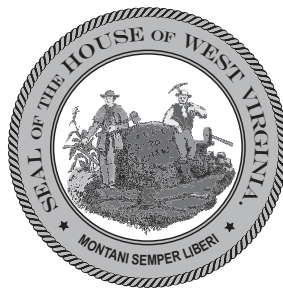


West Virginia Legislature

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February 2, 2018
TWENTY-FOURTH DAY

Friday, February 2, 2018

TWENTY-FOURTH 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 Thursday, February 1, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Hill, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

H. B. 2591, Small Business Tax Credit,

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. 2591) was referred to the Committee on Finance.

Delegate Rowan, Chair of the Committee on Senior Citizen Issues, submitted the following report, which was received:

Your Committee on Senior Citizen Issues has had under consideration:

H. B. 4279, Relating to adult protective services system,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 4279) was referred to the Committee on Health and Human Resources.

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

Your Committee on Energy has had under consideration:

H. B. 4085, Department of Environmental Protection, rule relating to West Virginia surface mining reclamation,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4085) was referred to the Committee on the Judiciary.

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

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

Com. Sub. for H. B. 2654 - "A Bill to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding county commissions' ability to dispose of county or district property; adding the ability of county commissions to dispose of such property to an authority, commission, instrumentality, or agency established by act of the State of West Virginia or any of its political subdivisions; noting that such sales are not required to be made considering the property's present commercial or market value; setting a minimum value for such sales; revising the requirement that property conveyed to volunteer fire department or volunteer ambulance service, or to an authority, commission, instrumentality, or agency, reverts back to county commission following termination of use; and, to provide that such reversionary right may be disclaimed in a deed by the county commission,"

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 further consideration:

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

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

Com. Sub. for H. B. 3020 - "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, and §20-7-9 of the Code of West Virginia, 1931, as amended, relating to unlawful acts in natural resources law generally; unlawful methods of hunting and fishing and other unlawful acts; catching, taking, killing or attempting to catch, take or kill any fish by any means within two hundred feet of agency personnel stocking fish into public waters; creating a misdemeanor for violations thereof; and providing for criminal penalties for such violations; criminal penalties for the offense of hunting, trapping or fishing on the lands of another person; criminal penalties for the offense of entering on to posted lands; criminal penalties for the offense of destroying posted land signs; setting those criminal penalties for such offenses to be equivalent to those of the offense of criminal trespass, including for conviction of subsequent offenses of the same; and making technical changes,"

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. 4359, Relating to the removal of animals left unattended in motor vehicles,

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

Com. Sub. for H. B. 4359 - "A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to the removal of animals left unattended in motor vehicles; defining terms, setting forth conditions to rescue and retrieve an animal in danger in an unattended vehicle; providing for written notice to the owner of the motor vehicle; providing for payment of fees and costs associated with the maintenance, care and medical treatment of an animal; limiting search of a motor vehicle during rescue; providing for seizure of items found in certain circumstances; providing for civil and criminal immunity to persons, their employees or agents who retrieve an animal; and providing for criminal penalties,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

At the request of Delegate Cowles, and by unanimous consent, second reference of the bill (Com. Sub. for H. B. 4359) to the Committee on Finance was dispensed with.

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. 4275, Relating to the law-enforcement authority of the director and officers of the division of protective services,

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

Com. Sub. for H. B. 4275 - "A Bill to amend and reenact §15-2D-2 and §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to the law-enforcement authority of the director and officers of the division of protective services; exempting certain safety and security information from disclosure under the West Virginia Freedom of Information Act; and clarifying that agencies installing electronic security systems designed to connect with the division's command center must be approved prior to installation,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Banking and Insurance has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4186) was referred to the Committee on the Judiciary.

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

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

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

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

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

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

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

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

Com. Sub. for H. B. 4175 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to requiring payment for health care services,”

With the recommendation that the committee substitute do pass.

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

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

H. B. 4304, Creating the Board of Nursing,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4304) was referred to the Committee on Government Organization.

Delegate Ellington, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

H. B. 4336, Updating the schedule of controlled substances,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4336) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

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

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 4027) was referred to the Committee on Health and Human Resources.

