ss of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-3, §11-16-5, §11-16-6a, §11-16-6b, §11-16-9, and §11-16-18 of said code; to amend said code by adding thereto a new section, designated §11-16-11b; to amend and reenact §60-1-5a of said code; to amend said code by adding thereto a new section, designated §60-2-17a; to amend and reenact §60-3-12 of said code; to amend and reenact §60-3A-18 and §60-3A-25 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-2, §60-7-3, §60-7-4, §60-7-5, §60-7-6 §60-7-12, and §60-7-13 of said code; to amend said code by adding thereto a new section, designated §60-7-8a; to amend and reenact §60-8-3, §60-8-20, and §60-8-34 of said code; and to amend and reenact §61-8-27 of said code, all relating generally to modernizing certain nonintoxicating beer, nonintoxicating craft beer, beer, wine, and liquor laws by permitting certain hours of operation; defining terms; repealing section of the code authorizing county option elections on Sunday sales; defining terms; removing the two growler limit per patron per day for licensees who sell growlers for off- premises consumption; increasing allowable growler size to 128 ounces; creating a sampling license for retailers authorized to sell growlers and setting a fee for the license; placing limitations on complimentary samples; requiring complimentary food be available; setting forth age restrictions; placing restrictions on licensed representatives of a brewer, resident brewer, or distributor who attend sampling events; creating a temporary license for nonintoxicating beer floorplan extensions of existing licensee floorplans; implementing a fee for the new license; implementing a reactivation fee for licensees that fail to timely file their renewal applications and pay their license fees; creating a one-day special license for certain nonprofit and tax exempt entities hosting artistic, athletic, charitable, educational, or religious events to purchase and sell nonintoxicating beer and nonintoxicating craft beer; providing limitations on special licenses; setting forth requirements for special licenses; setting forth the commissioner's authority; reducing the membership requirement for a private golf club; creating alternating wine proprietorships for wineries and farm wineries; setting forth requirements for the parties to the alternating wine proprietorship agreements; setting forth production standards, including amount of raw West Virginia products which are required to be used; licensure requirements; clarifying that the Alcohol Beverage Control Administration may request the assistance of county and municipal law enforcement; clarifying days and hours for liquor sales; permitting a distillery or mini-distillery to apply, pay the fee, and qualify for a Class A private club license; clarifying types of sales permitted by a distillery or mini-distillery; providing a 5 percent markup rate for mini-distilleries for sampling; declaring that the mere addition of a mini-distillery does not change the nature or use of agricultural property for building code and property tax classification purposes; clarifying sampling procedures and requirements for wineries and farm wineries; prohibiting the adulteration of any alcoholic liquor by adding liquid designed to increase alcohol content or potency; permitting certain charitable events to auction wine bottles for off-premises consumption; penalties; clarifying that certain West Virginia licensees can only sell liquor by the drink; clarifying certain requirements for licensure; clarifying prohibition on liquor bottle sales in Class A licenses; providing guidance on certain lawful conduct such as wine bottle sales and frozen drink machines, and prohibiting the sale of premixed alcoholic liquors, with certain exceptions; creating a private club and carryout license with attendant requirements therefor; permitting the sale of wine in Division II and III college stadiums; creating a private fair and festival license; setting forth qualifications for applicants; placing limitations on complimentary samples; reducing membership requirement for a private golf club; requiring complimentary food be available; setting forth age restrictions; placing restrictions on licensed representatives of a brewer, resident brewer, or

distributor who attends or operates sampling events; clarifying that private resort hotel licensees may operate a resident brewer and brew pub; authorizing issuance of private club and carryout licenses and establishing criteria and setting a fee therefor; authorizing issuance of private hotel licenses and establishing criteria and fees therefor; setting forth qualifications for applicants; setting a license fee; permitting minors to attend private fairs or festivals under certain conditions; requiring a private club licensee to timely notify emergency medical services or law enforcement of a life-threatening medical emergency occurring on the licensee's premises; authorizing sanctions against licensees failing to notify such personnel as required; requiring a licensee to notify the Alcohol Beverage Control Administration within 48 hours of the occurrence of a life-threatening emergency; clarifying prohibition against bring your own bottle with exceptions for wine under certain circumstances; directing the commissioner to propose rules for allowing patrons to bring wine into licensed premises and restaurant facilities with an allowance for a corkage fee; stating that any such rule shall not take effect until approved by the Legislature; permitting the commissioner to sanction a licensee for failing to comply with the 48-hour notification requirement; providing examples of life-threatening medical emergencies; authorizing the promulgation of emergency rules; and requiring promulgation of proposed legislative rules"; which was referred to the Committee on the Judiciary the 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. 434 - "A Bill to amend and reenact §30-3C-1 and §30-3C-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3C-5, all relating to discovery in certain proceedings; defining terms; specifying certain documents that are confidential and not subject to discovery; providing that a person who testifies before a review organization or is a member of a review organization shall not be required to testify or asked about his or her testimony; providing that peer review proceedings, communications, and documents of a review organization are confidential and privileged and shall not be subject to discovery; providing that an individual may be given access to documents used as basis for an adverse professional review action, subject to a protective order as may be appropriate; providing that privilege is not deemed to be waived unless the review organization executes a written waiver; and addressing original source materials"; 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. 443 - "A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to requiring the department to file a petition to terminate parental rights when parents have not had contact or attempted contact with a child in 18 consecutive months from the removal order; and creating exceptions thereto"; which was referred to the Committee on Health and Human 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

Com. Sub. for S. B. 465 - "A Bill to amend and reenact §49-2-803 of the Code of West Virginia, 1931, as amended, relating generally to mandated reporting of child abuse and neglect; clarifying that sexual abuse and sexual assault constitute abuse of a child for reporting purposes; reducing the time period in which a mandated reporter is required to report suspected abuse or neglect; requiring mandated reporters to directly report known or suspected abuse or neglect; eliminating certain broad reporting requirements applicable to any person over the age of 18; clarifying that minors are not

mandated reporters; eliminating certain exceptions to the reporting time limit; eliminating particularized reporting requirements for education employees; and eliminating provisions pertaining to conduct involving students or students and school personnel”; 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. 506 - “A Bill to amend §21-16-2, §21-16-3, and §21-16-5 of the Code of West Virginia, 1931, as amended, all relating to regulating persons who perform work on heating, ventilating, and cooling systems and fire dampers; providing definitions; creating new license for work on certain residential heating, ventilating, and cooling systems; renaming existing license; amending exemptions from license requirement; providing rule-making authority regarding licensure requirements, development of examination, and scope of work of certain persons who perform work on heating, ventilating, and cooling systems; and providing emergency rule-making authority”; which was referred to the Committee on Government Organization.

