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THIRTY-FIFTH DAY

Tuesday, February 13, 2018

THIRTY-FIFTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Monday, February 12, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

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

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

Com. Sub. for H. B. 4343 – “A Bill to amend and reenact §31A-4-20 of the Code of West Virginia, 1931, as amended, relating to the delivery of financial statements to bank shareholders at or prior to the annual meeting of shareholders,”

With the recommendation that the committee substitute do pass.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4330, Authorizing county commissions to initiate collection actions for emergency ambulance service,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4330) was referred to the Committee on Finance.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4322, Relating to workers' compensation insurance,

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 (H. B. 4322) was referred to the Committee on Finance.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4324, Relating to the employment of individuals by municipal paid fire departments under civil service,

And,

H. B. 4436, Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4324 and H. B. 4436) were each referred to the Committee on the Judiciary.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4444, Clarifying the authority of the State Fire Commission in adopting a State Building Code,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4444) was referred to the Committee on Government Organization.

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. 163, Authorizing DEP promulgate legislative rules,

H. B. 4402, Relating to the prevention of sexual abuse of children,

And,

H. B. 4462, Allowing off duty members and officers of the department of public safety to guard private property,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 4473, Relating to use of state funds for advertising to promote a public official or government office,

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

Com. Sub. for H. B. 4473 – “A Bill to amend and reenact §6B-2B-1, §6B-2B-2 and §6B-2B-4 of the Code of West Virginia, 1931, as amended, all relating to use of state funds for advertising to promote a public official or government office; defining terms; and clarifying limitations on the production of educational materials and press releases produced with public funds,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2464, Relating to disclaimers and exclusions of warranties in consumer transactions for goods,

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

Com. Sub. for H. B. 2464 - “A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers and exclusions of warranties in consumer transactions for goods; permitting waivers of warranty for defects and malfunctions in certain used manufactured homes; permitting waivers of express and implied warranties in the sale of certain used manufactured homes; and providing for the manner and content of waivers executed by the buyer and seller for the sale of certain used manufactured homes,”

And,

H. B. 4400, Relating to the West Virginia Physicians Mutual Insurance Company,

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

Com. Sub. for H. B. 4400 - “A Bill to repeal §33-20F-6 of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-20F-3, §33-20F-5, and §33-20F-9 of said code, all relating to the West Virginia Physicians Mutual Insurance Company; removing language that is no longer

relevant to the operation of the company as a private mutual insurance company; and adding language to accommodate policies written to physicians outside the State of West Virginia,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 165, Authorizing DHHR promulgate legislative rules,

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

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Espinosa, Statler, Upson, Folk, Cooper, Rohrbach and Atkinson:

H. B. 4619 - “A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth; requiring amount of increase in local share to be added to preceding year appropriation for such purpose; providing factors to be taken into account in making allocations to counties; providing county may not receive less than 2016-2017 allocation from certain line items; and requiring moneys allocated to be used for implementation of comprehensive systems for teacher and leader induction and professional growth.”

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. 272 - “A Bill to amend and reenact §16-5T-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5T-6; to amend and reenact §16-46-4 of said code; and to amend said code by adding thereto a new section, designated §16-46-7, all relating generally to drug control; requiring hospital emergency rooms and departments, as well as certain other law-enforcement and medical care providers, to report suspected or confirmed drug overdoses and other drug-related instances to the Office of Drug Control Policy; allowing the Office of Drug Control Policy to establish a pilot program for community response to persons who have experienced a recent overdose; requiring local and state governmental agencies to require first responders, regardless of frequency of drug overdoses in their communities, to carry Naloxone and be trained in its use subject to funding and availability; and providing for a statewide standing order for Naloxone by the state health officer”; which was referred to the Committee on Prevention and Treatment of Substance Abuse 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. 368 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, and §46A-6N-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer’s affirmative consent; providing acknowledgement requirements; providing that the business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanism for cancellation of the automatic renewal or continuous offer in the acknowledgement; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that the business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer’s affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; providing the court discretion to award to plaintiff costs of the action, including reasonable attorneys’ fees; providing that plaintiff is not entitled to costs and attorneys’ fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions”; which was referred to the Committee on Banking and Insurance 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. 392 - “A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to the Emergency Medical Services Advisory Council; and reconfiguring the membership of the council”; 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. 427 - “A Bill to amend and reenact §11-6-23 of the Code of West Virginia, 1931, as amended, relating to modifying the form of notice for certain tax delinquencies due the state, county, district, or municipal corporations of the state”; 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. 433 - "A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; defining terms; prohibiting pyramid promotional schemes; allowing certain plan or operations which do not cause inventory loading and implement a bona fide inventory repurchase program; specifying requirements for recruiting literature, sales manuals, and contracts; providing that a bona fide inventory repurchase program is not required to apply to certain inventory; and requiring certain disclosures"; 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. 440 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-24, relating to establishing the Library Facilities Improvement Fund; setting forth general structure of fund and distribution of funds; and providing for rulemaking"; 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

S. B. 441 - "A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health care provider taxes; extending the directed payment program tax on certain eligible acute care hospitals for three years; and providing an expiration date for the tax"; 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. 464 - "A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to changing the statutory payment date for incremental salary increases due state employees"; 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. 468 - "A Bill to amend and reenact §12-4-7 of the Code of West Virginia, 1931, as amended, relating to changing the date for submission of the Auditor's annual report; adding the President of the Senate and the Speaker of the House of Delegates as recipients of the annual report; and adding requirement that certain salary information be included in the report for the prior calendar year"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

Com. Sub. for S. C. R. 11 – “Requesting Congress name the West Virginia National Guard 167th Maintenance Operations Center the ‘Evans Center for Excellence in Aircraft Maintenance’.”

Whereas, SMSgt. Kenneth “Catbird” W. Evans is a native West Virginian who was born and raised in Corton, West Virginia. Upon his high school graduation in 1955, SMSgt. Evans attended and graduated aircraft maintenance technical training at Sheppard AFB, TX. SMSgt. Evans served in the West Virginia Air National Guard at Charleston Regional Airfield, Charleston, West Virginia, until 1958, when he entered full-time service with the National Guard in Martinsburg; and

Whereas, SMSgt. Evans enlisted in the West Virginia Air National Guard in 1954 at the age of 17. He completed basic military training at Samson AFB, NY, the summer before completing his senior year of high school in Clendenin, WV; and

Whereas, On June 4, 1958, SMSgt. Evans was credited with acts of heroism when he rushed into a burning cargo plane that crashed at the airfield in Martinsburg and pulled the unconscious pilot, who was trapped in the nose section, and two other souls to safety. On October 7, 1958, SMSgt. Evans was awarded the Soldier’s Medal for his heroic actions; and

Whereas, During SMSgt. Evans’ 39 years of service, he flew numerous combat missions in Vietnam, logged over 10,000 flying hours as a flight engineer in multiple aircraft, led the aircraft maintenance team that resulted in two VOLANT RODEO victories (1974-1985), and was considered a subject matter expert both in aircraft maintenance and as a flight engineer. When the strut system on the C-130 began to fail, SMSgt. Evans single-handedly identified an engineering flaw and served as the subject-matter expert leading Lockheed Martin’s efforts in the redesign of the aircraft’s strut system. This accomplishment sustained the C-130’s mission readiness for the Department of Defense; and

Whereas, The West Virginia Air National Guard, specifically the 167th Airlift Wing, has become a world-class force multiplier because of the superior leadership, mentorship, dedication, and commitment of SMSgt. Evans. SMSgt. Evans’ efforts and accomplishments during his 39 years of service well exceed those of his peers and make him a significant role model for other Mountaineer Airman to follow; and

