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February 9, 2018
THIRTY-FIRST DAY

Friday, February 9, 2018

THIRTY-FIRST 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 8, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

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. 4024, Relating generally to direct cremation or direct burial expenses for indigent persons,

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

Com. Sub. for H. B. 4024 - "A Bill to repeal §9-5-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §9-5-9 of said code, all relating generally to direct cremation or direct burial expenses for indigent persons; decreasing the maximum amount paid by the Department of Health and Human Resources for indigent burial or cremation; making certain relatives of the indigent person liable for direct cremation or direct burial expenses; authorizing the Department of Health and Human Resources to recover direct cremation or direct burial expenses from relatives liable for those costs; requiring affidavits be signed and filed; requiring direct cremation in certain circumstances; defining terms; and establishing a criminal penalty,"

With the recommendation that the committee substitute do pass.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 4405, Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park,

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. 4405) was referred to the Committee on the Judiciary.

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. 4452, Creating newly-established small business tax credits,

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. 4452) was referred to the Committee on Finance.

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. 4187, Business Liability Protection Act,

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. 4187) was referred to the Committee on the Judiciary.

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. 2848, Livable Home 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. 2848) was referred to the Committee on Finance.

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

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. 4400) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

Com. Sub. for S. B. 336, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance,

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 (Com. Sub. for S. B. 336) was referred to the Committee on Finance.

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

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

Com. Sub. for H. B. 4027 - "A Bill to amend and reenact §30-3-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3-16, all relating to creating an education permit for allopathic physician resident; prohibiting the practice of medicine and surgery without an authorization from the board; removing an exemption; providing an application process; providing criteria to obtain the permit; and providing emergency rulemaking authority; and providing rulemaking authority,"

H. B. 4197, Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation,

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

Com. Sub. for H. B. 4197 - "A Bill to amend and reenact §24-6-5 of the Code of West Virginia, 1931, as amended, relating to requiring persons employed to dispatch emergency calls in county emergency dispatch centers to complete a training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation; requiring training to be completed by a certain date; and requiring calls to be transferred to call center in certain circumstances,"

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

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

Com. Sub. for H. B. 4279 - "A Bill to amend and reenact §9-6-1 and §9-6-2 of the Code of West Virginia, 1931, as amended, relating to adult protective services system; defining terms; and adding a goal that must be considered when creating a rule,"

And,

H. B. 4306, Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health,

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

Com. Sub. for H. B. 4306 - "A Bill to amend and reenact §16-2-5 of the Code of West Virginia, 1931, as amended, relating to permitting local boards of health to combine,"

With the recommendation that the committee substitutes each do pass.

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. 4309, Restricting the sale and trade of dextromethorphan,

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. 4309) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

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

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

Com. Sub. for H. B. 2995 - "A Bill to amend and reenact §30-10-12 of the Code of West Virginia, 1931, as amended, relating to reciprocal qualifications for certification as an animal euthanasia technician,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 4180, Relating to wildlife resources,

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

Com. Sub. for H. B. 4180 - "A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and authorizing the Director of the Division of Natural Resources to establish procedures and a fee schedule for individuals applying for limited permit hunts,"

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the title amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

Com. Sub. for H. B. 4020, Making technical corrections in the code when referencing chapter 49.

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:

S. C. R. 1 – “Requesting the Division of Highways to name the portion of State Route 10 from milepost 9.10 to milepost 13.60 in Logan County, the ‘U. S. Army SGT Denver E. Short Memorial Road’.”