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. 507 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, and §18C-9-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per pupil allocations; defining terms; and providing for rulemaking”; which was referred to the Committee on Education 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

Com. Sub. for S. B. 514 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, §16-54-9, §16-54-10, §16-54-11, §16-54-12, §16-54-13, §16-54-14, and §16-54-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the compact with all jurisdictions also enacting the compact; stating purpose of Compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by Compact; setting conditions for home state’s license to authorize practice in a remote state under the Compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state’s laws; authorizing remote states to take action against individual’s privilege to practice within that state under certain circumstances; providing effect of restrictions on license on Compact privileges; setting conditions of practicing in remote state under Compact terms; defining relationship of Compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for Compact participation if individual’s license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual’s privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state’s EMS authority to issue subpoenas; authorizing member state’s EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing Commission prescribe bylaws and/or rules to govern conduct; granting certain powers to Commission; providing for financing for the Commission; making validity of annual assessment against State contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring Commission defend certain persons for actions arising out of actions occurring within the scope of duties related to Commission; requiring Commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking Commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by Commission; providing that Commission rules are not binding on State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of compact and rules promulgated pursuant to compact; providing procedures for Commission to follow if member state has defaulted; authorizing member state be terminated from Compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between Commission and member state; authorizing enforcement of Compact by Commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for compact; making any state joining after implementation subject to rules as they exist when Compact is adopted; authorizing member state withdraw from compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of compact; providing for liberal construction; providing for severability of compact if compact found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of Commission; and authorizing Emergency Medical

Services Advisory Council make recommendation to Legislature for withdrawal from Compact”; 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

Com. Sub. for S. B. 515 - “A Bill to amend and reenact §8-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-19-2 and §8-19-4 of said code; to amend said code by adding thereto two new sections, designated §8-19-2a and §8-19-2b; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16 of said code; to amend and reenact §16-13A-9 of said code; to amend and reenact §24-1-1 of said code; and to amend and reenact §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, and §24-2-11 of said code, all relating to the Public Service Commission’s jurisdiction over the rates, fees, and charges of municipal utilities; establishing uniformity in the class of publications required by municipalities and public service districts for the revision in rates; updating internal code references; 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; providing a time period for the filing of and resolution of complaints filed at the Public Service Commission regarding actions of municipalities; clarifying language regarding rate changes and notice requirements for municipal utilities; 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, stormwater services by a public service district, political subdivisions providing separate or combined water and/or sewer services, and certain telephone company transactions; and establishing the time period pertaining to the filing of appeals and the resolution of appeals of rate and construction projects decided by county commissions”; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

S. B. 545 – “A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to driving privileges and requirements for persons under the age of 18; prohibiting use of wireless communication device while operating motor vehicle and specifying exception; and making violation of level-three license terms and conditions subject to penalty provision”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 557 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-13, relating to the Senior Farmers Market Nutrition Program; making legislative findings and intent; creating the Senior Farmers Market Nutrition Program Fund; and requesting additional funds to be added to the fund”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 558 - "A Bill to amend and reenact §21-3D-3 and §21-3D-4 of the Code of West Virginia, 1931, as amended, all relating generally to certification requirements of crane operators; providing that crane operators may be certified by additional nationally recognized accredited agencies; and changing the written exam requirements for Class A and Class B certifications"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 572 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-36-5, and §19-36-6, all relating to creating the West Virginia Farm-to-School Grant Program; defining terms; providing method for allocating grants; limiting grants; authorizing rulemaking; and requiring program review and reports"; which was referred to the Committee on Education 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

Com. Sub. for S. B. 575 - "A Bill to amend and reenact §16-2D-8 and §16-2D-9 of the Code of West Virginia, 1931, as amended, all relating to the approval of additional beds for intermediate care facilities; providing that persons in more restrictive setting will be given an option to move; excluding persons currently on the intellectual and developmental disabilities waiver; placing these persons on an enrollment list; developing a monitoring committee; setting out membership of the committee; providing purpose of the monitoring committee; requiring reinvestment of savings; providing that all other relevant regulatory laws apply; and providing that additional beds may be developed"; 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. 597 - "A Bill to amend and reenact §30-18-2, §30-18-3, §30-18-5, §30-18-6, and §30-18-10 of the Code of West Virginia, 1931, as amended, all relating to eligibility and application requirements for licenses to conduct private investigation or security guard businesses; prohibiting individuals who have been convicted in this state of a misdemeanor offense of domestic violence, assault against family or household member, or battery against family or household member or who have been convicted in another jurisdiction of a misdemeanor with similar essential elements from being eligible to obtain a license to conduct a private investigation or security guard business; limiting the ineligibility to 10 years following conviction, if the applicant is not convicted of any other crime during that period; setting forth who is to be included as a family or household member; prohibiting individuals from conducting fire or arson investigations who do not satisfy specific criteria; adding criteria for individuals who wish to conduct fire or arson investigations; clarifying that bonds required for private investigation and security guard businesses do not require raised seal certifications; modifying the Secretary of State's rule-making authority and duties to promulgate rules related to private investigation or security guard businesses; and authorizing the Secretary of State to establish advisory boards to encourage representative participation in rule-making"; 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

Com. Sub. for S. B. 603 - "A Bill to amend and reenact §27-5-2 and §27-5-3 of the Code of West Virginia, 1931, as amended, all relating to proceedings for involuntary custody for examination; and adding licensed professional counselors to the list of professionals that may examine an individual by order of a circuit court, mental hygiene commissioner, or magistrate"; 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. 625 - "A Bill to amend and reenact §5A-3-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-3-8a; to amend and reenact §5H-1-2 of said code; to amend and reenact §7-1-3d of said code; to amend said code by adding thereto a new section, designated §11-21-25; to amend and reenact §16-4C-6 and §16-4C-8 of said code; to amend said code by adding thereto two new sections, designated §16-4C-8a and §16-4C-24; to amend said code by adding thereto a new section, designated §17-2A-8d; to amend said code by adding thereto three new sections, designated §29-3-5e, §29-3-5f and §29-3-8; to amend and reenact §29-3-12 of said code; to amend and reenact §33-3-33 of said code; and to amend said code by adding thereto a new section, designated §33-3-33b, all relating to creating the West Virginia Volunteer Fire and Rescue Act of 2018; requiring Director of Purchasing Division make facilities and services of the division available to fire departments and companies and certain emergency medical services agencies; authorizing director to provide for implementation by legislative rules or other agreement; authorizing payment of death benefits to survivors of firefighter, emergency medical services, or law-enforcement provider who dies in the performance of, or as a result of the performance of, his or her duties; increasing death benefits to be paid; providing for written designation of beneficiary to be made with State Fire Marshal or Commissioner of the Bureau for Public Health; requiring any county fire prevention units to be formed and recognized under the regulations of the State Fire Commission for local fire departments; increasing authorized reimbursement rate amount; providing exception for incidents or accidents involving hazardous materials; requiring payment of amounts owed as reimbursement within 30 days; authorizing written agreements between fire department or company and responsible party; permitting fire company or department to proceed to recover costs if payment or agreement not reached within 90 days; defining terms; creating volunteer first responder tax credit against an individual's personal property taxes based on number of activities an individual engages in with his or her first responder organization; requiring notarized certification by the chief officer of the first responder organization; making tax credit nonrefundable; requiring Tax Commissioner to develop forms for certification; authorizing Commissioner of the Bureau for Public Health to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies; requiring statewide contracts be made available to certain emergency medical services agencies; authorizing development of uniform standards for equipment and supplies used by emergency medical services agencies; giving legislative rule-making authority to Commissioner of the Bureau for Public Health to implement provisions; requiring Commissioner of the Bureau for Public Health to recognize and give full credit for all continuing education credits approved or recognized by state or nationally recognized accrediting body; establishing courtesy certification program for certified emergency medical service personnel in states bordering West Virginia; relieving courtesy certification applicants from requirement to comply with state certification standards; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Emergency Medical Services Equipment and Training Fund; authorizing use of fund for grants to equip emergency medical service providers and train emergency medical services personnel; requiring Commissioner of the Bureau for Public Health establish grant program for equipment and