Whereas, SMSgt. Kenneth “Catbird” W. Evans will forever be a Mountaineer Airman and has earned recognition for his lifelong service and commitment to the 167th Airlift Wing, the citizens of West Virginia, and this nation; and

Whereas, It is fitting that the West Virginia National Guard 167th Maintenance Operations Center be named the “Evans Center for Excellence in Aircraft Maintenance” as an everlasting tribute to SMSgt. Kenneth “Catbird” W. Evans for his dedicated public service to his state and nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests Congress name the West Virginia National Guard 167th Maintenance Operations Center the “Evans Center for Excellence in Aircraft Maintenance”; and, be it

Further Resolved, That the Legislature hereby requests the Congressional delegation of West Virginia advance and support efforts to name the West Virginia National Guard 167th Maintenance Operations Center the “Evans Center for Excellence in Aircraft Maintenance”; and, be it

Further Resolved, That the Senate extends its most sincere gratitude and appreciation to SMSgt. Kenneth “Catbird” W. Evans for his dedicated public service; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to SMSgt. Kenneth “Catbird” W. Evans, the West Virginia National Guard, and to Senator Manchin, Senator Capito, Representative McKinley, Representative Mooney, and Representative Jenkins.

Resolutions Introduced

Delegates Pyles, Lynch, Ferro, Iaquina, Caputo, Fleischauer, Love, Moye, Longstreth, Rowan and Rohrbach offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 73 - “Urging the United States Congress to increase the Social Security death benefit from \$255 to \$1000.”

Whereas, The death benefit available through Social Security offers an important benefit to many families faced with final expenses related to the death of a loved one; and

Whereas, The benefit has remained at or near its present level for more than six decades; and

Whereas, The effectiveness of the benefit now offered has been eroded over time compared to the increased costs associated with a person’s final expenses; and

Whereas, The Social Security lump sum death benefit is inadequate to fulfill the historic purpose of assisting survivors of the insured; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature hereby strongly urges the United States Congress to fund the Social Security death benefit payable to each eligible beneficiary at \$1000; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and each member of West Virginia’s congressional delegation.

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

H. C. R. 74 - “Requesting the Division of Highways to name bridge number 50-64-2.67 EB & WB (50A208, 50A209), locally known as Hubbards Branch Bridges, carrying Interstate 64 (EB & WB) over County Route 5/1 in Wayne County, the ‘U. S. Army CPT Benjamin Ronk Memorial Bridge’.”

Whereas, U. S. Army Captain Benjamin Ronk, from Kenova, West Virginia, served 25 years in the United States Army, 8 years of which were spent as an enlisted man and 12 years commissioned

as a Warrant Officer, during which time he flew medivac helicopters during two tours in Iraq and two tours in Afghanistan; and

Whereas, Earlier in his military career, Captain Ronk served in the Joint Services at the White House Communications Agency; and

Whereas, Upon returning from overseas assignments, Captain Ronk was stationed at Fort Campbell, Kentucky, with the 6th Battalion, 101st Aviation Regiment, where he continued his education. Later, Captain Ronk became a physician's assistant and served on medical missions during the Ebola crisis in Liberia; and

Whereas, At the time of his death, Captain Ronk was the platoon physician assistant with the 86th Combat Support Hospital and nearing retirement in March, 2016; and

Whereas, Captain Ronk brought the war back home with him and suffered from severe depression and the pain and agony of post-traumatic stress syndrome for years. On December 26, 2015, he ended his life. His death was found to be service related; and

Whereas, Captain Benjamin Ronk was a West Virginian who served his country throughout his adult life; and

Whereas, It is appropriate to honor the memory of Captain Ronk with a memorial in his home county; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is requested to name bridge number 50-64-2.67 EB & WB (50A208, 50A209), locally known as Hubbards Branch Bridges, carrying Interstate 64 (EB & WB) over County Route 5/1 in Wayne County, the "U. S. Army CPT Benjamin Ronk Memorial Bridge"; and, be it

Further Resolved, that the Commissioner of Highways is requested to have made and be placed at both ends of the bridge signs identifying the bridge as the "U. S. Army CPT Benjamin Ronk Memorial Bridge"; and, be it

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

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

By Delegates Pack and Cooper:

H. J. R. 112 - "Proposing an amendment to the Constitution of the State of West Virginia amending section three, article VI thereof, all relating to limiting the number of years Senators and Delegates may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

Bills Introduced

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

By Delegate Shott and Mr. Speaker (Mr. Armstead):

H. B. 4513 - "A Bill to amend and reenact §5A-3-33c, §5A-3-33d, §5A-3-33e, and §5A-3-33f of the Code of West Virginia, 1931, as amended, all relating to debarment of vendors seeking to provide

goods and services to the state and its subdivisions; updating the duties of the Director of Purchasing; specifying additional grounds for debarment of a vendor; providing that actions of an individual may be imputed to a vendor under certain circumstances; providing for the debarment of individuals in addition to vendor businesses; providing for the debarment of subcontractors; specifying mandatory conditions for the initiation of debarment proceedings; and prohibiting the state from contracting with, or soliciting bids from, certain parties related to debarred vendors”; to the Committee on the Judiciary.

By Delegates Sobonya, C. Miller, Rohrbach, Queen, Butler, Canestraro, Summers, Higginbotham, Pack, Lovejoy and Sypolt:

H. B. 4514 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-415, relating to making it a felony to knowingly house drug traffickers; defining elements of the offense and establishing criminal penalties”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Isner, Moore, Cooper, Kessinger and Ward:

H. B. 4515 - “A Bill to repeal §3-5-6a, §3-5-6b, §3-5-6c, and §3-5-6d of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-16 and §3-1-17 of said code; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-7 of said code; to amend and reenact §51-1-1 of said code; and to amend and reenact §51-2A-5 of said code, all relating to the election of justices of the Supreme Court of Appeals; circuit court judges, magistrates and family court judges at general elections”; to the Committee on the Judiciary.

By Delegates R. Miller, Campbell, Lovejoy, C. Miller, Miley, Hamilton and Rohrbach:

H. B. 4516 - “A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to the accrued benefit of retirees in the Deputy Sheriff Retirement System”; to the Committee on Pensions and Retirement then Finance.

By Delegates Ward, Paynter and Jennings:

H. B. 4517 - “A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to assessment value of wind turbines; permitting counties to assess wind turbines from salvage value to true and actual value”; to the Committee on Energy then Finance.

By Delegate A. Evans:

H. B. 4518 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-1B-1, §5B-1B-2, §5B-1B-3 and §5B-1B-4, all relating to establishing the Southern West Virginia Lake Development Study Commission; providing legislative findings; establishing the commission and designating its membership; defining components of commission study; authorizing the commission to create committees and utilize university and other state government resources; providing for expense reimbursement for certain commission members; and requiring reports to the Legislature”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Statler, Maynard, Cooper, R. Miller, Sponaugle, Love, Jennings and Lovejoy:

H. B. 4519 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §9-5-27, relating to supplemental Medicaid and Medicare reimbursements for ground emergency medical transportation services providers”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Williams, Fleischauer, Longstreth, Lynch, Ellington, Barrett, Brewer, Caputo and E. Evans:

H. B. 4520 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education and requiring boards to

provide free feminine hygiene products in grades 6 through 12”; to the Committee on Education then Finance.

