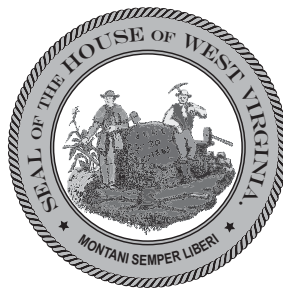


West Virginia Legislature

JOURNAL  
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HOUSE of DELEGATES

Eighty-Third Legislature  
Second Regular Session

Held at Charleston  
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February 27, 2018  
FORTY-NINTH DAY



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Tuesday, February 27, 2018

**FORTY-NINTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Monday, February 26, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Reordering of the Calendar**

Delegate Cowles announced that the Committee on Rules had transferred H. B. 2114, Com. Sub. for H. B. 4158 and Com. Sub. for H. B. 4563 on Second Reading, Special Calendar, to the House Calendar; and Com. Sub. for S. B. 181 and Com. Sub. for S. B. 348 on First Reading, House Calendar, to the Special Calendar.

**Committee Reports**

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

Your Committee on Rules has had under consideration:

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

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

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

And,

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

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

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:

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

And reports the same back with the recommendation that it 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:

**S. B. 400**, Prohibiting state licensing boards from hiring lobbyists,

And,

**Com. Sub. for S. B. 412**, Relating to authority of county litter control officers,

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 (S. B. 400 and Com. Sub. for S. B. 412) were each 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:

**S. B. 479**, Establishing local government monitoring by Auditor,

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

In accordance with the former direction of the Speaker, the bill (S. B. 479) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**Com. Sub. for S. B. 244**, Specifying conditions for unlawful possession of firearm at school-sponsored activities,

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 (Com. Sub. for S. B. 244) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

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

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

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

Your Committee on Finance has had under consideration:

**Com. Sub. for S. J. R. 3**, Judicial Budget Oversight Amendment,

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

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for S. J. R. 3) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

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

And,

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

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

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

Your Committee on the Judiciary has had under consideration:

**Com. Sub. for S. B. 37**, Equalizing penalty for entering without breaking regardless of time of day,

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

And,

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

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:

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

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

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

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

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (S. B. 444) to the Committee on Government Organization was abrogated.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**Com. Sub. for S. C. R. 3**, Michael Angiulli Memorial Bridge,

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

And,

**H. C. R. 16**, Frenchburg Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for S. C. R. 3, Com. Sub. for S. C. R. 11 and H. C. R. 16) were each referred to the Committee on Rules.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**S. C. R. 1**, US Army SGT Denver E. Short Memorial Road,

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

In accordance with the former direction of the Speaker, the resolution (S. C. R. 1) was referred to the Committee on Rules.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

**H. C. R. 51**, Gill Brothers World War Veterans' Memorial Bridge,

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

**Com. Sub. for H. C. R. 51** - "Requesting the Division of Highways to name bridge number 17-50-14.25 (17A195) (39.28950, -80.35136), locally known as the Adamston Bridge, carrying U.S. 50 over the West Fork River in Harrison County, the 'Gill Brothers World War II Veterans' Memorial Bridge'."

**H. C. R. 53**, Pastor Robert L. 'Bob' Barker Memorial Bridge,

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

**Com. Sub. for H. C. R. 53** - "Requesting the Division of Highways to name bridge number 25-79-140.37 NB & SB (25A147, 25A148), locally known as Little Creek Road Overpass, carrying Interstate 79 over County Route 76 in Marion County, the 'Pastor Robert L. "Bob" Barker Memorial Bridge'."

**H. C. R. 67**, U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road,

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

**Com. Sub. for H. C. R. 67** - "Requesting the Division of Highways to name the road from the beginning of Sand Creek Road on County Route 10/15 at the bend of the Guyandotte River and State Route 10 running one-half mile on Sand Creek Road in Lincoln County, the 'U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road'."

**H. C. R. 70**, U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge,

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

**Com. Sub. for H. C. R. 70** - "Requesting the Division of Highways to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the 'U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge'."

And,

**H. C. R. 83**, Vietnam Veterans Memorial Highway,

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

**Com. Sub. for H. C. R. 83** - "Requesting the Division of Highways to name a portion of WV Route 3, starting at the eastern city limits of Union and ending at the intersection with CR 11, Keenan Road, in Monroe County, the 'Vietnam Veterans Memorial Highway'."

With the recommendation that the committee substitutes each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for H. C. R. 51, Com. Sub. for H. C. R. 53, Com. Sub. for H. C. R. 67, Com. Sub. for H. C. R. 70 and Com. Sub. for H. C. R. 83) were each referred to the Committee on Rules.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 237**, Authorizing Department of Revenue promulgate legislative rules.