training of emergency medical services providers and personnel; setting eligibility and certain priorities for grant program; granting rule-making authority to implement grant program; authorizing Commissioner of Division of Highways enter into reimbursement agreements with certain fire departments for services provided relating to tree or debris removal from state highways and rights-of-way; setting conditions for and defining scope of reimbursement; retaining authority of commissioner to properly remove and dispose of cleared trees, debris, or other obstacles; granting legislative rule-making authority to implement reimbursement program; setting minimum provisions for legislative rule; authorizing State Fire Marshal establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments; requiring statewide contracts be made available to certain fire companies and departments as well as any other agency or subdivision with a need for those equipment or supplies; authorizing development of uniform standards for equipment and supplies used by fire companies and departments; giving legislative rule-making authority to State Fire Commission to implement provisions; establishing courtesy certification program for certified firefighters in states bordering West Virginia as volunteer firefighters; relieving courtesy certification applicants from requirement to comply with state certification standards for volunteer firefighters; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Fire Service Equipment and Training Fund; authorizing use of fund for grants to equip volunteer and part-volunteer fire companies and departments and their members, and train volunteer and part-volunteer firefighters; requiring State Fire Marshal establish grant program for equipment and training of volunteer and part-volunteer fire companies and departments and volunteer firefighters; setting eligibility and certain factors for State Fire Marshal to consider in making grants; granting rule-making authority to implement grant program; requiring State Fire Marshal prepare certain reports and make certain recommendations; increasing surcharge on fire and casualty insurance policies; exempting certain casualty insurance policies from surcharge; prohibiting premium taxes, agent commissions, and other assessments from being charged against surcharge; designating where funds collected from surcharge are to be deposited; requiring study and report from Insurance Commissioner regarding issues related to workers' compensation for volunteer and part-volunteer fire departments; eliminating obsolete language; and making technical corrections"; which was referred to the Committee on Fire Departments and Emergency Medical Services 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. 628 – “A Bill to amend and reenact §12-7-6 of the Code of West Virginia, 1931, as amended, relating generally to the West Virginia Jobs Investment Trust Board; expanding the corporate powers of the board to allow it to enter into partnerships and create subsidiaries of different forms of either a nonprofit or for-profit form; and authorizing the board to take any lawful actions necessary to be certified without limitation as a qualified community development entity or a qualified community development financial institution under applicable federal law”; which was referred to the Committee on Finance.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

H. R. 7, Urging federal policymakers to support legislation advancing the development of an Appalachian Storage Hub,

H. C. R. 8, Funding for feasibility study of Coal-to-Chemicals Project,

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

And,

H. C. R. 77, Deputy Sheriff Jesse R. Browning Memorial Road.

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

Third Reading

Com. Sub. for H. B. 2008, Relating to the Dealer Recovery Program; 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. 241**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Love.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2008) 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. 4036, Increasing the maximum salaries of family case coordinators and secretary-clerks; on third reading, coming up in regular order, was read a third time.

Delegate Espinosa requested to be excused from voting on the passage of Com. Sub. for H. B. 4036 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. 242**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Butler, Cooper, Martin, Sobonya and Wilson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4036) 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. 4153, Imposing a health care related provider tax on certain health care organizations; 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. 243**), and there were—yeas 75, nays 23, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Cowles, Dean, Eldridge, Espinosa, Fast, Folk, Foster, Frich, Gearheart, Householder, Howell, Kessinger, Marcum, Martin, Maynard, McGeehan, C. Miller, Moore, Paynter, Storch, Upson, Westfall and Wilson.

Absent and Not Voting: Deem and Moyer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4153) 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. 4217, Permitting an attending physician to obtain a patient's autopsy report; 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. 244**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Nelson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4217) passed.

On motion of Delegate Ellington, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 4217 – “A Bill to amend and reenact §61-12-10 of the Code West Virginia, 1931, as amended, relating to permitting a designated representative of a hospital or an attending physician to obtain a patient's autopsy report.”

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. 4336, Updating the schedule of controlled substances; 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. 245**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4336) 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. 4338, Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety; 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. 246**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4338) passed.

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 247**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and Deem.

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. 4338) takes effect July 1, 2018.

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. 4345, Relating to limitations on permits for growers, processors and dispensaries of medical cannabis; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Butler asked unanimous consent to amend the bill on third reading, which consent was not granted, objection being heard.

Delegate Butler then moved to amend the bill on third reading.

On this question, the yeas and nays were taken (**Roll No. 248**), and there were—yeas 58, nays 41, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Speaker Armstead, Adkins, Ambler, Anderson, Atkinson, Byrd, Capito, Cooper, Cowles, Criss, Dean, Diserio, Ellington, Espinosa, A. Evans, Hamilton, Hamrick, Hanshaw, Harshbarger, Hill, Householder, Howell, Isner, Kelly, Lane, Longstreth, McGeehan, Moore, Nelson, Paynter, Pushkin, Robinson, R. Romine, Shott, Storch, Upson, Wagner, Walters, Westfall, White and Wilson.

Absent and Not Voting: Deem.

So, two thirds of the members present and voting not having voted in the affirmative, the motion to amend the bill on third reading was rejected.

The bill was read a third time.

During debate on the bill, the Speaker reminded the members to confine remarks to the question before the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 249**), and there were—yeas 76, nays 23, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Speaker Armstead, Butler, Cowles, Criss, A. Evans, Fast, Foster, Frich, Graves, Hollen, Jennings, Kelly, Kessinger, Martin, Overington, Rohrbach, C. Romine, R. Romine, Rowan, Sobonya, Summers, Sypolt and Zatezalo.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4345) 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. 4357, West Virginia Small Wireless Facilities Deployment Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 250**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Campbell and Lovejoy.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4357) passed.

On motion of Delegate Nelson, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 4357 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31H-1-1, §31H-1-2, §31H-2-1, §31H-2-2, §31H-2-3, and §31H-2-4, all relating to the establishment of the West Virginia Small Wireless Facilities Deployment Act; making legislative findings; defining terms; providing for access to public rights-of-way for the collocation of small wireless facilities; providing and limiting state and local government authority to prohibit, regulate or charge for collocation; authorizing and limiting activities and equipment of providers; excluding micro wireless facilities from regulation; authorizing and limiting permits for activities; providing for the collection of fees and setting the amount of fees; authorizing and limiting access to collocation sites, structures and equipment; authorizing and limiting agreements between authority and provider; and providing for certain local zoning, indemnification, insurance, bonding and other forms of surety requirements."

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. 4392, Relating to Medicaid subrogation liens of the Department of Health and Human Resources; 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. 251**), and there were—yeas 74, nays 24, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, Fast, Ferro, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquina, Isner, Lovejoy, Marcum, Miley, R. Miller, Pushkin, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4392) 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. 4431, Establishing the Mountaineer Trail Network Recreation Authority; 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. 252**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Dean, Marcum, Maynard and Upson.

Absent and Not Voting: Deem and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4431) passed.

On motion of Delegate Hanshaw, the title of the bill was amended to read as follows:

Com. Sub. for 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, and §20-14A-12, 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 board for the authority; providing for financial oversight; describing the powers and duties of the authority; establishing prohibited acts and creating a criminal penalty; limiting the liability of landowners; setting forth purchasing and bidding procedures and creating a criminal penalty; providing for conflicts of interest and creating a criminal penalty; providing civil remedies; and providing for severability."

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. 4447, Providing for a uniform and efficient system of broadband conduit installation; 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. 253**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Fleischauer and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4447) passed.

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

At 12:11 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 1:00 p.m.

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Afternoon Session

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The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

Special Calendar

Third Reading

-continued-

Com. Sub. for H. B. 4455, Relating to animal abuse; 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. 254**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Marcum, Phillips and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4455) 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. 4490, Relating to oil and gas permits not to be on flat well royalty leases; 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. 255**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Foster and Moore.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4490) 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. 4524, Establishing guidelines for the substitution of certain biological pharmaceuticals; 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. 256**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4524) 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. 4529, Relating to oath by municipal official certifying list of delinquent business and occupation taxes; 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. 257**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4529) 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. 4558, Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office; 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. 258**), and there were—yeas 74, nays 25, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Adkins, Barrett, Blair, Butler, Dean, Folk, Gearheart, Graves, Hill, Householder, Howell, Jennings, Kessinger, Marcum, Martin, Maynard, McGeehan, Overington, Paynter, Sobonya, Sponaule, Summers, Upson, White and Wilson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4558) 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. 4571, Relating to the final day of filing announcements of candidates for a political office; 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. 259**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Blair, Sobonya and Summers.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4571) passed.