By Delegate Wilson:

H. B. 4521 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-27, relating to establishing the ‘Mountain State Employee Compensation Realignment Act’; providing a sunset provision for the Public Employees Insurance Agency; and transferring all responsibilities after the expiration of the Public Employees Insurance Agency to the Insurance Commissioner”; to the Committee on Pensions and Retirement then Finance.

By Delegate Nelson:

H. B. 4522 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5dd, relating to allowing certain tax information to be shared with Director of Purchasing Division, Department of Administration, and State Auditor, pursuant to written agreements; and defining terms”; to the Committee on Finance.

By Delegate Foster:

H. B. 4523 - “A Bill to amend and reenact §61-10-15 of the Code of West Virginia, 1931, as amended, relating to pecuniary interest of county and district officers, teachers and school officials in contracts; making an exception to criminal violation for contract for goods or supplies when the contract has been put out for competitive bid and the contract is awarded based upon lowest cost”; to the Committee on Government Organization then the Judiciary.

By Delegates Ellington and Summers:

H. B. 4524 - “A Bill to amend and reenact §30-5-12b of the Code of West Virginia, 1931, as amended, relating to establishing guidelines for the substitution of certain biological pharmaceuticals by pharmacists”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Sobonya:

H. B. 4525 - “A Bill to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended, and to amend and reenact §3-2-2 of said code, all relating to residency requirements for people entitled to vote and people eligible to register to vote; requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; and defining the term ‘legal resident’”; to the Committee on the Judiciary.

By Delegates Walters, Campbell, Cowles, R. Miller, Queen, R. Romine, Bates and Ambler:

H. B. 4526 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-13, relating to requiring any newly appointed chief executive of a municipal law-enforcement agency to be a certified law-enforcement officer; and providing that current chief executives are unaffected by this requirement”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Westfall:

H. B. 4527 - “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 §33-16-3aa; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8o; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring health care insurance policies to provide coverage for services performed by a pharmacist”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Blair:

H. B. 4528 - "A Bill to repeal §18-5-16A of the Code of West Virginia, 1931, as amended, and to amend and reenact §18-5-16 of said code, all relating to transfers and enrollment policies for students in public schools"; to the Committee on Education.

By Delegate Rohrbach:

H. B. 4529 - "A Bill to amend and reenact §8-13-25 of the Code of West Virginia, 1931, as amended, relating to oath by municipal official certifying list of delinquent business and occupation taxes; and providing that official is not subject to penalties for disclosure"; to the Committee on the Judiciary.

By Delegates Eldridge and Canestraro:

H. B. 4530 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6-9b relating to the creation of the West Virginia Natural Resources Permanent Fund to receive revenue for severance taxes and other sources; and to distribute income generated by the fund to West Virginia citizens"; to the Committee on Energy then Finance.

By Delegate Hanshaw:

H. B. 4531 - "A Bill to amend and reenact §6-3-1(a)(2) of the Code of West Virginia, 1931, as amended, requiring that a deputy sheriff be paid a salary of not less than \$10.50 per hour worked"; to the Committee on Finance.

By Delegate Foster:

H. B. 4532 - "A Bill to repeal §21-5-7 of the Code of West Virginia, 1931, as amended, relating to a prime contractor's responsibility for wages and benefits"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Hornbuckle, Canestraro, Dean, Diserio, Lovejoy and R. Miller:

H. B. 4533 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property; creating a duty to report; creating criminal penalties; and allowing a private cause of action"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Howell:

H. B. 4534 - "A Bill to amend and reenact §30-1-15 of the Code of West Virginia, 1931, as amended, relating to the executive secretary of the Health Professional Licensing Boards; requiring designation of staff member to act as victims advocate"; to the Committee on Government Organization then Finance.

By Delegate Westfall:

H. B. 4535 - "A Bill to amend and reenact §12-3-1a of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §12-3-1c, all relating to payment by paper warrant; directing the Enterprise Resource Planning Board to establish a schedule for payment of paper warrants and checks; authorizing a fee to be imposed and collected for payment by paper warrant or check; and authorizing a fee to be imposed and collected for payment by paper warrant or check outside of the established schedule"; to the Committee on Government Organization then Finance.

By Delegates Walters, Byrd, E. Evans, Pushkin, Hornbuckle, Longstreth, Caputo and Lovejoy:

H. B. 4536 - "A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §11-15-9p, relating to the exemption of certain hygiene products from sales tax"; to the Committee on Finance.

By Delegate Rowe:

H. B. 4537 - "A Bill to amend and reenact §11-17-3 of the Code of West Virginia, 1931, as amended, relating to increasing the tobacco products excise tax; and requiring that the increased revenue be used by the Public Employees Insurance Agency to reduce employees premiums"; to the Committee on Health and Human Resources then Finance.

By Delegates Pack, Cooper, Adkins, Moye and Bates:

H. B. 4538 - "A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to adding a magistrate position to serve Raleigh County and providing for the initial appointment of this additional magistrate"; to the Committee on the Judiciary then Finance.

By Delegates Walters, Pethtel, Anderson, Hamilton, Hollen and E. Evans:

H. B. 4539 - "A Bill to amend and reenact §7-14D-7 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §7-14D-11a, all relating to providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses; and setting a minimum amount of employer contribution"; to the Committee on Pensions and Retirement then Finance.

By Delegate Hanshaw:

H. B. 4540 - "A Bill to amend and reenact §3-1-48 of the Code of West Virginia, 1931, as amended, relating to implementing a process for counties to obtain grants from an existing federal fund designated the 'Help America Vote Act Fund' or HAVA Fund consistent with the HAVA State Plan as amended"; to the Committee on the Judiciary then Finance.

By Delegates Rowe, Robinson, Ward, Pushkin, Byrd, Graves, Barrett, Caputo and Miley:

H. B. 4541 - "A Bill to amend and reenact §11-13X-13 of the Code of West Virginia, 1931, as amended, relating to reinstating the film tax credits"; to the Committee on Government Organization then Finance.

By Delegate Hanshaw:

H. B. 4542 - "A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to allowing public service districts to accept payment by credit card, and specifying conditions"; to the Committee on Political Subdivisions then Finance.

By Delegates Byrd, Caputo, Boggs, Bates, Barrett, Longstreth, Lovejoy, Fluharty, Diserio, Robinson and Thompson:

H. B. 4543 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-18-1, relating to imposing a special excise tax on Schedule II controlled drugs; providing legislative findings; requiring licensed pharmacies of the state to collect the tax; using a portion of tax to fund drug abuse treatment; using a portion of the tax to fund public employees' insurance costs; and requiring Tax Commissioner to administer and collect the tax and promulgate rules relating thereto"; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

By Delegate Capito:

H. B. 4544 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, and §5B-8-5, all relating to creating a matching program for the small business innovation and research program and the small business technology transfer program; defining terms; defining eligibility; providing terms of the grant; and defining the application process"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Hornbuckle and Moye:

H. B. 4545 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to establishing a pilot program to develop school-based mental and behavioral health services as an alternative to disciplinary action for disruptive student behavior"; to the Committee on Health and Human Resources then Education.

By Delegates Sobonya, Frich, C. Romine, C. Miller, Rohrbach, Butler, Summers, Pack, Hanshaw and Lovejoy:

H. B. 4546 - "A Bill to amend and reenact §48-2-102 of the Code of West Virginia, 1931, as amended, relating to permitting parties from two different counties in West Virginia to apply for and be issued a marriage license in any county in the state"; to the Committee on the Judiciary.