Whereas, Denver E. Short was born May 6, 1921, in Logan County, at Davin on Huff Creek. He attended Man High School and later married Margaret Parsons from West Logan, and they had two daughters, Katy Short Ojeda and Brenda Short Thomas; and

Whereas, Denver E. Short enlisted in the U. S. Army in August 1941, and was honorably discharged on September 27, 1945, after having participated in historic battles in central Europe and received medals for his service and for wounds received in action; and

Whereas, As a Platoon Sergeant in Headquarters Battery of the 155th Airborne Anti-Aircraft Battalion, Sergeant Denver E. Short served in four European wartime campaigns: In Normandy; the Rhineland; the Ardennes; and central Europe; and

Whereas, Sergeant Denver E. Short suffered his first combat wound from small arms fire on D-Day, June 6, 1944, he was subsequently wounded in Belgium in 1944 and again in France in 1945. As a result of his wounds, he was hospitalized on numerous occasions, first in a hospital in England and two different extended stays in hospitals in France, and was awarded three separate Purple Heart Medals for his wounds; and

Whereas, Sergeant Denver E. Short also received the first Oak Leaf Cluster to his first Purple Heart Medal, a second Oak Leaf Cluster to his second Purple Heart Medal and two Distinguished Unit Badges; and

Whereas, Sergeant Denver E. Short passed away on August 26, 2001, and was a proud veteran, great father and husband, a quiet, humble man, a devout Christian and a true American hero; and

Whereas, Naming the portion of State Route 10 from milepost 9.10 to milepost 13.60 in Logan County, the “U. S. Army SGT Denver E. Short Memorial Road”, is an appropriate recognition of his service and sacrifices for his country as a part of The Greatest Generation and service to his state, community and Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of State Route 10 from milepost 9.1 to milepost 13.60 in Logan County, the "U. S. Army SGT Denver E. Short Memorial Road"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road as the "U. S. Army SGT Denver E. Short Memorial Road"; and, be it

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

Resolutions Introduced

Delegates Rowe, Robinson and White offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 58 - "Requesting the Division of Highways to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the 'U. S. Army SGT Tommy Meadows Memorial Road'."

Whereas, Sergeant Meadows was born on February 17, 1948, in Charleston and passed away on March 5, 2017; and

Whereas, Sergeant Meadows was president of his class for sophomore, junior and senior years at DuPont High School; and

Whereas, Sergeant Meadows served in the United States Army from 1968 to 1970; and

Whereas, While serving in Vietnam, Sergeant Meadows was exposed to Agent Orange, which eventually contributed to his death; and

Whereas, Sergeant Meadows served as a Kanawha County Deputy Sheriff for five years; and

Whereas, Sergeant Meadows retired from Union Carbide with a disability because of exposure to Agent Orange; and

Whereas, Sergeant Meadows was an officer and active member of Charleston Moose 1444; and

Whereas, Sergeant Meadows was a volunteer with Community of Rand Association performing community services for the betterment of Rand; and

Whereas, Sergeant Meadows bought and delivered meals to senior citizens in the area and was forever lending assistance to anyone in need; and

Whereas, It is fitting that a proper memorial be established for this man who so ably served his country and the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the "U. S. Army SGT Tommy Meadows Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying that portion of the highway as the “U. S. Army SGT Tommy Meadows Memorial Road”; and, be it

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

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

H. C. R. 59 - “Requesting the Division of Highways to name bridge number 07-24-3.59 (07A055) (38.78829, -81.13024), locally known as the Arnoldsburg School Bridge, carrying County Route 24 over the West Fork of Little Kanawha River in Calhoun County, the ‘Three Marks Brothers Bridge’.”

Whereas, Albert Marks, Alden Marks, and Bissell Marks were all born and raised in Calhoun County, the sons of F. Harrison and Leah D. Marks; and

Whereas, Albert Marks was born in October 1920 and died in 1985 at the age of 65 and was a Staff Sergeant in the U. S. Army in Luxembourg, Germany during World War II; and

Whereas, Alden Marks was born in February 1923 and died in 1972 at the age of 49 and was a PFC in the U. S. Army and served as a cook in Belgium during World War II; and

Whereas, Bissell Marks was born in January 1925 and died in 1981 at the age of 56 and was a Corporal in the U. S. Army in Germany during World War II; and