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. 275** - "A Bill to amend and reenact §11-10-5d of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3-9d of said code; and to amend and reenact §60-3A-21 of said code, all relating to the excise tax on the sale of intoxicating liquors and wine; providing that tax collected within the corporate limits of a municipality be remitted to the municipality; providing that the tax collected outside the corporate limits of a municipality be remitted to the county in which the tax is collected; providing rule-making authority; providing sourcing rules for determining whether tax is collected within the corporate limits of a municipality; permitting counties to inspect and make copies of certain Tax Commissioner records relating to the collection of tax within the county and the municipalities in the county or the remittance of tax to such county or municipalities; and permitting municipalities to inspect and make copies of certain Tax Commissioner records relating to the collection of tax within the municipality and within the county in which the municipality is located, but outside of the corporate limits of another municipality, and the remittance of tax to such municipality and county"; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 313** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to waiver of occupational licensing fees for certain individuals; requiring boards and licensing authorities to waive occupational licensing fees for low-income individuals, military families, and young workers; defining terms; requiring individuals seeking waiver of occupational licensing fees to apply on a form provided by the board or licensing authority; and granting rule-making authority"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2018, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 420** - "A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, all relating to transferring the safety and treatment program, which treats and educates people whose licenses were revoked due to concerns of alcohol and/or drug use while operating a motor vehicle, from the Department of Health and Human Resources to



the Division of Motor Vehicles and amending references thereto in said code; transferring moneys from the Department of Health and Human Resources Safety and Treatment Fund to the Division of Motor Vehicles Safety and Treatment Fund; providing that a portion of program provider fees be deposited in Division of Motor Vehicles Safety and Treatment Fund; transferring rule-making authority; requiring grievance and appellate procedures and judicial review for individuals participating, or who have participated, in the Division of Motor Vehicles' safety and treatment program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate rules to add procedures and judicial review for participants of the safety and treatment program"; 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. 456** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-41-1, §30-41-2, and §30-41-3, all relating to creating the Physical Therapy Licensure Compact Act; authorizing the Governor to execute the act with any one or more of the states of the United States; providing that the Legislature signifies in advance its approval and ratification of the compact; providing that the purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services; setting forth the substance, requirements, and privileges of the act; and establishing an effective date"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

**Com. Sub. for S. B. 490** - "A Bill to amend and reenact §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-19, and §30-39-21 of the Code of West Virginia, 1931, as amended, all relating to adopting the Revised Uniform Athlete Agents Act of 2015; modifying short title; defining terms; granting legislative rule-making authority to the Secretary of State; establishing seven-day limit on athlete agent to register; requiring additional information from applicant in registration process; eliminating language making applications or renewals for athlete agent registration public records; providing for reciprocal registration; updating required contents of reciprocal registration application; requiring Secretary of State issue reciprocal license if certain criteria satisfied; requiring Secretary of State cooperate with certain national organizations; allowing the Secretary of State to consider whether the athlete agent has pled guilty or no contest to a crime of moral turpitude in decision to issue registration; providing requirements for reciprocal renewals of registration; providing Secretary of State authority to suspend or revoke registration for same reasons as would justify refusal to issue certificate of registration; permitting applicant to appeal adverse decision of Secretary of State; authorizing Secretary of State promulgate procedural rules to implement appeal procedures; increasing fees for initial license and renewal; adding required contract terms; requiring certain notices by athlete agent to educational institutions; requiring educational institution notify Secretary of State and others if it becomes aware of violation of article by athlete agent; allowing parent and guardian of student athlete ability to cancel contract; requiring athlete agent to create certain records; expanding scope of what constitutes prohibited conduct under the act; expanding scope of who might engage in prohibited conduct under the act; expanding scope of who can be charged with a criminal violation of the act; enabling student athletes to bring civil action for act or omission of athlete agent; expanding scope of damages that may be available in civil action; making a civil violation an unfair trade practice under West Virginia law; establishing relation to the Electronic Signatures in Global

and National Commerce Act; and modifying effective date”; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 499** - “A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying requirements for a license to practice medicine, surgery, and podiatry; and rewriting and reorganizing minimum licensing requirements for a license to practice medicine, surgery, and podiatry”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

**Com. Sub. for S. B. 500** - “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”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2018, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 521** - “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 chief executives employed prior to the effective date are exempt from this requirement”; 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. 528** - “A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to providing for an additional circuit court judge for the nineteenth judicial circuit”; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