By Delegates Statler, Maynard, Cooper, R. Miller, Lovejoy, Love, Sponaugle and Jennings:

H. B. 4547 - "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; and entering into the compact with all jurisdictions also enacting the compact"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegates Moore, Butler, Kessinger, Upson, Folk, Paynter, Martin and McGeehan:

H. B. 4548 - "A Bill to amend and reenact §6B-3-2 and §6B-3-4 of the Code of West Virginia, 1931, all relating to the registration of lobbyists; altering the registration to an annual procedure; and amending the requirements for reporting by lobbyists, so as to include a general description of subjects on which the lobbyist has lobbied and a disclosure of the legislative bill numbers of any bills and any rules on which they have lobbied, as well as the general amount of time spent on each bill or rule"; to the Committee on the Judiciary.

By Delegates Dean, Thompson, E. Evans, Williams, Campbell and Hornbuckle:

H. B. 4549 - "A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to requiring school counselors in public schools to spend 100 percent of their time on comprehensive school counseling programs; and requiring county boards to ensure that school counselors are not assigned administrative or clerical duties as part of their regular work assignment or while students are present"; to the Committee on Education then Finance.

By Delegates Barrett and Householder:

H. B. 4550 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-27-8c, relating to providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists"; to the Committee on Government Organization.

By Delegate Deem:

H. B. 4551 - "A Bill to amend and reenact §55-12A-7 of the Code of West Virginia, 1931, as amended, relating to requiring the mineral estate of an unknown owner be sold to the legal surface owner at the fair market value of the mineral interest; providing that if the surface owner declines to purchase the estate, the estate shall be sold at auction to the highest bidder; setting forth requirements; and providing that all unclaimed royalties be transferred to the new owner"; to the Committee on Energy then the Judiciary.

By Delegates Barrett, Byrd, Fluharty, Pack, Hornbuckle and Foster:

H. B. 4552 - "A Bill to amend and reenact §47-21-2 of the Code of West Virginia, 1931, as amended, relating to the definition of a 'raffle' under §47-21-1 *et seq.* of this code, governing charitable raffles, and amending the same to include raffles conducted by electronic means, but

limiting the same to include only games in which one or more distributed ticket is randomly selected as a winner”; to the Committee on the Judiciary.

By Delegates Rohrbach, Queen, Sobonya, Summers, Dean, Westfall, Frich, Ward, Pyles and Lovejoy:

H. B. 4553 - “A Bill to amend and reenact §17B-2-6 and §17B-2-12a of the Code of West Virginia, 1931, as amended, all relating to requiring applicants for new and renewed drivers’ licenses to be asked if they desire to be organ donors”; to the Committee on Roads and Transportation then Government Organization.

By Delegates Hollen, Phillips, Criss, Deem, Butler, Ward, Kelly, Sobonya, Fast, Overington and Cooper:

H. B. 4554 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-17; and to amend said code by adding thereto a new section, designated §8-11-6, all relating to prohibiting counties, municipalities, and cities from passing any sanctuary ordinances, policies, and procedures”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Butler, McGeehan, Hollen, Ward, Phillips, C. Miller, Jennings, Folk, Moye and Lynch:

H. B. 4555 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, and §15-15-5, all relating to enacting the Refugee Information Act; including short title and definitions; requiring the state office within the Department of Health and Human Resources which deals with refugees to prepare and distribute fiscal impact assessment reports; and including administrative and severability provisions”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Pack, Hamrick, Graves, Ambler, Cooper, Wagner, Higginbotham, Howell, Phillips and Eldridge:

H. B. 4556 - “A Bill to amend and reenact §5-10D-1 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, 20-17-4a, §20-17-5, §20-17-6, §20-17-6a, §20-17-6b, §20-17-6c, §20-17-6d, §20-17-6e, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-11a, §20-17-11b, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, and §20-17-23, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System”; to the Committee on the Judiciary then Finance.

By Delegates Foster and Byrd:

H. B. 4557 - “A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating to increasing the salaries of circuit court judges, family court judges, and magistrates”; to the Committee on the Judiciary then Finance.

By Delegate Capito:

H. B. 4558 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-16, relating to establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office; setting forth general structure of fund and distribution of funds”; to the Committee on Finance.

By Delegates Westfall, Hornbuckle, Lane and R. Miller:

H. B. 4559 - “A Bill to amend and reenact §17B-4-6 of the Code of West Virginia, 1931, as amended, relating to modernizing rental car interactions; permitting digital and electronic rentals; providing that a rental car provider has met certain obligations when the renter has not executed a rental agreement or interacts with an employee of the provider; and defining terms”; to the Committee on Roads and Transportation then the Judiciary.

By Delegate Phillips:

H. B. 4560 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-51b; and to amend said code by adding thereto a new section, designated §17A-3-25, all relating to requiring the Tax Commissioner to include a line item on all personal income tax returns giving taxpayers the option to make a donation to veterans; requiring the Commissioner of Motor Vehicles to include a line item on vehicle registration renewals giving applicants the option to make a donation to veterans; requiring the commissioners to transfer all collected funds to the Division of Veterans' Affairs who shall distribute those funds to veterans' groups; and requiring yearly reports"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Frich and Sobonya:

H. B. 4561 - "A Bill to amend and reenact §60A-5-501 of the Code of West Virginia, 1931, as amended, relating to authorizing prosecuting attorneys to appoint the Attorney General or an assistant of the Attorney General as a special prosecutor to enforce provisions of the Uniform Controlled Substances Act"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Foster:

H. B. 4562 - "A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to the definition of an 'employee' for purposes of payment of minimum wages, maximum hours, and overtime compensation; and exempting persons employed by seasonal recreational establishments from the definition of an 'employee' for those purposes"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Miley and Hanshaw:

H. B. 4563 - "A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, removing the severance tax on oil and gas produced from low producing wells"; to the Committee on Energy then Finance.

By Delegate Dean:

H. B. 4564 - "A Bill to amend and reenact §18-2-39 of the Code of West Virginia, 1931, as amended, relating to assessing the college-and-career-readiness of 11th and 12th grade students and removing the requirement that seniors in 12th grade transitional program classes be reassessed at the conclusion of those classes"; to the Committee on Education.

By Delegate Eldridge:

H. B. 4565 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; and exempting social security benefits from personal income tax"; to the Committee on Senior Citizen Issues then Finance.

By Delegates Maynard, Cooper, Eldridge, Phillips, Iaquina, Ward, Walters, A. Evans, Jennings, Martin and Dean:

H. B. 4566 - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to permitting active members of the United States military and veterans who have been honorably discharged from service to elect one item, either real or personal to be exempt from the payment of various taxes"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegate Upson:

H. B. 4567 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4 and §29-6A-5, all relating to enacting the Ban-the-Box Act, prohibiting public employers from asking applicants for employment to

disclose information concerning the applicant's criminal record or history, under certain circumstances"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Williams, Iaquina, Isner and Byrd:

H. B. 4568 - "A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; defining food, water, shelter and treatment; providing specifics for tethering an animal; providing for seizure of an animal for violations; increasing criminal penalties; and providing that a person in violation of this statute for a second time shall be added to a state-wide, publicly available, do not adopt or sell, registry"; to the Committee on the Judiciary.

By Delegates Williams, Fleischauer, Fluharty, Diserio, Pushkin, Canestraro and Isner:

H. B. 4569 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-10A-101, §48-10A-102, §48-10A-201, §48-10A-202, §48-10A-203, §48-10A-204, §48-10A-301, §48-10A-401, §48-10A-402, §48-10A-403, §48-10A-501, §48-10A-502, §48-10A-601, §48-10A-602, §48-10A-701, §48-10A-702, §48-10A-801, §48-10A-802, §48-10A-901, §48-10A-902, §48-10A-1001, §48-10A-1002, §48-10A-1101, and §48-10A-1201; and to amend and reenact §51-2A-2 of said code, all relating to the creation of a statutory right to petition circuit and family courts in West Virginia for sibling visitation with minor children"; to the Committee on the Judiciary.