On motion of Delegate Hanshaw, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 4571 - "A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to the final day of filing announcements of candidates for a political office; and providing that the deadline on that final day is 11:59 p.m.; requiring that the office of the Secretary of State be open until that time; and requiring the offices of the County Clerks of each county be open from 9 a. m. until 12 p. m. on that date."

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. 4603, Providing immunity from civil liability to facilities and employees providing crisis stabilization; 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. 260**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Miley and Upson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4603) 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. 4626, Relating to West Virginia innovative mine safety technology tax credit act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 261**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Blair.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4626) 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. 4627, Relating to providing a limitation on the eminent domain authority of a municipal park board; 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. 262**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4627) 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. 4628, Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019; on third reading, coming up in regular order, with an amendment pending and the restricted right to amend jointly by Delegates Nelson and Bates, was reported by the Clerk.

On motion of Delegate Nelson, the bill was amended on page seven, section three, line one hundred forty-four, by striking out subsection (h) in its entirety and inserting in lieu thereof a new subsection (h) to read as follows:

“(h) Notwithstanding any other provisions of this section to the contrary, after December 31, 2018, no surcharges may be assessed under subdivision (3), subsection (f) of this section or subsection (g) of this section. Except as otherwise provided in this subsection, the provisions of subdivision (3), subsection (f) of this section and subsection (g) of this section are terminated and shall be of no force or effect beginning on and after January 1, 2019: *Provided*, That liability for surcharges assessed under subdivision (3), subsection (f) of this section for periods prior to January 1, 2019, shall continue until paid.”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 263**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4628) 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. 4629, Relating to broadband enhancement and expansion policies generally; 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. 264**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4629) passed.

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

On this question, the yeas and nays were taken (**Roll No. 265**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4629) 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.

Second Reading

Com. Sub. for S. B. 181, Authorizing MAPS promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY TO PROMULGATE LEGISLATIVE RULES.

§64-6-1. Fire Commission.

The legislative rule filed in the State Register on July 25, 2017, authorized under the authority of §29-3-5a of this code, modified by the State Fire Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 13, 2017, relating to the State Fire Commission (hazardous substance emergency response training programs, 87 CSR 3), is authorized.

§64-6-2. State Fire Marshal.

The Legislature directs the State Fire Marshal, pursuant to the authority given to the division in §29-3B-5 of this code, to promulgate the legislative rule filed in the State Register by the State Fire Marshal on January 26, 2018, relating to the State Fire Marshal (electrician licensing rules, 103 CSR 5).

§64-6-3. Governor’s Committee on Crime, Delinquency and Correction.

(a) The legislative rule filed in the State Register on October 20, 2017, authorized under the authority of §30-29-3 of this code, modified by the Governor's Committee on Crime, Delinquency and Correction to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 13, 2017, relating to the Governor's Committee on Crime, Delinquency and Correction (law-enforcement training and certification standards, 149 CSR 2), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §48-27-1102 of this code, modified by the Governor's Committee on Crime, Delinquency and Correction to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 14, 2017, relating to the Governor's Committee on Crime, Delinquency and Correction (protocol for law-enforcement response to domestic violence, 149 CSR 3), is authorized with the following amendment:

On page thirteen, section 6.4.9(e), by striking through the words "As a general rule, do" and inserting in lieu thereof the words "It is recommended to"

And

On page thirteen, section 6.4.10, by inserting after the word "children" the words "the following is recommended"

(c) The legislative rule effective on May 10, 2006, authorized under the authority of §17G-2-3 of this code, relating to the Governor's Committee on Crime, Delinquency and Correction (motor vehicle stop data collection standards for the study of racial profiling, 149 CSR 5), is repealed."

The bill was then ordered to third reading.

Com. Sub. for S. B. 348, Allowing for disposal of service weapons of special DNR police officers; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-1d. Awarding service ~~revolver~~ weapon upon retirement; disposal of service weapon when replaced due to routine wear; and furnishing uniform for burial.

(a) Upon the retirement of any full-time salaried natural resources police officer, the chief natural resources police officer shall award to the retiring natural resources police officer his or her service ~~revolver~~ weapon, without charge, upon determining:

(1) That the natural resources police officer is retiring honorably with at least 25 years of recognized law-enforcement service as determined by the chief natural resources police officer; or

(2) That the natural resources police officer is retiring with less than 25 years of service based upon a determination that he or she is totally physically disabled as a result of service with the division.

(b) Notwithstanding the provisions of subsection (a) of this section, the chief natural resources police officer may not award a service ~~revolver~~ weapon to any natural resources police officer who has been declared mentally incompetent by a licensed physician or any court of law, or who, in the

opinion of the chief natural resources police officer, constitutes a danger to any person or the community.

(c) The disposal of law-enforcement service weapons, when replaced due to routine wear, does not fall under the jurisdiction of the agency for surplus property, within the Purchasing Division of the Department of Administration. The chief natural resources police officer may offer these surplus weapons for sale to any active or retired Division of Natural Resources law-enforcement officer, at fair market value, with the proceeds from any sales used to offset the cost of the new weapons.

(d) Upon the death of any current or honorable honorably retired natural resources police officer, the chief natural resources police officer shall, upon request of the deceased officer's family, furnish a full uniform for burial of the deceased officer.

(e) Notwithstanding the foregoing, this section does not apply to weapons obtained through the federal donation program operated by the West Virginia State Agency for Surplus Property.

§20-7-1f. Awarding service revolver weapon to special natural resources police officers upon retirement; disposal of service weapon when replaced due to routine wear; furnishing uniform for burial.

(a) Upon the retirement of any special natural resources police officer selected and appointed pursuant to §20-7-1, the chief of the officer's section shall award to the retiring special natural resources police officer his or her service ~~revolver~~ weapon, without charge, upon determining:

(1) That the special natural resources police officer is retiring honorably with at least 25 years of recognized special law enforcement service as determined by the chief natural resources police officer; or

(2) That the special natural resources police officer is retiring with less than 25 years of service based upon a determination that he or she is totally physically disabled as a result of service with the division.

(b) Notwithstanding the provisions of subsection (a) of this section, the section chief may not award a service ~~revolver~~ weapon to any special natural resources police officer who has been declared mentally incompetent by a licensed physician or any court of law, or who, in the opinion of the chief natural resources police officer constitutes a danger to any person or the community.

(c) Upon the death of any current or honorably retired special natural resources police officer, the respective chief shall, upon request of the deceased officer's family, furnish a full uniform for burial of the deceased officer.

(d) The disposal of special natural resources police officer service weapons, when replaced due to routine wear, does not fall under the jurisdiction of the agency for surplus property, within the Division of Purchasing of the Department of Administration. The chief of the section of Parks and Recreation and the chief of the Wildlife Resources Section of the Division of Natural Resources may offer these surplus weapons for sale to any active or retired special natural resources police officer, at fair market value, with the proceeds from any sales used to offset the cost of the new weapon.

(e) Notwithstanding the foregoing, this section does not apply to weapons obtained through the federal donation program operated by the West Virginia State Agency for Surplus Property."