Whereas, It is fitting and proper to honor the Marks brothers for their dedication, commitment and sacrifice to their state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 07-24-3.59 (07A055) (38.78829, -81.13024), locally known as the Arnoldsburg School Bridge, carrying County Route 24 over the West Fork of Little Kanawha River in Calhoun County, the “Three Marks Brothers Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Three Marks Brothers Bridge”; and, be it

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

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

H. C. R. 60 - “Requesting the Division of Highways to name a portion of County Route 5/11, White Creek Road, in Lincoln County, near Harts, beginning at a point, latitude 37.922, longitude -82.089, at the intersection of Smokehouse Fork Hart Creek Road, and ending at a point, latitude 37.912, longitude -82.106, at the intersection of White Oak Road, the ‘Lando Adkins, Sr. Memorial Road’.”

Whereas, Lando Adkins, Sr. was born in Harts in 1950 and passed away on July 2, 2012. He was a lifelong resident of the White Oak area and was a deacon and lifetime member of the White Oak Church; and

Whereas, It is fitting and proper that Mr. Adkins have a road named after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested name a portion of County Route 5/11, White Creek Road, in Lincoln County, near Harts, beginning at a point, latitude 37.922, longitude -82.089, at the intersection of Smokehouse Fork Hart Creek Road, and ending at a point, latitude 37.912, longitude -82.106, at the intersection of White Oak Road, the "Lando Adkins, Sr. Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the road as the "Lando Adkins, Sr. Memorial Road"; and, be it

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

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

H. C. R. 61 - "Requesting the Division of Highways to name bridge number 22-37/2-3.40 (22A125), locally known as Sulphur Springs Fork Bridge #1, carrying County Route 37/2 over Fourteenmile Creek in Lincoln County the 'U. S. Army PFC Cornelious Wiley Memorial Bridge'."

Whereas, The Legislature adopted H. C. R 30 during the Regular Session in 2017, and the bridge named for U. S. Army PFC Cornelious Wiley was not the correct bridge intended to be so named. The correct information has since been provided to the Legislature and it is the purpose of this resolution to seek to remove the signs proclaiming the bridge the "U. S. Army PFC Cornelious Wiley Memorial Bridge" and place them at the bridge described herein; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to remove the signs at both ends of bridge number 22-37-4.35 (22A059), latitude 38.10346, longitude -82.17775, on Route 73 in Lincoln County and that the Division of Highways place those signs at bridge number 22-37/2-3.40 (22A125), locally known as Sulphur Springs Fork Bridge #1, carrying County Route 37/2 over Fourteenmile Creek in Lincoln County, to be named the "U. S. Army PFC Cornelious Wiley Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to remove the signs at both ends of bridge number 22-37-4.35 (22A059), latitude 38.10346, longitude -82.17775, on Route 73 in Lincoln County and place those signs identifying the correct bridge as "U. S. Army PFC Cornelious Wiley Memorial Bridge"; and, be it

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

Delegates Hartman, Lynch, Iaquina, Isner, Love, Pethtel, Sponaule, Williams, Boggs, Gearheart and Hamilton offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 62 - "Requesting the Division of Highways to name bridge number 38-39-21.66 (38A053), locally known as Marlinton City Bridge, carrying WV 39 over the Greenbrier River in Pocahontas County, be named the 'Pocahontas County Veterans Memorial Bridge'."

Whereas, West Virginians have always been in the forefront of serving in the military forces; and

Whereas, There have been 7,397 West Virginia casualties since World War II; and

Whereas, There are more than 173,000 West Virginians currently serving in the military service; and

Whereas, Pocahontas County had the highest per capita casualty rate in the Vietnam War; and

Whereas, The Town Council for the Town of Marlinton, West Virginia, by a majority vote do support the efforts of the Pocahontas County Vietnam Veterans of America, Chapter 1100, Marlinton, West Virginia, in requesting that bridge number 38-39-21.66 on West Virginia Route 39, crossing the Greenbrier River in Marlinton, Pocahontas County, West Virginia, be named the "Pocahontas County Veterans Memorial Bridge".