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. 336 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-2-12a, relating generally to application forms prescribed by the Commissioner of the West Virginia Division of Motor Vehicles; providing that the commissioner shall prescribe and provide suitable forms of application which provide certain applicants the ability to make a contribution to the West Virginia Department of Veterans Assistance; providing that the contributions be added, as appropriate, to the regular fee charged; providing that contributions be used exclusively for stated purposes; providing that the department shall determine the total amount collected and report the amount to the State Treasurer; providing that the State Treasurer shall transfer the amount collected to the West Virginia Department of Veterans Assistance; providing that the West Virginia Department of Veterans Assistance shall reimburse the division for the actual costs incurred by the division in administering the requirements of this section"; which was referred to the Committee on Veterans' Affairs and Homeland Security then Finance.

Motions

Delegate Sponaugle submitted a written motion, pursuant to House Rule 82, that **H. B. 2211**, providing teacher pay raises, be discharged from the Committee on Education.

Delegate Cowles moved that the motion be tabled.

On this question, the yeas and nays were taken (**Roll No. 37**), and there were—yeas 58, nays 38, absent and not voting 3, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Capito, Ellington and Isner.

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

Bills Introduced

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

By Delegates Espinosa, Statler, Moye, Hornbuckle, Kelly, Rodighiero, Blair, Householder, Higginbotham, Dean and Campbell:

H. B. 4402 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §18-2-41, relating to the education and prevention of sexual abuse of children; mandating that children in grades K-12 receive sexual abuse education at least once during the academic year beginning July 1, 2019; requiring the State Board of Education to promulgate legislative rules to facilitate this process and develop resources by December 31, 2018; providing a list of minimum content for said legislative rules; requiring that the state board promulgate legislative rules for sexual abuse education and prevention training of public school employees by December 31, 2018; providing for an emergency rule, if necessary; providing a list of minimum content for said legislative rules; providing that said training be administered every two years; and providing additional requirements of said training"; to the Committee on Education then the Judiciary.

By Delegates Marcum, Eldridge, Dean, Folk, McGeehan, Westfall, Hicks, Phillips, Kelly, E. Evans and Lynch:

H. B. 4403 - "A Bill to amend and reenact §29-5A-1, §29-5A-1a, §29-5A-2, §29-5A-3, §29-5A-3a, §29-5A-3b, §29-5A-6, §29-5A-7, §29-5A-8, §29-5A-13, §29-5A-14, §29-5A-15, §29-5A-16, §29-5A-17, §29-5A-20, §29-5A-23 and §29-5A-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-5A-25b, all relating generally to the State Athletic Commission; increasing the number of commission members; requiring that one member be a licensed promoter; setting forth additional duties and responsibilities of the commission; eliminating certain responsibilities of promoters; providing that surplus funds of the commission may be appropriated elsewhere by the Legislature; limiting certain pay rates; eliminating certain sparring matches; providing that promoters may appeal decisions by the commission to a circuit court; extending the time period certain organizations have to file reports; permitting semiprofessionals to pay a yearly license fee instead of on an event-by-event basis; subjecting certain individuals to the state's ethics act; and requiring rulemaking"; to the Committee on Government Organization then Finance.

By Delegates Eldridge, Love, Lynch, Maynard, Paynter, Phillips, Lane, White, Marcum, R. Miller and Rodighiero:

H. B. 4404 - "A Bill to amend and reenact §20-2-5h of the Code of West Virginia, 1931, as amended, relating to requiring that five percent of the permits to hunt elk be issued to West Virginia residents who are honorably discharged veterans of the armed forces of the United States of America"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Cooper, Ambler, Iaquinta, Hollen, Pack, Rowan, Wagner, Lynch and Butler:

H. B. 4405 - "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to permitting vehicles displaying disabled veterans special registration plates to park in places where persons with mobility impairments may park"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegates Espinosa, Barrett, Upson, Moore and Folk:

H. B. 4406 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; providing for source market fees; providing for the distribution of those fees from wagers made by West Virginia account holders, for distribution of those fees from wagers made by account holders located within and outside 50 miles of a licensed horse racing association and for distribution of those fees from wagers made by account holders located within 50 miles of two or more licensed horse racing associations; providing for regulatory authority in the Racing Commission over advance deposit wagering; providing for the assessment and imposition of regulatory fees and taxes on advance deposit wagering licensees' wagering in West Virginia and for the distribution of the fees and taxes; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee or as otherwise provided by law; providing for criminal penalties for accepting or attempting to accept advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; authorizing rulemaking; and defining terms"; to the Committee on the Judiciary then Finance.