By Delegates Campbell, R. Miller, Canestraro, Thompson, Hicks, Ambler, Cooper, Wagner, Brewer, Lynch and Dean:

H. B. 4570 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l, relating to a one percent supplement to retirement benefits for certain retirees and beneficiaries in the Public Employees Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegates Campbell, Ambler, Lynch, R. Miller, Canestraro, Thompson, Hicks, Cooper, Wagner, Brewer and Dean:

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 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 12 p. m. until 6 p. m. on that date"; to the Committee on the Judiciary.

By Delegates Miley, C. Miller, Hamrick, Queen and Iaquina:

H. B. 4572 - "A Bill to amend and reenact §15-12-5 of the Code of West Virginia, as amended, relating to increasing frequency of the State Police updating the state sex offender registry"; to the Committee on the Judiciary.

By Delegates Shott and Hanshaw:

H. B. 4573 - "A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating to adding violations of law upon which a public servant's retirement plan may be forfeited; changing the definition of less than honorable service; removing the exception of a misdemeanor from the definition of less than honorable service relating to impeachment and conviction of a participant or former participant under the Constitution; removing the exception for certain lesser included crimes to constitute less than honorable service; and adding additional violations of law which constitute less than honorable service"; to the Committee on Pensions and Retirement then the Judiciary.

By Delegate Maynard:

H. B. 4574 - "A Bill to amend and reenact §11-13A-3a and §11-13A-5a of the Code of West Virginia, 1931, as amended, to amend and reenact §37-7-2 of said code; and to amend said code by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, and §37-16-6, all relating to development of interests in natural gas and oil; providing an additional measure

of tax for the severance of natural gas and providing for distribution of the revenues from the additional measure to be used to contribute to teacher salaries in all counties; establishing a special fund for receipt of money from the additional measure of severance tax; providing an exception to waste and trespass for certain oil or natural gas developments; providing declarations of public policy and legislative findings; defining terms; providing for development of oil and natural gas estates by persons owning three fourths of the royalty interests; providing that nonconsenting cotenants may elect a production royalty interest or a working interest share of production; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a special fund; creating the Unknown and Unlocatable Interest Owners Fund, to be administered by the State Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act; empowering the Oil and Gas Conversation Commission to enforce certain provisions hereof and to make determinations of reasonable terms and conditions; granting rulemaking authority to the Oil and Gas Conversation Commission; providing liability protection for damages resulting from the lawful use or development of oil or natural gas mineral property; establishing basic provisions for determinations of royalties and declaring that royalties shall not be reduced by production expenses incurred by an operator; specifying damages for injury to surface property; and limiting liabilities for nonconsenting cotenants"; to the Committee on Energy then Finance.

By Delegate Householder:

H. B. 4575 - "A Bill to amend and reenact §11-15A-1 and §11-15A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-15A-3b, all relating to providing an exemption from use tax for sales of tangible personal property, custom software, or services generated through affiliate marketing by a retailer who has no other nexus to the state; clarifying affiliate marketing does not create nexus for the purposes of the imposition and collection of use tax; and defining the term, 'affiliate marketing'; to the Committee on the Judiciary then Finance.

By Delegates Paynter, Ward, Martin, Maynard, Cooper, Ambler and Fluharty:

H. B. 4576 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person's credit history in certain insurance transactions"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Dean:

H. B. 4577 - "A Bill to amend and reenact §18A-4-8f of the Code of West Virginia, 1931, as amended, relating to permitting classroom teachers or school service personnel who at the time of a school merger who are the sole occupants of the same position that will exist at the new school will maintain that position at the new school; and, if posting is otherwise required, only the posting of service, professional or administrative positions for a merged school is required only when duplicate positions exist"; to the Committee on Education.

By Delegates Paynter, Phillips, Maynard, Dean, McGeehan, Martin, Hill, Pack and Eldridge:

H. B. 4578 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-21-12j, relating to permitting residential customers of electric utilities to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income for personal income tax purposes"; to the Committee on Energy then Finance.

By Delegate Ward:

H. B. 4579 - "A Bill to amend and reenact §3-8-8, and §3-8-12 of the Code of West Virginia, 1931, as amended, all relating generally to financing political campaigns for elections; prohibiting corporate contributions to political committees; prohibiting soliciting for certain forms of campaign contributions; updating references to federal law; prohibiting certain forms of anonymous mass communications relating to political campaigns; establishing monetary limits for various forms of contributions for

political purposes; and providing for subsequent adjustments to those limits”; to the Committee on the Judiciary.

By Delegates Zatezalo and Householder:

H. B. 4580 - “A Bill to amend and reenact §5-1A-2 of the Code of West Virginia, 1931, as amended, relating to submission of the budget bill; prescribing definitions for use in this section; requiring the Governor to include appropriation limitations in the budget and a bill for all the proposed appropriations of the budget delivered to the presiding officer of each house; establishing the factors and mechanisms for setting the state appropriation limitation for specific fiscal years; requiring the Governor to use estimates of the aggregate general revenue for fiscal year 2017; requiring the Governor for any fiscal year to use the most recent published data regarding inflation and population change, as well as estimated rates of inflation and population change; and requiring the Governor to update the rates of inflation, population change, and aggregate fund appropriations to reflect the most recent published data for determination of state appropriation limitations”; to the Committee on Finance.

By Delegates Brewer, Iaquina, Pyles and Campbell:

H. B. 4581 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4b, relating to requiring influenza immunizations for health care workers; providing certain exceptions; defining terms; requiring persons providing influenza immunizations to present a certificate of immunization; providing civil penalties that include monetary fines; and authorizing the director to request the Attorney General or county prosecutor to institute a civil action to recover the penalty”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Shott:

H. B. 4582 - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, as amended, relating to clarifying that students are not prohibited to possess a firearm or other deadly weapon on a school bus as defined in section one, article one, chapter seventeen-a of this code or in or on a public primary or secondary education building, structure, facility or grounds including a vocational education building, structure, facility or grounds where secondary vocational education programs are conducted or at a school-sponsored function, or in or on a private primary or secondary education building, structure or facility”; to the Committee on the Judiciary.

By Delegates Shott and Hanshaw:

H. B. 4583 - “A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating generally to the disclosure of certain confidential information; eliminating a disclosure exception for treatment or internal review purposes; eliminating a provision regarding disclosure from 30 days from the date of admission to a mental health facility if certain conditions are met; adopting provisions of federal law which pertain to disclosure of protected health information; providing for disclosure upon execution of a duly executed release in compliance with the Health Insurance Portability and Accountability Act of 1996; providing for disclosure in a proceeding instituted by the filing of a petition by certain persons for access to persons in a guardianship; and providing for disclosure of certain information by a guardian to relatives who have been granted access to a protected person”; to the Committee on the Judiciary.

By Delegates Ward, Butler, Hollen, Phillips and Folk:

H. B. 4584 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8F-1, §61-8F-2, §61-8F-3, §61-8F-4, §61-8F-5, §61-8F-6, and §61-8F-7, all relating to prohibiting retailers from selling or leasing products that make content accessible on the Internet, unless the product contains an active and operating digital blocking capability that renders obscene material inaccessible; providing exceptions; defining terms; establishing a fee;

creating a special fund; designating how moneys from the fund may be spent; and providing for injunctive relief, civil actions and criminal penalties”; to the Committee on the Judiciary.