The bill was then ordered to 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 S. B. 37, Equalizing penalty for entering without breaking regardless of time of day,

Com. Sub. for S. B. 46, Permitting pharmacists to inform customers of lower-cost alternative drugs,

Com. Sub. for S. B. 134, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery,

Com. Sub. for S. B. 146, Correcting technical error within Solid Waste Management Act,

S. B. 338, Changing date for employers to file annual reconciliation and withholding statements,

S. B. 364, Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle,

Com. Sub. for S. B. 415, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery Sports Wagering activities,

S. B. 444, Repealing antiquated code sections regarding safety glass and lighting in motor vehicles,

Com. Sub. for S. B. 451, Relating generally to hunting and fishing,

And,

S. B. 464, Changing statutory payment date for incremental salary increases due state employees.

Messages from the Executive

The following communication from His Excellency, the Governor, was laid before the House of Delegates and reported by the Clerk:

State of West Virginia
OFFICE OF THE GOVERNOR
Charleston, WV

February 28, 2018

**HOUSE EXECUTIVE MESSAGE NO. 2
2018 REGULAR SESSION**

The Honorable Tim Armstead
Speaker, West Virginia House of Delegates
Building 1, Room M-228
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Speaker Armstead:

The following amends and replaces the "FY 2019 Official Estimate General Revenue – Statement of Revenues by Source" which I submitted to you on January 10, 2018 as part of my Budget Document for the fiscal year ending June 30, 2019:

General Revenue Fund
Statement of Revenues by Source
(Expressed in Thousands)

<u>Source of Revenue</u>	FY 2019 Official <u>Estimate Revised</u>
Business and Occupation Tax	\$ 117,500
Consumers Sales and Use Tax ¹	1,303,500
Personal Income Tax ¹	2,004,000
Liquor Profit Transfers	20,800
Beer Tax and Licenses	7,500
Tobacco Products Tax (Cigarette & Other)	179,700
Business Franchise Fees	670
Charter Tax	0
Property Transfer Tax	13,000
Property Tax	6,900
Insurance Tax	123,500
Departmental Collections	23,600
Corporate Income/Business Franchise Tax	142,100
Miscellaneous Transfers	1,000
Interest Income	23,000

Severance Tax	361,700
Miscellaneous Receipts	10,700
HB102 - Lottery Transfers	65,000
Special Revenue Transfer	0
Senior Citizen Tax Credit Reimbursement	<u>10,000</u>
Total	<u>\$ 4,414,170</u>

Thank you for your cooperation in this matter.

Sincerely,

Jim Justice
Governor

¹ Revised due to anticipated road construction activity from future bond sales and positive feedback associated with federal tax reform.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Mr. Speaker, Mr. Armstead, Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

Com. Sub. for S. C. R. 11, Evans Center for Excellence in Aircraft Maintenance,

H. C. R. 16, Frenchburg Bridge,

Com. Sub. for H. C. R. 45, U. S. Air Force Reserves 2nd Lieutenant Richard E. Tyson Memorial Bridge,

Com. Sub for H. C. R. 51, Gill Brothers World War Veterans' Memorial Bridge,

H. C. R. 62, Pocahontas County Veterans Memorial Bridge,

Com. Sub. for H. C. R. 70, U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge,

Com. Sub. for H. C. R. 83, Vietnam Veterans Memorial Highway,

H. C. R. 84, Requesting the Department of Health and Human Resources and the Bureau for Medical Services review and update Medicaid reimbursement rates for ground and air ambulance services,

H. C. R. 86, Bluefield Police Lt. Aaron L. Crook Memorial Road,

H. C. R. 87, Constable Joseph H. Davidson Memorial Bridge,

H. C. R. 88, U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge,

And,

H. C. R. 91, U.S. Navy CAPT Homer Leroy Smith Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

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:

Com. Sub. for S. B. 258, Exempting honorably discharged veterans from fees for license to carry deadly weapons,

And,

Com. Sub. for S. B. 359, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates,

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

Pursuant to House Rule 80, the Speaker referred Com. Sub. for S. B. 258 to the Committee on Finance.

In accordance with the former direction of the Speaker, Com. Sub. for S. B. 359 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:

S. B. 143, Permitting DNR identification tag be used to identify trap,

And,

S. B. 350, Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

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:

S. B. 343, Limiting expenses in preparing list for notice to redeem,

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

At 2:23 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 5:00 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

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. 261 - "A Bill to repeal §31-18D-1, §31-18D-2, §31-18D-3, §31-18D-4, §31-18D-5, §31-18D-6, §31-18D-7, §31-18D-8, §31-18D-9, §31-18D-10, §31-18D-11, §31-18D-12, §31-18D-13, §31-18D-14, and §31-18D-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-4c of said code; to amend and reenact §11-22-2 of said code; to amend and reenact §31-18-3, §31-18-6, and §31-18-22 of said code; and to amend said code by adding thereto two new sections, designated §31-18-20d and §31-18-29, all relating to the transfer of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund; eliminating the West Virginia Affordable Housing Trust Fund and the West Virginia Affordable Housing Trust Fund Board of Directors; creating the Affordable Housing Fund of the West Virginia Housing Development Fund and providing for uses therefor; providing for assessment of fees on all sales by licensed dealers of factory-built homes to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; providing for assessment of fees upon the privilege of transferring real estate for consideration to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; defining 'Affordable Housing Fund'; authorizing the West Virginia Housing Development Fund to provide funding to increase the capacity of nonprofit community housing organizations; providing for uses of funds in the Affordable Housing Fund; providing for disposition of the Affordable Housing Fund in the event of termination or dissolution of West Virginia Housing Development Fund; and providing for windup of West Virginia Affordable Housing Trust Fund"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 282 - "A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended, relating to exempting the State Conservation Committee and the Conservation Agency from the requirements of the Purchasing Division for contracts related to flood recovery or stream restoration,

and all contracts with the United States Geological Survey”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 295 - “A Bill to amend and reenact §7-20-1, §7-20-2, §7-20-3, §7-20-6, §7-20-7, §7-20-7a, §7-20-14, §7-20-15, §7-20-16, §7-20-23, and §7-20-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twenty-seven new sections, designated §7-20-25, §7-20-26, §7-20-27, §7-20-28, §7-20-29, §7-20-30, §7-20-31, §7-20-32, §7-20-33, §7-20-34, §7-20-35, §7-20-36, §7-20-37, §7-20-38, §7-20-39, §7-20-40, §7-20-41, §7-20-42, §7-20-43, §7-20-44, §7-20-45, §7-20-46, §7-20-47, §7-20-48, §7-20-49, §7-20-50, and §7-20-51; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating to Local Powers Act; renaming short title the County Local Powers Act; amending its purpose and legislative findings; amending certain definitions and adding definitions; amending criteria and requirements to implement and collect certain fees; making technical corrections; amending authorization for county commissions related to imposition of impact fees, services fees and other taxes; providing for county commission review and permissive approval of impact fees; amending use of proceeds from sale of bonds; adding payment sources for bonds; allowing the reallocation of certain ad valorem property taxes after ratification of constitutional amendment and procedures and requirements related to reallocation of ad valorem property taxes; specifying effective date; providing requirements and procedures concerning creation and finalization of county road construction project plans and amendments thereto; specifying public hearing and notice requirements and opportunity for public comment; requiring consent; permitting joint road construction projects; setting forth duties, authorities, and jurisdiction of Commissioner of Highways; authorizing intergovernmental agreements and setting forth requirements related thereto; providing for the termination of road construction projects plan; providing for application for approval of road construction project plans and application content; providing for certification of road construction project; providing rule-making authority; providing for acceptance into state road system; qualifying road construction projects as public improvements; providing for reporting by Commissioner of Highways; creating special revenue revolving fund and for county subaccounts; providing for funding and expenditures from account; authorizing West Virginia Economic Development Authority to issue revenue bonds and refunding bonds; permitting cash-basis projects; setting forth requirements concerning issuance, selling, execution, and use of bonds; permitting trust agreements; specifying that bonds and other obligations undertaken by the West Virginia Economic Development Authority do not constitute a debt or a pledge of the faith and credit or taxing power of this state or of any county, municipality or any other political subdivision; specifying that bonds are negotiable instruments; providing exemption from taxation; waiving and exempting personal liability; providing that authority for exercise of powers are cumulative and neither powers nor bonds are limited; providing for termination of special allocation of property taxes; providing for excess fund deposit; specifying that powers are supplemental; providing for severability; and providing authority and requirements related to West Virginia Economic Development Authority, including authority to issue bonds, limitations, payments, certification, and return of unused funds” 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. 360 – “A Bill to amend and reenact §22-6-8 of the Code of West Virginia, 1931, as amended, relating to flat well royalty leases generally; modifying the permit issuance prohibition from one-eighth interest of the total amount paid to or received at the well head for oil and

gas extracted to not less than one-eighth of the gross proceeds free from any deduction for post-production expenses; providing that a permit applicant may file with its application an affidavit which certifies that the affiant is authorized by the owner of the working interest in the well to tender to the owner of the oil or gas a certain royalty of the gross proceeds, free from certain deductions, received at the first point of sale to an unaffiliated third-party purchaser in an arm's length transaction.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for S. B. 360) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