By Delegates Espinosa, Statler, Kelly, Blair, Higginbotham, Atkinson, Walters and Mr. Speaker (Mr. Armstead):

H. B. 4407 - "A Bill to amend and reenact §18A-3-1f of the Code of West Virginia, 1931, as amended, relating to eligibility for alternative program teacher certificate; and removing eligibility requirement to have academic major or occupational area the same as or similar to subject matter being hired to teach"; to the Committee on Education.

By Delegates Westfall, Householder, Espinosa, Barrett, Moore, Lane and Byrd:

H. B. 4408 - "A Bill to amend and reenact §29-22B-503, §29-22B-504, §29-22B-903, and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating generally to limited video lottery; allowing operators to be retailers at up to 10 licensed locations with certain exceptions; increasing the maximum wager permitted per limited video lottery game; removing restrictions on bill denominations accepted by limited video lottery terminals; and fixing the state's share of gross terminal income at 50 percent on July 1, 2018"; to the Committee on the Judiciary then Finance.

By Delegates Westfall, Householder, Barrett, Moore, Lane and Byrd:

H. B. 4409 - "A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to removing restrictions on where certain traditional lottery games may be played"; to the Committee on the Judiciary then Finance.

By Delegates Moore, Westfall, Lane and White:

H. B. 4410 - "A Bill to amend and reenact §29-22B-1107 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids"; to the Committee on the Judiciary.

By Delegates Moore, Westfall and Lane:

H. B. 4411 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-10-1a, relating to the requirements of the Real Estate Division for members of the Board of Public Works; exempting certain members of the Board of Public Works from the requirements of the Real Estate Division; requiring maintenance of records relating to real property owned or leased; requiring annual disclosure of certain records to the Real Estate Division; and clarifying information to be kept and disclosed"; to the Committee on Government Organization then Finance.

By Delegates Fluharty, Sponaugle, Pushkin, Caputo and Barrett:

H. B. 4412 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22D-1, §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-5, §29-22D-6, §29-22D-7, §29-22D-8, §29-22D-9, §29-22D-10, §29-22D-11, §29-22D-12, §29-22D-13, §29-22D-14, §29-22D-15, §29-22D-16, §29-22D-17, §29-22D-18, §29-22D-19, §29-22D-20, §29-22D-21, §29-22D-22, §29-22D-23, §29-22D-24, and §29-22D-25, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery Sports Wagering activities; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; limiting sports wagering to existing racetrack casinos and the casino in a historic resort hotel; establishing license requirements and prohibitions; adopting house rules and the posting of the same; defining duties of an operator conducting sports wagering; requiring the posting of betting limits; adopting sports wagering agreements with other governments; prohibiting unauthorized sports wagering in this state; creating the West Virginia Lottery Sports Wagering Fund; authorizing the collection of license fees; authorizing the West Virginia Lottery to collect an administrative allowance from gross sports wagering receipts; authorizing the West Virginia Lottery to levy and collect a tax in the amount of 10 percent of adjusted gross sports wagering receipts; defining how moneys deposited in the West Virginia Lottery Sports Wagering Fund shall be distributed; establishing the role of law enforcement; imposing civil and criminal penalties; establishing crimes; providing for the forfeiture of property for certain violations; preempting this article from state and local law; establishing exemption from federal law; and allowing for the shipment of gambling devices used for sports wagering"; to the Committee on the Judiciary then Finance.

By Delegates Rodighiero, Ellington, Summers, Westfall, Fleischauer, Frich, Marcum, Rohrbach, Sobonya, Hicks and Thompson:

H. B. 4413 - "A Bill to amend and reenact §30-3E-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3E-9a, all relating to physician assistants; and permitting a physician assistant to practice independent of a collaborating physician if certain conditions are met"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Foster, Hanshaw, Harshbarger and Zatezalo:

H. B. 4414 - "A Bill to amend and reenact §22-5-12 of the Code of West Virginia, 1931, as amended; relating to requiring the Director of Environmental Resources to bill the holder of a permit to operate a source of air pollutants for the renewal of that permit 30 days before the permit is set to expire"; to the Committee on the Judiciary.