By Delegate Lovejoy:

H. B. 4585 - “A Bill to amend and reenact §11-13DD-3 of the Code of West Virginia, 1931, as amended, relating to the Farm-To-Food Bank Tax Credit; and allowing the credit to equal 100 percent of the value of the donated edible agricultural products when the value is \$2,500 or less”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Moye:

H. B. 4586 - “A Bill to amend and reenact §21-1B-3 of the Code of West Virginia, 1931, as amended, relating to verification of eligibility for employment; requiring proof of identity and employment eligibility for employment; specifying that federal E-Verify Program may serve to verify employment eligibility status; requiring Commissioner of Labor to authorize by rule other forms of acceptable identification; and requiring retention of records of documents”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Miley, Pyles, Diserio, Ferro, Brewer, Iaquina, Isner, Hornbuckle, Longstreth, Pushkin and Sponaugle:

H. B. 4587 - “A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to freezing the contribution of public employees for their health insurance costs through the Public Employees Insurance Agency; capping employee’s contributions; and removing finance board authority to increase costs”; to the Committee on Banking and Insurance then Finance.

By Delegates Folk, McGeehan and Householder:

H. B. 4588 - “A Bill to amend and reenact §29A-6-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §51-2A-24; and to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, and §51-11-9, all relating generally to establishing a system of district courts of appeals to serve as an intermediate level of appeals in judicial proceedings; making legislative findings; defining the jurisdiction of the district courts of appeals and the effect of the courts’ decisions; establishing a date for operation of the district courts; providing for the transfer of appellate functions; creating appellate districts; providing for the assignment of judges; providing for rules of practice and procedure to be established through rules of the West Virginia Supreme Court of Appeals; providing for administration of the district courts through the Supreme Court; changing other statutory provisions for certain specified appeals to district courts of appeals in lieu of appeal to the Supreme Court; and requiring biannual reporting of case information”; to the Committee on the Judiciary then Finance.

By Delegates Miley, Fluharty, Lovejoy, Byrd, Fleischauer, Rowe, R. Miller, Marcum, Isner, Hicks and Sponaugle:

H. B. 4589 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-304, relating to authorizing magistrates to order emergency removal of child when parent’s drug use creates unsafe environment; requiring certain information in order; providing automatic termination of order following 96 hours unless petition filed; and providing for the department to place child with relative or the department”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Sponaugle:

H. B. 4590 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-804, relating to nullifying certain adoption orders, to read as follows”; to the Committee on the Judiciary.

By Delegate Sponaugle:

H. B. 4591 - "A Bill to amend and reenact §8-4-10 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to cancel elections when only one person is running for each office up for election and deeming those elected by acclamation"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate C. Miller:

H. B. 4592 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-30, relating to probation and parole; adding certain sanctions for violations of probation and parole; providing for a system of graduated sanctions; establishing the conditions of community supervision; granting authority to impose graduated sanctions; providing for the monitoring of graduated sanctions; defining terms; and requiring rule-making"; to the Committee on the Judiciary.

By Delegate R. Miller:

H. B. 4593 - "A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to establishing motor vehicle registration plates for official vehicles of emergency management agencies"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Thompson, Marcum and Hicks:

H. B. 4594 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6C-5-1, §6C-5-2, §6C-5-3 and §6C-5-4, all relating to permitting public employees the right to collectively bargain; providing for an exclusive representative; providing a procedure; and setting forth matters subject to collective bargaining"; to the Committee on Industry and Labor then the Judiciary.

By Delegate Pyles:

H. B. 4595 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-3-3a, relating to providing local government the authority to place video cameras at road intersections with frequent accidents to assist in liability determinations"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Isner, Kessinger, Summers, Canestraro, Iaquina, Moore, R. Miller, Foster, Sobonya and Hollen:

H. B. 4596 - "A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to file a petition or otherwise seek a ruling in any pending proceeding to terminate parental rights if an infant has tested positive for a Schedule I drug"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Howell, Graves, Pack, Hamrick, Martin, Ambler, McGeehan, Criss, Ward, Butler and Hill:

H. B. 4597 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1A-2a, relating to the procedure to determine if an occupation or profession should be regulated; providing when an application to regulate is prohibited; and when a license for a regulated expires"; to the Committee on Government Organization then the Judiciary.

By Delegates Isner, Kessinger, Longstreth, Pushkin, Thompson, Hicks, Williams and Fleischauer:

H. B. 4598 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §28-5C-3; to amend and reenact §31-20-5f of said code; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be

provided to female prisoners in regional jails or state correctional facilities and female juveniles in juvenile detention”; to the Committee on the Judiciary then Finance.

By Delegate Pyles:

H. B. 4599 - “A Bill to amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended, relating to permitting retail liquor licensees to sell alcoholic beverages after one o’clock p.m. on Sundays”; to the Committee on the Judiciary then Finance.

By Delegates Howell, Hamrick, Statler and Hill:

H. B. 4600 - “A Bill to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to providing an exception to the prohibitions of persons between the age of 18 and 21 of carrying concealed handguns; and authorizing employed investigators of the Board of Medicine, the Board of Osteopathy and the Board of Pharmacy to carry concealed handguns”; to the Committee on Government Organization then the Judiciary.

By Delegates Howell, Graves, Higginbotham and Hamrick:

H. B. 4601 - “A Bill to amend and reenact §29-22C-2, §29-22C-3, §29-22C-4, §29-22C-6, §29-22C-13, §29-22C-14, §29-22C-15, §29-22C-16, §29-22C-17, §29-22C-18, §29-22C-19, §29-22C-29, and §29-22C-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-25-2, §29-25-3, §29-25-8, §29-25-12, §29-25-13, §29-25-14, §29-25-15, §29-25-16, §29-25-17, §29-25-18, §29-25-22, §29-25-25, and §29-25-27, all relating to changing the licensing requirement for certain casino employees from a licensure to a registration”; to the Committee on Government Organization then the Judiciary.

By Delegates Campbell, R. Miller, Dean, Paynter, Thompson, Hicks, Ambler, Cooper, Wagner, Moye and Boggs:

H. B. 4602 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating generally to school calendars; providing that the instructional term for students begins on the Tuesday after Labor Day and ends the Friday before Memorial Day; providing an exception; permitting additional instruction minutes per day; and eliminating reimaged days”; to the Committee on Education.

By Delegates Lane, Pushkin, Byrd, Capito, Robinson and Rowe:

H. B. 4603 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2, and §55-7K-3, relating to providing immunity from civil liability to facilities and employees providing crisis stabilization and/or drug and alcohol detoxification services, substance use disorder services, and/or drug overdose services on a short-term basis”; to the Committee on the Judiciary.

By Delegates Hanshaw and Shott:

H. B. 4604 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9, and to amend and reenact §55-12A-7 of said code, all relating to providing that proceeds from certain oil and gas wells that are due to persons whose name or address are unknown are to be kept in a special fund and if unclaimed within seven years, the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that if there is a surface disturbance those named surface owners of a leased interest subject to pooling for a horizontal well are the only surface owners insofar as the well permit is concerned; providing that if another surface owner should become known his or her name shall be added as a surface owner on the permit; providing that if proceeds from other mineral tracts in a unit or pool of a horizontal well are not claimed by an unknown, missing or abandoned owner within seven years, the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that certain provisions take effect beginning when funds have been

unclaimed for seven years after the special commissioner's lease regardless of when the lease was signed; and authorizing rulemaking"; to the Committee on Energy then Finance.