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

**S. B. 539** - “A Bill to amend and reenact §14-2-17a of the Code of West Virginia, 1931, as amended, relating to increasing the limit for settling claims against the Division of Highways under the shortened procedure for road condition claims”; 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. 555** – “A Bill to amend and reenact §55-7C-3 of the Code of West Virginia, 1931, as amended, relating to liability for qualified directors of volunteer organizations and entities; and providing that a qualified director is not personally liable for the torts of a volunteer organization or entity, or the torts of the agents or employees of a volunteer organization or entity, unless he or she approved of, ratified, directed, sanctioned, or participated in the wrongful acts”; 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. 561** - “A Bill to amend and reenact §18-5-12 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum contract price that requires the execution of a bond with respect to the building or repairing of school property”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 562** - “A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to certain felonies for which a court may impose a period of supervised release of up to 50 years; and providing for supervised persons on release to be supervised by the probation office of the sentencing court or the circuit in which he or she resides”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 566** – “A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to disability pensions of municipal employees; increasing amount of income that may be earned before an offset of benefits is required; and increasing that limit automatically when the minimum wage increases”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 573** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating generally to allowing, after the primary statewide assessment program is administered, county superintendents of schools to reduce the instructional term for students by up to five days”; which was referred to the Committee on Education.

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. 574** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-59, relating to creating the offense of misrepresentation of military status or honors with the intent to obtain money, property, or anything of value; and providing criminal penalties based upon value”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 627** – “A Bill to amend and reenact §7-22-7a of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-38-12 of said code, all relating to permitting local governments to access certain tax records related to local economic opportunity development projects; requiring a bond trustee to share certain tax information related to an economic opportunity development district with the county or municipality that established the district; requiring the Tax Commissioner to share certain tax information related to an economic opportunity development district with the county or municipality that established the district; and requiring the Tax Commissioner to share certain tax information related to a potential economic opportunity district within the county or municipality that submitted an application for the creation of the district”; which was referred to the Committee on the Judiciary then Finance.

### **Resolutions Introduced**

Delegates Caputo, Anderson, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Iaquina, Isner, Kessinger, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pack, Paynter, Pethel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rowe, Sponaule, Statler, Storch, Thompson, Wagner, Ward, Westfall and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 10** - “Requesting the Governor to increase public access to the State Capitol.”

Whereas, On Friday, February 16<sup>th</sup>, hundreds of West Virginia teachers waited outside in the rain for three hours to get into the Capitol building to peacefully protest; and

Whereas, According to the West Virginia State Constitution, it is the sacred right of the people to assemble in a peaceful manner, to consult for the common good, to instruct their representatives, and to apply for redress of grievances; and

Whereas, According to the West Virginia State Constitution, the power of our government resides in all the citizens of the State and can only be exercised in accordance with their will and appointment; and

Whereas, These rights can be impeded by small incremental measures, and even when not intended, to limit the access of our citizens to instruct their representatives and apply for redress of grievances can be inhibited by burdensome acts, and although only intended to protect state employees, visitors and legislators, unduly restrictive access to the State Capitol can impede this inherent right; and

Whereas, Currently only two entrances to the Capitol are open to allow members of the public pass through security, one on the west and one on the east wing; and

Whereas, It is a common occurrence that when the Legislature is in session or when a significant public event occurs, long delays result. Thus the citizens of our great state may be discouraged to participate at the Capitol; and

Whereas, These limited locations work well on days when the Legislature is not in session and other days when there are no events and activities of broad interest to bring out a large number of state citizens to the state capitol, but during sessions and public events, especially during winter

months, long delays not only creates a burden for our citizens, but also is a barrier for our citizens who wish to visit the capitol; therefore, be it

*Resolved by the House of Delegates:*

That the Governor undertake the necessary steps, during the times when the Legislature is in session and when scheduled events or activities result in large numbers of citizens of the State coming to the Capitol, to provide additional measures to improve access to the Capitol by implementing more efficient screening methods and additional access points to the Capitol to allow more expedited access preventing long lines and significant delays to persons who come to visit their Capitol; and, be it

*Further Resolved,* That the Clerk of the West Virginia House of Delegates forward a copy of this resolution to the Governor.

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

**H. C. R. 86** - "Requesting the Division of Highways name that portion of U.S. Route 119 in Princeton, beginning at Monroe Street and ending at Clay Street, in Mercer County, the 'Bluefield Police Lt. Aaron L. Crook Memorial Road'."