By Delegates Kessinger, Phillips, Lane, Hill, Overington, Blair, Howell, Sobonya and Espinosa:

H. B. 4415 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, all relating to creating The Protect Our Right to Unite Act; providing its purpose and intent; providing for the protection of privacy of association; authorizing enforcement by state or citizen action; providing for damages and attorneys fees; and defining terms"; to the Committee on the Judiciary.

By Delegates Hamrick and Howell:

H. B. 4416 - "A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of annual and incremental salary increases for eligible employees from \$60 to \$100"; to the Committee on Finance.

By Delegates Ellington, Foster, Householder, Rohrbach and Sybolt:

H. B. 4417 - "A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-7-2, §9-7-5, and §9-7-6 of said code; to amend said code by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, §9-8-12, and §9-8-13; and to amend and reenact §61-3-54 of said code, all relating to investigations, inspections, evaluations, and review conducted by the Department of Health and Human Resources to prevent fraud and abuse; dis-enrolling providers who commit fraud and requiring repayment; defining fraud as it relates to Medicaid; authorizing penalties against providers for failure to keep medical records for a specific time period; authorizing a civil cause of action for fraud when a person or entity knew or should have known a claim to be false; enlarging the statute of limitations to file health care fraud civil actions; defining terms relating to public assistance fraud; providing for an asset test for SNAP benefits which authorizes the access of information of various federal, state, and miscellaneous sources; requiring cooperation with the Bureau for Child Support Enforcement; requiring a design or establishment of a computerized income, asset, and identity verification system for each public assistance program administered by the Department of Health and Human Resources; allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state, and miscellaneous sources for eligibility verification; requiring identity authentication as a condition to receive public assistance; authorizing the department to study the feasibility of requiring photos on EBT cards; prohibiting payment of public assistance benefits in specified instances; setting forth notice requirements and right to a hearing; requiring referrals for fraud, misrepresentation, and inadequate documentation; authorizing referrals of suspected cases of fraud for criminal prosecution; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; providing for rulemaking; and providing a penalty for taking the identity of another person for the purpose of gaining employment"; to the Committee on Health and Human Resources then the Judiciary.

House Calendar**Third Reading**

H. B. 2612, Repealing section relating to unattended motor vehicles and penalties; 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. 38**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Ellington and Isner.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2612) passed.

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

Com. Sub. for H. B. 4138, Requiring certain public or private schools and daycare centers to install carbon monoxide detectors; 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. 39**), and there were—yeas 95, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Capito, Ellington and Isner.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4138) passed.

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

Com. Sub. for H. B. 4199, Permitting a nursing home to use trained individuals to administer medication; on third reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

Second Reading

Com. Sub. for H. B. 2655, Defining and establishing the crime of cyberbullying; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2662, Prohibiting the waste of game animals, game birds or game fish; on second reading, coming up in regular order, was read a second time.

Delegate Fast moved to amend the bill on page one, section five-i, lines one and two, by striking out the words "A person may not waste a game animal, game bird or game fish (hereinafter referred to as 'game') that has been wounded, killed or taken while hunting or fishing." and inserting in lieu thereof the words "A person shall be assessed the amounts set forth in W.Va. §20-2-5a(a) 1-12 for the waste of game animals, game birds, or game fishes (hereinafter referred to as 'game') that have been unlawfully wounded, killed or taken while hunting or fishing."

And,

On page one, section five-i, line seventeen, by striking out the words "Any person violating the provisions" and inserting in lieu thereof the words "In addition to the monetary penalties set forth in subsection (a), a person convicted of violating said provisions".

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

The yeas and nays having been ordered, they were taken (**Roll No. 40**), and there were—yeas 19, nays 78, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Butler, Cowles, Deem, Fast, Frich, Graves, Hanshaw, Hollen, Jennings, Kessinger, Martin, Moye, Overington, Pack, C. Romine, Sobonya, Summers, Upson and Ward.

Absent and Not Voting: Ellington and Isner.

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

The bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 2696, Relating to crossbow hunting; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4162, Granting authority to the State Conservation Committee to contract for flood response; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

On motion of Delegate Hanshaw, the bill was amended on page four, section one, line ninety-two, after the word "governors", by inserting the words "within this state".

On page five, section one, line ninety-eight, after the word "commission", by inserting a colon and the words "*Provided*, That if an appointee is an employee or board member of an out-of-state higher education institution, there is no apparent conflict of interest caused by the individual serving in both capacities".

On page five, section one, line one hundred two, after the word "governors", by inserting the words "within this state".