Com. Sub. for S. B. 401 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring specified coverage in health benefit plans for outpatient and inpatient treatment for substance use disorders by July 1, 2019; defining terms; providing for rulemaking for the Insurance Commissioner; setting forth time frames for coverage; and providing for expedited grievances"; which was referred to the Committee on Health and Human 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

Com. Sub. for S. B. 402 - "A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating exemptions from contract and common carrier laws for certain motor vehicles"; 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. 403 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; providing exception from certain provisions of code; conferring jurisdiction to the Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee; exempting advance deposit wagering from certain provisions of code and implementing rules; providing for criminal penalties for accepting advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for a regulatory fee; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; providing for an investigation as to whether nonresident account holders of a licensee placed wagers while physically located in West Virginia; and authorizing rulemaking and emergency rulemaking"; 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

Com. Sub. for S. B. 419 - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to establishing the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory; requiring legislative rules for purpose of ensuring consistency, predictability, and independent review of systems developed under this section; establishing annual salary schedule for evidence technicians, forensic technicians, forensic analysts, and forensic analyst supervisors; authorizing the superintendent to appoint a forensic laboratory director and set the director’s salary; requiring manuals be provided; clarifying authority of superintendent or forensic laboratory director or administrator to increase base compensation based on merit within classification; requiring legislative rules to establish policy and procedure for determining eligibility for promotions among classifications; requiring legislative rules establish guidelines for awarding merit-based salary increases within classifications; and authorizing the inclusion of certain exempt civilian employees in supplemental pay option”; 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

Com. Sub. for S. B. 421 - “A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s, and §20-2-42v of the Code of West Virginia, 1931, as amended, all relating to crossbow hunting; clarifying use of crossbows with Class A hunting and trapping license during big game seasons requires additional license, stamps, or permits (with exception of buck firearms seasons); permitting crossbow hunting with Class RB and Class RRB licenses; permitting crossbow hunting with Class UU licenses; and permitting crossbow hunting with Class BG stamp”; 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. 432 – “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; making legislative findings; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing for continuation of plans and amendments approved during Municipal Home Rule Pilot Program; providing that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; expanding eligibility to participate in home rule to additional municipalities; establishing annual assessment for participants in Municipal Home Rule Program; establishing penalty for failing to timely pay annual assessment; creating special revenue account for Municipal Home Rule Board; authorizing certain expenditures from special revenue fund subject to appropriation by the Legislature and providing an exception; providing suspension of annual assessment when certain conditions are met; clarifying the authority of the Municipal Home Rule Board; requiring Municipal Home Rule Board to reject any application or amendment that does not reasonably demonstrate municipality’s ability to manage related costs or liabilities; requiring publication of administrative rules of Municipal Home Rule Board on its website and made available to the public in print upon request; clarifying procedures related to submitting amendment to approved plan; requiring certain notice prior to proposing or amending a plan; requiring a copy of the notice be sent to the board and cabinet secretary of every state department; requiring public hearing and notice of hearing prior to municipality proposing a plan or amendment; amending

certain prohibitions on the powers and duties of municipalities under home rule; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws governing professional licensing or certification of employees; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws, rules, or regulations governing enforcement of building codes or fire codes; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to West Virginia Workplace Freedom Act and Labor-Management Relations Act; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to federal laws, regulations, or standards related to transportation that would affect state's required compliance or jeopardize federal funding; prohibiting municipalities from enacting any ordinance, act, resolution, rule, or regulation that imposes duties on another governmental entity; providing certain exceptions to that prohibition; modifying reporting requirements; eliminating automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019; and redefining the term 'distribute'; 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

Com. Sub. for S. B. 438 - "A Bill to amend and reenact §29-22-18e of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating to debt service on bonds secured by the State Excess Lottery Revenue Fund; and clarifying the timing of debt service payments to the State Parks Lottery Revenue Debt Service Fund"; 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. 442 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to regulating prior authorizations; defining terms; providing for electronically transmitted prior authorization forms; establishing procedures for submission and acceptance of forms; and setting deadlines"; 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. 445 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-17a; to amend said code by adding thereto a new article, designated §17-2E-1, §17-2E-2, §17-2E-3, §17-2E-4, §17-2E-5, §17-2E-6, §17-2E-7 and §17-2E-8; to amend said code by adding thereto two new sections, designated §17-4-17b and §17-4-17e; and to amend said code by adding thereto a new section, designated §24-2-20, all relating to public utilities; creating new legislative findings; defining terms; providing for longitudinal access on Division of Highways rights-of-way; setting forth terms for certain agreements including how they must relate to other telecommunications carriers; requiring the Division of Highways comply with certain federal requirements as to fair market value and obtaining certain Federal Highway Administration approvals; setting forth requirements for fair and reasonable compensation for access to the right-of-way; authorizing compensation to be monetary, in-kind, or a combination of both; providing for reevaluation

of the compensation every five years; providing that the Division of Highways has sole discretion to deny access if the safe, efficient and convenient use of highway, road or interstate would be compromised; providing that the access granted herein does not affect previous access granted by the division; promoting joint use and proportionate cost sharing; requiring a carrier seeking a permit to notify the Broadband Enhancement Council and other carriers of record of the permit application; setting forth notice requirements; providing that a carrier seeking the permit must resolve any disputes among other carriers seeking access; providing that the Public Service Commission will resolve disputes the carriers are not able to resolve; requiring all carriers sharing a trench to share the cost and benefits; requiring the division deposit any compensation collected for access to its right-of-way be deposited in the State Road Fund; authorizing in-kind compensation and listing allowable telecommunications facilities for in-kind payment; requiring the division to value in-kind compensation at fair market value; providing that in-kind compensation may be disposed of after 10 years if it is not being used; giving the carrier providing the in-kind compensation right of first refusal; providing for public auction in certain circumstances; providing that multiple carriers in the same trench have obligation to compensate the division; allowing the division to hold each carrier jointly and severally liable for obligations owed to the division; requiring carriers allow the division to audit records and contracts to ensure compliance; providing that existing policies, rules and procedures relating to other utilities within the right-of-way are not altered by this act; allowing the division to consider the financial and technical qualifications of a carrier when setting insurance requirements; allowing the division to require carriers to install telecommunications in the same general location, coordinate planning and work with other contractors in the same area; requiring placement, installation, maintenance, repair, use, operation and related activities on the right-of-way be in compliance with the division's rules, policies and guidelines; and requiring that access to a right-of-way be administered in compliance with the Telecommunications Act of 1996, 47 U.S.C. §151, *et seq.*; establishing a method by which the Commissioner of the Division of Highways may acquire certain rights-of-way and easements for the purpose of increasing public access to utilities; establishing a procedure for the Division of Highways to lease acquisitions to utilities for fair market value; and establishing a cost-sharing procedure for determining how relocation costs are to be paid by the utility"; 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. 448 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-9B-1, §47-9B-2, §47-9B-3, §47-9B-4, §47-9B-5, §47-9B-6, and §47-9B-7, all relating to the establishment of professional associations; providing definitions; requiring professional associations both domestic and foreign to be registered with the Secretary of State; providing application criteria for registration with the Secretary of State; requiring people who provide services for a professional association to be licensed in the subject profession; providing for relinquishment or purchase of ownership interests in a professional association when owners cease to be licensed in the subject profession; providing for the transfer of ownership interests; setting forth liability; and providing for joint practice by certain professionals"; which was referred to the Committee on 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. 452 - "A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to hunting licenses; and exempting the list of names, addresses, and contact

information for license holders from public disclosure with certain exceptions”; 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