Whereas, It is fitting that a proper and public memorial be established whereby the Pocahontas County Veterans are recognized; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 38-39-21.66 (38A053), locally known as Marlinton City Bridge, carrying WV 39 over the Greenbrier River in Pocahontas County, be named the "Pocahontas County Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the "Pocahontas County Veterans Memorial Bridge"; and, be it

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

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

H. C. R. 63 - "Requesting the Division of Highways to name a one-mile section of Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, West Virginia, the 'U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway'."

Whereas, Army Specialist Nunnery was born on April 29, 1942, to Samuel and Lola Nunnery; and

Whereas, Army Specialist Nunnery married Janice White Nunnery; and

Whereas, Army Specialist Nunnery served in the United States Army in Korea and Germany; and

Whereas, Following his military service, Army Specialist Nunnery worked in the coal mines until he became disabled and also worked with the Boone County Parks and Recreation for ten years; and

Whereas, Army Specialist Nunnery was a member of the Independent Order of Odd Fellows and served on the Boone County Correctional Officer Civil Service Committee for two years; and

Whereas, Army Specialist Nunnery was Vice Chairman of the Democratic Party in Boone County for more than ten years and assisted numerous veterans file and receive benefits; and

Whereas, Army Specialist Nunnery passed away on December 31, 2000; and

Whereas, It is fitting that an enduring memorial be established to commemorate this native son who so ably served his state and his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a one-mile section of Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, West Virginia, the "U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the highway containing bold and prominent letters proclaiming the highway the "U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway"; and, be it

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

Bills Introduced

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

By Delegates Statler and Hanshaw:

H. B. 4480 - "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, all relating to standards of proof in civil actions where business structure sought to be disregarded; making findings; establishing clear and convincing evidence as standard for personal liability of business debts; adopting standards for determining personal liability for business debts; defining terms; and establishing safe harbor requirements"; to the Committee on the Judiciary.

By Delegates Howell, Summers, Bates, Rohrbach, Ellington, Shott, Hamrick, Statler and Hill:

H. B. 4481 - "A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-14 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-7A-10 of said code; and to amend and reenact §30-14-11 of said code, all relating to the addition of mandatory, inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, registered professional nursing, and practical nursing so that licensees or registrants of those boards must report the professional incompetence or inability to practice of any licensee or registrant of any of those boards"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Foster, Folk, Walters, Blair and Wilson:

H. B. 4482 - "A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to net metering; modifying method for determining rebate or discounts to customers; and requiring compliance with certain national codes"; to the Committee on Energy then the Judiciary.

By Delegates Kessinger, Hill and Hanshaw:

H. B. 4483 - "A Bill to amend and reenact §30-5-12b of the Code of West Virginia, 1931, as amended, relating to generic drug products; and making the provisions retroactive"; to the Committee on Health and Human Resources then Finance.

By Delegates Frich, Sobonya, Foster, Martin, Kessinger, Overington, Fast, Hollen, Deem, Butler and Higginbotham:

H. B. 4484 - "A Bill to amend and reenact §19-23-3, §19-23-7, §19-23-10, §19-23-12b, §19-23-13, and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e, and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27, and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; modifying certain definitions; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund for licensees outside of Ohio County; transferring some moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that some moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purpose of funding purses, awards or providing any other funding for greyhound races be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license outside of Ohio County race a minimum number of dates to qualify for such license; eliminating the requirement that an applicant for a dog racing license outside of Ohio County race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred racetracks, and deducted for administrative costs and expenses, to the Racing Commission's General Administrative Account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from video lottery terminals with certain parties; providing that a percentage of net terminal income originating at dog racetracks will be deposited in the State Excess Lottery Revenue Fund; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted or in an alternate location within the county as approved by the Lottery Commission; eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates; and making certain exceptions for racetracks in Ohio County"; to the Committee on Finance.