And,

On page five, section one, line one hundred ten, after the word "commission", by inserting a colon and the words "*Provided*, That if an appointee is an employee or board member of an out-of-state higher education institution, there is no apparent conflict of interest caused by the individual serving in both capacities".

The bill was then ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2693, Relating to state ownership of wildlife,

Com. Sub. for H. B. 4156, Establishing the qualifications of full and part time nursing school faculty members,

Com. Sub. for H. B. 4230, Relating to credit for reinsurance,

And,

Com. Sub. for H. B. 4329, Requiring pawnbrokers to providing certain information to law-enforcement agencies.

Leaves of Absence

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

Remarks by Members**Speaker Pro Tempore Overington in the Chair**

Mr. Speaker, Mr. Armstead, arose from his seat and addressed the House regarding the issue of pay raises for teachers.

Mr. Speaker, Mr. Armstead, in the Chair

Pursuant to House Rule 61, Delegate Sponaugle moved to take from the table the motion to discharge H. B. 2211.

On this question, the yeas and nays were taken **(Roll No. 41)**, and there were—yeas 37, nays 51, absent and not voting 11, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Capito, Ellington, A. Evans, Householder, Howell, Isner, Longstreth, Rohrbach, R. Romine, Walters and Westfall.

So, a majority of the members present and voting not having voted in the affirmative, the motion to take from the table the motion to discharge H. B. 2211 was rejected.

Miscellaneous Business

Delegate Capito noted to the Clerk that he was absent today when the votes were taken on Roll Nos. 38 and 39, and that had he been present, he would have voted “Yea” thereon.

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

- Delegates Eldridge, Fleischauer, Lovejoy, Lynch, Maynard, Pethtel and Rohrbach for H. B. 4279
- Delegate Frich for H. B. 4332
- Delegate Fleischauer for H. B. 4359
- Delegates Capito, Criss, Frich, Hardman, Lane, Upson, Walters and White for H. B. 4400

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

- Delegate Love regarding the amendment offered to Com. Sub. for H. B. 2662
- Delegate Miley during Remarks by Members
- Delegate Caputo during Remarks by Members
- Delegate Brewer during Remarks by Members

- Delegate Pethtel during Remarks by Members
- Delegate Diserio during Remarks by Members
- Mr. Speaker, Mr. Armstead during Remarks by Members
- Delegate Folk during Remarks by Members
- Delegate Pushkin during Remarks by Members
- Delegate Eldridge during Remarks by Members
- Delegate Ferro during Remarks by Members
- Delegate Sponaugle during Remarks by Members
- Delegate C. Miller during Remarks by Members
- Delegate E. Evans during Remarks by Members
- Delegate Campbell during Remarks by Members

At 1:15 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 5, 2018.

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

HOUSE CALENDAR

Monday, February 5, 2018

27th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2655 - Defining and establishing the crime of cyberbullying (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2662 - Prohibiting the waste of game animals, game birds or game fish (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2696 - Relating to crossbow hunting (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4162 - Granting authority to the State Conservation Committee to contract for flood response (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4199 - Permitting a nursing home to use trained individuals to administer medication (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4251 - Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors (ESPINOSA) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2693 - Relating to state ownership of wildlife (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4156 - Establishing the qualifications of full and part time nursing school faculty members (ESPINOSA) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4230 - Relating to credit for reinsurance (SHOTT) (JANUARY 1, 2019)
- Com. Sub. for H. B. 4329 - Requiring pawnbrokers to providing certain information to law-enforcement agencies (SHOTT) (REGULAR)

FIRST READING

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, FEBRUARY 5, 2018

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON THE JUDICIARY
PUBLIC HEARING**

8:30 A.M. – HOUSE CHAMBER

**H. B. 4012, AMENDING THE DEFINITION OF MEDICAL SERVICES,
SO AS TO EXCLUDE ABORTION.**

**COMMITTEE ON THE JUDICIARY
9:15 A.M. – ROOM 418M**

**ROADS & TRANSPORTATION
1:00 P.M. – ROOM 215E**

**COMMITTEE ON FINANCE
1:30 P.M. – ROOM 464M**

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

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

**FIRE DEPARTMENTS & EMERGENCY MEDICAL SERVICES
4:00 P.M. – ROOM 215E**

HOUSE OF DELEGATES
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