Com. Sub. for S. B. 472 - “A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to employees of local boards of health; making legislative findings; requiring the Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees; limiting Department of Health and Human Resources from using provided funds for any other purpose; requiring annual funding to continue pay raises; and prohibiting Department of Health and Human Resources from placing additional restrictions or obligations on provided funds”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

S. B. 485 - “A Bill to amend and reenact §23-2C-3 of the Code of West Virginia, 1931, as amended, relating to the termination of the Workers’ Compensation Debt Reduction Fund assessment on self-insured employers”; 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. 504 - “A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to minimum wage and maximum hour standards for employees; excluding seasonal amusement park workers from maximum hour requirements; and defining terms”; which was referred to the Committee on Industry and Labor 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

Com. Sub. for S. B. 508 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, and §5B-2J-5, all relating to establishing a State Trail Authority within the Development Office; establishing composition of authority; providing for Governor to appoint certain members; providing terms of members; allowing for reimbursement for certain expenses of members not employed by the state; authorizing the authority to appoint a statewide trail coordinator and to hire district trail coordinators; specifying the powers of the State Trail Authority; specifying powers and duties of statewide trail coordinator and district trail coordinators; and providing a sunset provision”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 510 – “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 makeup of the advisory committee; eliminating rulemaking authority; providing for a database; and prohibiting certain inspections of hospitals conducted by the Department of Health and Human Resources”; which was referred to the Committee on Health and Human Resources.

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. 530 - “A Bill to amend and reenact §31D-1-131 of the Code of West Virginia, 1931, as amended, relating to the Secretary of State; and requiring the establishment of searchable databases for West Virginia registered corporation and sole proprietorship information”; which was referred to the Committee on 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. 531 - “A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-3-6 of said code, all relating to eliminating the requirement that municipal courts wait at least 90 days prior to notifying the Division of Motor Vehicles of a person’s failure to appear or failure to pay assessed costs, fines, forfeitures, or penalties”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 534 - “A Bill to amend and reenact §16-9A-2 and §16-9A-4 of the Code of West Virginia, 1931, as amended, all relating generally to tobacco usage and e-cigarette restrictions; defining terms; prohibiting e-cigarettes on certain public school property by persons under the age of 18 at certain times; and increasing the penalty for certain tobacco-related and e-cigarette offenses on public school property”; 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. 548 – “A Bill to amend and reenact §3-1-44 and §3-1-48 of the Code of West Virginia, 1931, as amended, all relating generally to the conduct of elections; authorizing compensation for election officials be fixed by county commission; requiring all election officials within a classification to be paid the same amount within each county; authorizing Secretary of State to set maximum compensation rates in certain elections where costs are determined to be obligations of the state; declaring compensation above maximum compensation set by Secretary of State in certain elections to be county obligation; and permitting State Election Commission, with recommendation from HAVA Grant Board and consistent with legislative rules of the program, approve grant to a county for the purchase of election systems or upgrades from the county assistance voting equipment fund; and directing Secretary of State issue emergency rules setting criteria for issuance of grants”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 551 – “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 an employer to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board; requiring the Consolidated Public Retirement Board to certify a delinquency lasting for 60 days to the State Auditor, the county commission, and sheriff of the county in which the employer is located; authorizing the State Auditor, county commission, or sheriff of the county in which the employer is located to withhold moneys due to an employer who is delinquent until the delinquency and regular interest thereon is satisfied; authorizing withheld moneys to be applied to the retirement system to which the delinquent payments are due; making it a criminal offense for an employer to knowingly and willfully fail to make required contributions; providing criminal penalties; and providing that conviction of such offense is prima facie evidence of official misconduct”; 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. 556 - “A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a small business and minority populations economic and workforce development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 565 - “A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the State Fire Commission; modifying requirement that State Fire Commission propose certain building energy codes; and making stylistic and technical changes”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 567 - “A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating to including treason, murder, certain degrees of robbery, and organized crime to the list of crimes for which a prosecutor may apply for order authorizing interception of communications”; 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. 568 - “A Bill to amend and reenact §17C-5-2b of the Code of West Virginia, 1931, as amended, relating to deferral of further proceedings for certain first offenses upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; requiring completion of the program within 12 months; requiring defendant who fails to complete program to appear before court; requiring court to terminate deferral and enter an adjudication of guilt; and allowing courts to extend the period

for completion of the program for good cause shown”; 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. 582 - “A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating to eligibility to be appointed or serve as an election official; and permitting candidates for district, county, or state political party executive committee to serve as election officials”; 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

S. B. 584 - “A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 585 - “A Bill to alter and reestablish that part of the division line between Doddridge County and Harrison County so as to place all the grounds of the Salem Correctional Center, formerly the West Virginia Industrial Home, within the boundary of Harrison County for the purpose of resolving venue disputes for criminal offenses on the grounds of the Salem Correctional Center”; 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. 589 - “A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to the issuance of personalized license plates for antique motor vehicles”; 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. 590 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support a cure for childhood cancer”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 592 - “A Bill to amend and reenact §8-15-20a of the Code of West Virginia, 1931, as amended, relating to special examination for firefighter paramedic by adding the examination of Advanced Care Technician”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 595 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, all relating to creating the Protect Our Right to Unite Act; providing its purpose and intent; defining terms; providing that no public agency may require any entity to provide it with donor information, subject to certain exceptions; providing that where the state or a public agency obtains donor information it may not be released, subject to certain exceptions; providing exemption from Freedom of Information Act requests; providing for redaction of donor information; providing exception for court orders; providing exception for discovery requests under certain conditions; providing civil remedies; providing for the payment of attorneys’ fees and costs; and providing for trebled damages”; 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. 598 – “A Bill to amend and reenact §17-10-17 of the Code of West Virginia, 1931, as amended, relating to civil actions for damages brought against county commissions and municipalities; providing an effective date; providing that a person who sustains injury as a result of any defect in, disrepair or maintenance of, or failure to maintain or repair certain county or municipal property may recover civil damages, subject to certain requirements and limitations; providing certain requirements and limitations for actions against the county commission or municipality; providing that county commissions and municipalities owe no duty to protect against, and are not liable for certain dangers or conditions that are open and obvious or reasonably apparent; providing a standard of application by courts; and providing that the section does not diminish or limit certain protections otherwise afforded in the code”; 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. 601 - “A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; alleviating double taxation on foreign income at the state level; and sunseting the credit for income tax paid on foreign income in 2068”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 612 - “A Bill to amend and reenact §8-12-18 of the Code of West Virginia, 1931, as amended, relating to the sale of municipal property; allowing municipalities to sell real or personal property by using an Internet-based public auction service; and requiring notice of sale include notice of the time, terms, manner, and place of sale or the Internet-based public auction service to be used”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 616 - "A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to permitting the Commissioner of Highways to issue a special permit increasing the maximum gross weight for certain wood-bearing vehicles equipped with six axles"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 629 - "A Bill to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended; all relating to Class Q special hunting permit for disabled persons; clarifying and expanding class of persons who may obtain such permits"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 630 - "A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended, all relating to changes in distribution of racetrack video lottery net terminal income, excess net terminal income, and excess lottery fund"; 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. 631 - "A Bill to amend and reenact §24C-1-2, §24C-1-3, §24C-1-6, and §24C-1-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto five new sections, designated §24C-1-2a, §24C-1-2b, §24C-1-9, §24C-1-10, and §24C-1-11, all relating to the one-call system; adding and modifying definitions; creating Underground Damage Prevention Fund; creating Underground Facilities Damage Prevention Board; specifying authority, responsibilities, membership, and liability of board; requiring reports by board; authorizing actions by Public Service Commission; expanding required membership of one-call system; authorizing cost apportionment and collection from operators; modifying standard color code for temporary markings; exempting local or state government responding to emergency repair or replacement of traffic control device from notice requirements; requiring underground facilities be locatable; and providing for civil enforcement, including citations, orders, hearings, monetary civil penalties, and mandatory training"; which was referred to the Committee on the Judiciary.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