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

H. B. 4485 - "A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended, to amend and reenact §22-16-4 of said code, all relating to shifting funding from the Landfill

Closure Assistance Fund to local solid waste authorities”; to the Committee on Political Subdivisions then Finance.

By Delegates White, Frich, Lane, Westfall, Queen, Dean, Martin, Eldridge, Phillips, Moore and Foster:

H. B. 4486 - “A Bill to amend and reenact §32A-2-3 of the Code of West Virginia, 1931, as amended, relating to persons required to obtain a license to engage in the business of currency exchange, transportation, or transmission; and providing an exemption from licensure for certain entities which administer the Electronic Filing Depository system on behalf of state securities regulators”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Lovejoy, C. Miller, Isner, Thompson, Hicks, Eldridge, Hanshaw, Harshbarger, Moore and Atkinson:

H. B. 4487 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate for pollinators; and establishing a fee”; to the Committee on Roads and Transportation then Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 4023, Relating to the regulation of dialysis technicians; 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. 67**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4023) passed.

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

H. B. 4025, Permitting reciprocity for licensure as a pharmacy technician; 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. 68**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4025) 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. 4186, Relating generally to guaranteed asset protection waivers; on third reading, coming up in regular order, was read a third time.

Delegate C. Miller requested to be excused from voting on the passage of Com. Sub. for H. B. 4186 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 69**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4186) 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. 4236, Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division; 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. 70**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4236) 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. 4276, Allowing magistrates to grant work release privileges; 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. 71**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4276) passed.

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

H. B. 4410, Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids; 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. 72**), and there were—yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4410) passed.

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

Second Reading

Com. Sub. for H. B. 2841, Requiring board members to have attended a board meeting to be compensated for the meeting; 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. 4142, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment; on second reading, coming up in regular order, was read a second time.

Delegates Sponaugle, Boggs, Barrett, Hartman, Moye, Pethtel, Rowe, Ferro, Brewer, Caputo and Longstreth moved to amend the bill on page one, section four-b, line nine, by striking out "\$6,000" and inserting in lieu thereof "\$7,500".

On page one, section four-b, line twelve, by striking out "\$2,000" and inserting in lieu thereof "\$2,500".

On page two, section four-b, line fifteen, by striking out "\$2,000" and inserting in lieu thereof "\$2,500".

And,

On page two, section four-b, line eighteen, by striking out "\$2,000" and inserting in lieu thereof "\$2,500".

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

The yeas and nays having been ordered, they were taken (**Roll No. 73**), and there were—yeas 36, nays 58, absent and not voting 5, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

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

Delegates Robinson, Eldridge and R. Miller moved to amend the bill on page one, section four-b, lines six through eight, by striking out the words “that are employed as a correctional officer, a correctional trainer, a parole officer, or at a correctional center or complex, a regional jail, or a juvenile detention or corrections facility”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 74**), and there were—yeas 36, nays 58, absent and not voting 5, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

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

Delegates Eldridge and R. Miller moved to amend the bill on page one, section four-b, line eight, after the word “facility”, by inserting a comma and the words “or a youth reporting center”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 75**), and there were—yeas 40, nays 54, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Frich, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Maynard, Miley, R. Miller, Moye, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson, Ward, White and Williams.

Absent and Not Voting: Boggs, Ellington, Marcum, C. Romine and Wilson.

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. 4320, Limiting the ability of an agent under a power of attorney to take self-benefiting actions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4380, Making a supplementary appropriation to the Department of Agriculture; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4381, Making a supplementary appropriation to the Department of Education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4384, Making a supplementary appropriation to the Department of Transportation; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

S. B. 62, Adjusting requirements for hiring school attendance directors,

Com. Sub. S. B. 267, Increasing salaries of certain state employees,

Com. Sub. H. B. 4009, State Settlement and Recovered Funds Accountability Act,

And,

Com. Sub. H. B. 4407, Relating to eligibility for alternative program teacher certificate.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Ellington, Marcum, C. Romine and Wilson.