By Delegates Campbell, Lynch, Moye, Rowe, Boggs, Caputo and Thompson:

H. B. 4605 - "A Bill to amend and reenact §11-3-1 of the Code of West Virginia, 1931, as amended, and to amend and reenact §11-4-2 of said code, all relating to the assessment of nonoccupied property owned by out-of-state individuals or other legal entities; and requiring that there be an additional \$4 an acre assessed against this real property, with the revenue dedicated to the Public Employees Insurance Agency to reduce costs of insurance"; to the Committee on the Judiciary then Finance.

By Delegates Campbell, Ambler, Cooper, Wagner, Brewer, Lynch and Dean:

H. B. 4606 - "A Bill to amend and reenact §29-22B-503 of the Code of West Virginia, 1931, as amended, relating to qualifications for a limited video lottery operator's license; and providing that an applicant who has a retail beer, wine or liquor license may qualify for a limited video lottery operator's license"; to the Committee on the Judiciary then Finance.

By Delegates Hamrick, Higginbotham, Howell and Graves:

H. B. 4607 - "A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to parks and recreation and prohibiting the banning of the use of recreational drones at state parks except within 150 feet from lodging"; to the Committee on the Judiciary.

By Delegate Hamrick:

H. B. 4608 - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to creating a consumers sales and service tax exemption for motion pictures and other commercial film or audiovisual projects in West Virginia"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Anderson:

H. B. 4609 - "A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended, relating to advertising by physicians and podiatrists; providing that the use of patient testimonials in advertising is not per se false or deceptive advertising"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Campbell:

H. B. 4610 - "A Bill to amend and reenact section one, chapter 180, Acts of the Legislature, regular session, 1985, authorizing the city of White Sulphur Springs, Greenbrier County, West Virginia, to expend both principal and interest from a special interest bearing fund"; to the Committee on Political Subdivisions then Finance.

By Delegates Kessinger, Hill, Pack, Robinson and Graves:

H. B. 4611 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2A-1, §16-2A-2, §16-2A-3 and §16-2A-4, all relating to creating the Ryan Brown Addiction Prevention and Recovery Fund Act; providing legislative findings, purpose, rules proposed by the Director of the West Virginia Department of Health and Human Resources; and establishing the Ryan Brown Addiction Prevention and Recovery Fund to be administered by the West Virginia Department of Health and Human Resources"; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

By Delegate Hanshaw:

H. B. 4612 - "A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting public utilities from prohibiting customers from constructing,

installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service”; to the Committee on Energy then Finance.

The following bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Rohrbach, Barrett, Householder, Lovejoy, Ambler, Walters and Fleischauer:

H. B. 4613 - “A Bill to amend and reenact §29-22-18a of the Code of West Virginia, 1931, as amended, relating to providing funds from the State Excess Lottery Revenue Fund to the Ron Yost Personal Assistance Services Fund, the Employment Attendant Care Fund, and to a fund for Centers for Independent Living”; to the Committee on Finance.

By Delegate Pushkin:

H. B. 4614 - “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to removing language requiring specific appropriations in order for the State Board of Education, State Department of Education, and the State Superintendent of Schools to provide education to children and adults housed in correctional facilities and regional jails”; to the Committee on Education then Finance.

By Delegates Shott, Hanshaw, McGeehan, Folk, Paynter, Maynard, Wilson and Foster:

H. B. 4615 - “A Bill to repeal §60A-7-704, §60A-7-705a, §60A-7-706, and §60A-7-707, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §60A-7-702a; to amend and reenact §60A-7-703 of said code; to amend said code by adding thereto two new sections, designated §60A-7-703a and §60A-7-703b; to amend and reenact §60A-7-705 of said code; and to amend said code by adding thereto nine new sections, designated §60A-7-708, §60A-7-709, §60A-7-710, §60A-7-711, §60A-7-712, §60A-7-713, §60A-7-714, §60A-7-715 and §60A-7-716, all relating generally to forfeiture of contraband; establishing criminal forfeiture and the items and property subject to forfeiture; setting forth additional procedures for forfeiture; establishing dates; permitting a court to waive a conviction requirement; protecting innocent owners; permitting seizure of personal property with and without process; providing that there are no additional remedies and no joint and severable liability; establishing title; setting forth the disposition of forfeited property and proceeds; establishing prohibition on retaining property; establishing sales restrictions, return of property, damages, and costs; permitting the transfer of forfeited property to the federal government; providing for preemption; and defining terms”; to the Committee on the Judiciary.

By Delegates Moye, Campbell and Sponaugle:

H. B. 4616 - “A Bill to amend and reenact §8-6-5 of the Code of West Virginia, 1931, as amended, relating to requiring a majority of affected parties to authorize minor boundary annexation”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Shott and Hanshaw:

H. B. 4617 - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, clarifying that driving under the influence of alcohol, controlled substances, or drugs must be for circumstances where the operator is upon a public highway, or is on a private road either before or after entering or exiting a public highway”; to the Committee on the Judiciary.

By Delegates Shott and Hanshaw:

H. B. 4618 - “A Bill to amend and reenact §61-6-1 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Protective Services to compel dispersal of an unlawful assemblage”; to the Committee on the Judiciary.

Special Calendar**Third Reading**

S. B. 62, Adjusting requirements for hiring school attendance directors; 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. 89**), and there were—yeas 86, nays 14, absent and not voting none, with the nays being as follows:

Nays: Byrd, Canestraro, Diserio, Ferro, Fleischauer, Isner, Love, Marcum, Moye, Pethtel, Pushkin, Robinson, Rowe and Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 62) 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 S. B. 267, Increasing salaries of certain state employees; on third reading, coming up in regular order, was read a third time.

During the debate, the Speaker admonished Delegate Fluharty regarding the content of his remarks and also reminded other members to direct their comments to the bill before the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 90**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fluharty.

Absent and Not Voting: Blair.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 267) passed.

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

Com. Sub. for S. B. 267 - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-8 of said code; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, 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.”

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

On this question, the yeas and nays were taken (**Roll No. 91**), 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: Blair.

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 S. B. 267) 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. 4009, State Settlement and Recovered Funds Accountability 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. 92**), and there were—yeas 90, nays 7, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Butler, Householder, McGeehan, Paynter, Upson, Ward and Wilson.

Absent and Not Voting: Blair, Kessinger and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4009) passed.

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

On this question, the yeas and nays were taken (**Roll No. 93**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Blair, Kessinger and Storch.

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. 4009) 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. 4407, Relating to eligibility for alternative program teacher certificate; 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. 94**), and there were—yeas 50, nays 48, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Fast, Ferro, Fleischauer, Fluharty, Frich, Hamilton, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Miley, R. Miller, Moye, Paynter, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sobonya, Sponaugle, Storch, Thompson, Wagner, Ward, Westfall, White and Williams.

Absent and Not Voting: Blair and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4407) passed.

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

Second Reading

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

Com. Sub. for H. B. 2995, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia,

Com. Sub. for H. B. 4024, Relating generally to direct cremation or direct burial expenses for indigent persons,

Com. Sub. for H. B. 4027, Creating an education permit for allopathic physician resident,

And,

Com. Sub. for H. B. 4180, Relating to wildlife resources.

Com. Sub. for H. B. 4197, Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation; on second reading, coming up in regular order, was read a second time.

Delegates Longstreth and Rohrbach moved to amend the bill on page two, section five, line twenty-nine, after the word "training", by inserting the words "and continuing education".