S. B. 576, Relating to Patient Injury Compensation Fund,

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 (S. B. 576) was referred to the Committee on Finance.

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. 4145, Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel,

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

Com. Sub. for H. B. 4145 – “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended as contained in Enrolled Committee Substitute for Senate Bill 267, Regular Session, 2018; and to amend and reenact §18A-4-2 and §18A-4-8a of said code as contained in Enrolled Committee Substitute for Senate Bill 267, Regular Session, 2018, all relating to increasing compensation for certain public employees; increasing the annual salaries of members of the West Virginia State Police; increasing the minimum salaries payable to public school teachers and professional personnel during the contract year; and increasing the minimum monthly pay for public school service personnel,”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for H. B. 4145) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 266**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Blair.

Absent and Not Voting: Deem.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was read a third time and put upon its passage.

During the debate, the Speaker reminded members to observe the Rules of the House regarding decorum.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 267**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Blair.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4145) passed.

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 268**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and C. Romine.

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. 4145) takes effect July 1, 2018.

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

Leaves of Absence

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

Miscellaneous Business

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 Pack regarding the death of former Delegate Vernon Barley
- Delegates Ferro, Pethtel, Rowe, Pushkin, Miley, Caputo, Fleischauer and Sponaugle during the debate regarding Com. Sub. for H. B. 4145

Delegate Moye noted to the Clerk that he was absent on today when the vote was taken on Roll No. 243, and that had he been present, he would have voted “Nay” thereon.

Delegate Nelson noted to the Clerk that he was absent on today when the vote was taken on Roll No. 244, and that had he been present, he would have voted “Yea” thereon.

Delegate Boggs announced that he was absent on today when the votes were taken on Roll Nos. 246 and 247, and that had he been present, he would have voted “Yea” thereon.

Delegate Westfall announced that he was absent on today when the votes were taken on Roll Nos. 251, 252, 253 and 254, and that had he been present, he would have voted “Yea” thereon.

Delegate Sobonya announced that she had intended to vote “Yea” on Roll No. 242.

Delegate Paynter announced that he had intended to vote "Yea" on Roll No. 248.

Pursuant to House Rule 94b, Delegate Rohrbach filed a form with the Clerk's Office to be added as a cosponsor of H. C. R. 74.

At 6:51 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 1, 2018.

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

SPECIAL CALENDAR

Thursday, March 1, 2018

51st Day

11:00 A. M.

UNFINISHED BUSINESS

- Com. Sub. for S. C. R. 11 - Evans Center for Excellence in Aircraft Maintenance
- H. C. R. 16 - Frenchburg Bridge
- Com. Sub. for H. C. R. 45 - U. S. Air Force Reserves 2nd Lieutenant Richard E. Tyson Memorial Bridge
- Com. Sub. for H. C. R. 51 - Gill Brothers World War Veterans' Memorial Bridge
- H. C. R. 62 - "Pocahontas County Veterans Memorial Bridge
- Com. Sub. for H. C. R. 70 - U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge
- Com. Sub. for H. C. R. 83 - Vietnam Veterans Memorial Highway
- H. C. R. 84 - Requesting the Department of Health and Human Resources and the Bureau for Medical Services review and update Medicaid reimbursement rates for ground and air ambulance services
- H. C. R. 86 - Bluefield Police Lt. Aaron L. Crook Memorial Road
- H. C. R. 87 - Constable Joseph H. Davidson Memorial Bridge
- H. C. R. 88 - U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge
- H. C. R. 91 - U.S. Navy CAPT Homer Leroy Smith Memorial Bridge

THIRD READING

- Com. Sub. for S. B. 181 - Authorizing MAPS promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 348 - Allowing for disposal of service weapons of special DNR police officers (SHOTT) (EFFECTIVE FROM PASSAGE)

SECOND READING

- Com. Sub. for S. B. 37 - Equalizing penalty for entering without breaking regardless of time of day (SHOTT) (REGULAR)
- Com. Sub. for S. B. 46 - Permitting pharmacists to inform customers of lower-cost alternative drugs (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 134 - Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery (HOWELL) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for S. B. 146 - Correcting technical error within Solid Waste Management Act (SHOTT) (EFFECTIVE FROM PASSAGE)
- S. B. 338 - Changing date for employers to file annual reconciliation and withholding statements (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 360 - Clarifying oil and gas permits not be on flat well royalty leases (SHOTT) (REGULAR)
- S. B. 364 - Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle (SHOTT) (REGULAR)
- Com. Sub. for S. B. 415 - Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery Sports Wagering activities (NELSON) (EFFECTIVE FROM PASSAGE) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 444 - Repealing antiquated code sections regarding safety glass and lighting in motor vehicles (GEARHEART) (REGULAR)
- Com. Sub. for S. B. 451 - Relating generally to hunting and fishing (HAMILTON) (REGULAR)
- S. B. 464 - Changing statutory payment date for incremental salary increases due state employees (NELSON) (REGULAR)

FIRST READING

- S. B. 143 - Permitting DNR identification tag be used to identify trap (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 343 - Limiting expenses in preparing list for notice to redeem (SHOTT) (REGULAR)
- S. B. 350 - Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

HOUSE CALENDAR

Thursday, March 1, 2018

51st Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 4235 - Permitting full-time nonresident students attending an in-state college or university to purchase lifetime resident hunting, trapping, and fishing licenses (NELSON) (REGULAR)
- Com. Sub. for H. B. 4296 - Establishing the Southern West Virginia Lake Development Study Commission (NELSON) (REGULAR)

SECOND READING

- S. B. 385 - Decreasing and adding appropriations out of Treasury to DHHR and MAPS (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2114 - Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2383 - Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4158 - Relating to municipal home rule (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4241 - Transitioning foster children into managed care (NELSON) (REGULAR)
- Com. Sub. for H. B. 4563 - Relating to the severance tax on oil and gas produced from low producing wells (NELSON) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 4494 - Authorizing certain motor vehicle manufacturers to operate as new car dealers (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, MARCH 1, 2018

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

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

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

**COMMITTEE ON ENERGY
2:00 P.M. – ROOM 418M**

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

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

**COMMITTEE ON FINANCE
4:00 P.M. – ROOM 460M**

MONDAY, MARCH 5, 2018

**PUBLIC HEARING – COMMITTEE ON GOVERNMENT ORGANIZATION
8:00 A.M. – HOUSE CHAMBER**

**COM. SUB. FOR S. B. 313, WAIVING OCCUPATIONAL FEES AND LICENSING
REQUIREMENTS FOR CERTAIN LOW-INCOME INDIVIDUALS, MILITARY FAMILIES,
AND YOUNG WORKERS.**

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