Miscellaneous Business

Delegate Lane noted to the Clerk that she was absent on Wednesday, February 7, 2018, when the votes were taken on Roll Nos. 53 through 64, and that had she been present, she would have voted “Yea” on Roll Nos. 53 through 63, and “Nay” on Roll No. 64.

Pursuant to House Rule 132, unanimous consent was requested and obtained that the remarks of Delegate Graves during Remarks by Members be printed in the Appendix to the Journal.

Pursuant to House Rule 132, unanimous consent was requested that the remarks of all members during Remarks by Members be printed in the Appendix to the Journal, which consent was not obtained, objection being heard.

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

- Delegate C. Miller for H. B. 2890
- Delegate Frich for H. B. 4197, H. B. 4253, H. B. 4306 and H. B. 4366
- Delegate Barrett for H. B. 4485

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

- Delegate Householder for H. B. 2662 and H. B. 4294
- Delegate Frich for H. B. 4413

At 12:37 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 12, 2018.

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

SPECIAL CALENDAR

Monday, February 12, 2018

34th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2841 - Requiring board members to have attended a board meeting to be compensated for the meeting (NELSON) (REGULAR)
- Com. Sub. for H. B. 4142 - Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment (NELSON) (REGULAR)
- Com. Sub. for H. B. 4320 - Limiting the ability of an agent under a power of attorney to take self-benefiting actions (SHOTT) (REGULAR)
- H. B. 4380 - Making a supplementary appropriation to the Department of Agriculture (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4381 - Making a supplementary appropriation to the Department of Education (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4384 - Making a supplementary appropriation to the Department of Transportation (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 4386 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services (NELSON) (EFFECTIVE FROM PASSAGE)

SECOND READING

- S. B. 62 - Adjusting requirements for hiring school attendance directors (ESPINOSA) (EDUCATION COMMITTEE AMENDMENT PENDING) (REGULAR)
- Com. Sub. for S. B. 267 - Increasing salaries of certain state employees (NELSON) (FINANCE COMMITTEE AMENDMENT PENDING) (JULY 1, 2018)
- Com. Sub. for H. B. 4009 - State Settlement and Recovered Funds Accountability Act (NELSON) (JULY 1, 2018)

Com. Sub. for H. B. 4407 - Relating to eligibility for alternative program teacher certificate (ESPINOSA) (REGULAR)

FIRST 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)

HOUSE CALENDAR

Monday, February 12, 2018

34th Day

11:00 A. M.

No BILLS

WEST VIRGINIA HOUSE OF DELEGATES

MONDAY, FEBRUARY 12, 2018

PUBLIC HEARING-COMMITTEE ON THE JUDICIARY

8:30 A.M. – HOUSE CHAMBER

H. B. 4001, RELATING TO ELIGIBILITY AND FRAUD REQUIREMENTS FOR PUBLIC ASSISTANCE.

COMMITTEE ON THE JUDICIARY

9:15 A.M. – ROOM 418M

PUBLIC HEARING-COMMITTEE ON FINANCE

10:00 A.M. – HOUSE CHAMBER

H. B. 4140, TRANSFERRING OF CERTAIN POWERS AND PROGRAMS OF THE WEST VIRGINIA AFFORDABLE HOUSING TRUST FUND TO THE WEST VIRGINIA HOUSING DEVELOPMENT FUND.

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

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

TUESDAY, FEBRUARY 13, 2018

PUBLIC HEARING-COMMITTEE ON HEALTH & HUMAN RESOURCES

2:00 P.M. – ROOM 215E

H. B. 4366, RELATING TO THE APPROVAL OF ADDITIONAL BEDS FOR INTERMEDIATE CARE FACILITIES.

PUBLIC HEARING-COMMITTEE ON HEALTH & HUMAN RESOURCES

2:30 P.M. – ROOM 215E

H. B. 4390, RELATING TO PROVISIONALLY LICENSED SOCIAL WORKERS WITH THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES.

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