And,

On page two, section five, line thirty-one, by striking out the word "course".

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

The yeas and nays having been ordered, they were taken (**Roll No. 95**), and there were—yeas 37, nays 56, absent and not voting 7, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Brewer, Byrd, Campbell, Caputo, Diserio, Eldridge, E. Evans, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaule, Storch, Sypolt, Thompson, Ward and Williams.

Absent and Not Voting: Blair, Boggs, Canestraro, Ferro, Kessinger, Lane and Marcum.

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4279, Relating to adult protective services system; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Ellington and Summers, the bill was amended on page one, section one, lines sixteen through eighteen, by striking out subdivision (6) in its entirety and inserting in lieu thereof a new subdivision (6) to read as follows:

“(6) ‘Financial exploitation’ means the intentional misappropriation or misuse of funds or assets of an incapacitated adult or facility resident, but does not apply to a transaction or disposition of funds or assets where a person made a good faith effort to assist the incapacitated adult or facility resident with the management of his or her money or other things of value.”

On page three, section two, line ten, after the word “neglected”, by inserting a comma and the words “financially exploited”.

On page three, section two, line thirteen, after the word “neglect”, by inserting a comma and the words “financial exploitation”.

On page three, section two, line seventeen, after the word “neglected”, by inserting a comma and the words “financially exploited”.

And,

On page four, section two, line twenty-eight, after the word “of”, by inserting the words “financial exploitation” and a comma.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4306, Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for S. B. 154, Authorizing Department of Administration to promulgate legislative rules,

Com. Sub. for S. B. 184, Authorizing DOT promulgate legislative rules,

Com. Sub. for H. B. 2694, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas,

Com. Sub. for H. B. 2890, Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects,

Com. Sub. for H. B. 3104, Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund,

Com. Sub. for H. B. 4015, Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies,

Com. Sub. for H. B. 4154, Establishing the 2018 Regulatory Reform Act,

Com. Sub. for H. B. 4268, Co-tenancy Modernization and Majority Protection Act,

Com. Sub. for H. B. 4270, Providing for the timely payment of moneys owed from oil and natural gas production,

Com. Sub. for H. B. 4361, Bestowing the West Augusta Award upon each West Virginian graduating from U. S. Military Academies with the highest grade point average,

H. B. 4433, Declaring certain claims against an agency of the state to be moral obligations of the state,

And,

H. B. 4434, Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement.

At the request of Delegate Espinosa and by unanimous consent, the House of Delegates returned to further consideration of the committee report for H. B. 4619.

Pursuant to House Rule 80, the Speaker referred the bill to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 4376, Expiring funds to the balance of the Department of Health and Human Resources,

H. B. 4385, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

H. B. 4389, Expiring funds to the Enterprise Resource Planning System Fund,

S. B. 379, Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR,

S. B. 382, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund,

S. B. 384, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR,

S. B. 385, Decreasing and adding appropriations out of Treasury to DHHR and MAPS,

Com. Sub. for S. B. 386, Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission,

And,

S. B. 388, Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration,

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

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

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

H. B. 2661, Permitting recreational gold mining,

And,

H. B. 4394, Relating to forest fires,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2661 and H. B. 4394) were each referred to the Committee on the Judiciary.

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

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

H. B. 4296, Establishing the Southern West Virginia Lake Development Study Commission,

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 (H. B. 4296) was referred to the Committee on Finance.

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

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

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

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

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

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

H. B. 4470, Exempting all-terrain vehicles and utility terrain vehicles used as farm equipment from the sales tax,

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 (H. B. 4470) was referred to the Committee on Finance.

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

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

S. B. 463, Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture,

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

In accordance with the former direction of the Speaker, the bill (S. B. 463) was referred to the Committee on Government Organization.

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:

- All remarks during the debate regarding Com. Sub. for S. B. 267
- Delegate Rohrbach during the debate regarding Com. Sub. for H. B. 4009
- Delegates Folk, Hornbuckle and Moye during the debate regarding Com. Sub. for H. B. 4407
- Delegate Eldridge during Remarks by Members

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

- Delegate R. Phillips for H. B. 4512
- Delegate Cowles for H. B. 4619

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

- Delegate Lovejoy for H. B. 4287
- Delegate Summers for H. B. 4366
- Delegate Canestraro for H. B. 4491

At 2:04 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 14, 2018.

SPECIAL CALENDAR

Wednesday, February 14, 2018

36th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2995 - Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4024 - Relating generally to direct cremation or direct burial expenses for indigent persons (NELSON) (JULY 1, 2018)
- Com. Sub. for H. B. 4027 - Creating an education permit for allopathic physician resident (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4180 - Relating to wildlife resources (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4197 - Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4279 - Relating to adult protective services system (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4306 - Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health (ELLINGTON) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 154 - Authorizing Department of Administration to promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 184 - Authorizing DOT promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2694 - Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas (NELSON) (REGULAR)
- Com. Sub. for H. B. 2890 - Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects (NELSON) (REGULAR)
- Com. Sub. for H. B. 3104 - Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund (NELSON) (REGULAR)

- Com. Sub. for H. B. 4015 - Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4154 - Establishing the 2018 Regulatory Reform Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4268 - Co-tenancy Modernization and Majority Protection Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4270 - Providing for the timely payment of moneys owed from oil and natural gas production (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4361 - Bestowing the West Augusta Award upon each West Virginian graduating from U. S. Military Academies with the highest-grade point average (COOPER) (REGULAR)
- H. B. 4433 - Declaring certain claims against an agency of the state to be moral obligations of the state (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4434 - Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 163 - Authorizing DEP promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 165 - Authorizing DHHR promulgate legislative rules (SHOTT) (JUDICIARY COMMITTEE AMENDMENT PENDING) (EFFECTIVE FROM PASSAGE)
- S. B. 379 - Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR (NELSON) (EFFECTIVE FROM PASSAGE)
- S. B. 382 - Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund (NELSON) (EFFECTIVE FROM PASSAGE)
- S. B. 384 - Decreasing and increasing appropriations from State Fund, General Revenue to DHHR (NELSON) (EFFECTIVE FROM PASSAGE)
- S. B. 385 - Decreasing and adding appropriations out of Treasury to DHHR and MAPS (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 386 - Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission (NELSON) (EFFECTIVE FROM PASSAGE)
- S. B. 388 - Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration (NELSON) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for H. B. 2464 - Relating to disclaimers and exclusions of warranties in consumer transactions for goods (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4343 - Relating to the delivery of financial statements to bank shareholders (SHOTT) (REGULAR)
- H. B. 4376 - Expiring funds to the balance of the Department of Health and Human Resources (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4385 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4389 - Expiring funds to the Enterprise Resource Planning System Fund (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4400 - Relating to the West Virginia Physicians Mutual Insurance Company (SHOTT) (REGULAR)
- H. B. 4402 - Relating to the prevention of sexual abuse of children (SHOTT) (REGULAR)
- H. B. 4462 - Allowing off duty members and officers of the department of public safety to guard private property (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4473 - Relating to use of state funds for advertising to promote a public official or government office (SHOTT) (REGULAR)

HOUSE CALENDAR

Wednesday, February 14, 2018

36th Day

11:00 A. M.

NO BILLS

**WEST VIRGINIA
HOUSE OF DELEGATES**

WEDNESDAY, FEBRUARY 14, 2018

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

**COMMITTEE ON FINANCE
9:00 A.M. – ROOM 460M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:00 A.M. & 2:00 P.M. – ROOM 215E**

**COMMITTEE ON RULES
10:45 A.M. – BEHIND CHAMBER**

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

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

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