Whereas, Lieutenant Crook was born on August 31, 1984, to Shelda Jean Bennett Crook and the late Jackie Lee Crook. He grew up in Nimitz, attended Jumping Branch School from kindergarten to 5<sup>th</sup> grade, then Pipestem Christian Academy from which he graduated; and

Whereas, Lieutenant Crook joined the U.S. Marine Corps Reserves in 2006 where he was a heavy equipment operator, and was honorably discharged in 2014; and

Whereas, Lieutenant Crook received his Criminal Justice degree from Bluefield State College and joined the Bluefield Police Department on February 25, 2008, where he rose to the rank of Lieutenant; and

Whereas, Lieutenant Crook married Whitney Ann Brookman Crook in March 2009. They had their first child in August 2014, and a second child in June 2016; and

Whereas, Lieutenant Crook loved his family and country. He also loved the outdoors, especially fishing, and never passed up an opportunity to go fishing with his buddies; and

Whereas, Lieutenant Crook died on May 30, 2017, from injuries received while serving and protecting the good people of Bluefield and Mercer County; and

Whereas, Lieutenant Crook's survivors include his loving and devoted wife, Whitney Ann Brookman Crook; his two beautiful children, Brycen Lee Crook and Paislee Ann Crook; his mother, Shelda Jean Bennett Crook; his grandmother, Loretta Jean Titta; three brothers, Jason Alexander Crook, Jackie Lee Crook II, Brian Thomas Crook; and two-half siblings, Deborah Bennett and Terry Baich; and

Whereas, It is appropriate to name this road to honor Lieutenant Crook's service to his community and to his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name that portion of U.S. Route 119 in Princeton, beginning at Monroe Street and ending at Clay Street, in Mercer County, the "Bluefield Police Lt. Aaron L. Crook 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 "Bluefield Police Lt. Aaron L. Crook 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 Gearheart, Ellington and Shott offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 87** - "Requesting the Division of Highways name bridge number 28-77-13.73 NB - SB (28A203, 28A204), locally known as I-77 over Mercer 7 Bridges, carrying I-77 NB - SB over Route 7 in Mercer County, West Virginia, the 'Constable Joseph H. Davidson Memorial Bridge'."

Whereas, After serving several years as a peace officer in Mercer County both as a deputy sheriff and as a private security officer for Mercer County coal mines, Constable Joseph H. Davidson was duly elected to serve as Constable of the East River District in 1932; and

Whereas, On October 9, 1934, Constable Davidson was shot and killed in the line of duty while guarding two individuals who had been arrested on charges related to a southern West Virginia crime spree; and

Whereas, Less than 24 hours after Constable Davidson was murdered, on October 10, 1934, the Mercer County Commission worked with then Mercer County Prosecuting Attorney Roscoe H. Pendleton to offer a \$500 reward for the capture and conviction of the two fugitives suspected of killing the "very capable" and "well known" peace officer; and

Whereas, The funeral for Constable Davidson was conducted at his home on the corner of Bluefield Avenue and Bee Street in Princeton. A large outpouring of family members, law-enforcement officers and local citizens attended the funeral service and participated in the funeral procession that stretched out for a mile on the way to the Davidson Family Cemetery on New Hope-Sand Lick Road in Mercer County. The number of mourners at the service attested to the level of respect and appreciation Constable Davidson had in the county he served; and

Whereas, Law-enforcement officers in Virginia captured one suspect who was convicted in January of 1935 and sentenced to life in prison, and captured the second suspect in Oklahoma in late April of 1935. The second suspect's capture was aided by fingerprint identification through the help of the U.S. Department of Justice; and

Whereas, The discussion surrounding the recognition of Constable Davidson, the only Mercer County constable killed in the line of duty through the county's 180-year history, has led to additional discussions into the concept of creating a "Wall of Honor", to memorialize all of Mercer County's law-enforcement officers who have fallen in the line of duty; and

Whereas, The Mercer County Commission expresses its heartfelt thanks to the family of Constable Davidson for their efforts to bring this matter to light; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 28-77-13.73 NB - SB (28A203, 28A204), locally known as I-77 Over Mercer 7 Bridges, carrying I-77 NB - SB over Route 7 in Mercer County, West Virginia, the "Constable Joseph H. Davidson Memorial 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 "Constable Joseph H. Davidson Memorial Bridge"; and, be it

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

Delegate Storch offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 88** - "Requesting the Division of Highways to name bridge number 35-40-0.04 (35A032), locally known as Elbys Bridge, carrying US 40 Spur over Wheeling Creek in Ohio County, the 'U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge'."

Whereas, Captain Slack was born in Wheeling on March 1, 1925, and was raised on North 21<sup>st</sup> Street in the city's Warwood section. He graduated from Warwood High School in 1942 and West Point in 1945 before entering the U.S. Army Air Corps. In 1946, he served in bomber units in Europe. He later flew P-38s (except for flight during the Berlin Airlift) out of Nurnberg, Germany, with the 526<sup>th</sup> Fighter Squadron. After Germany Captain Slack was assigned to the 325<sup>th</sup> Fighter Squadron at Langley Air Force Base, Virginia; and

Whereas, After graduation Captain Slack went to transition training in B-17s and school in Orlando. It was during this assignment that he and Jean Shepherd were married in New York City in 1950. They lived in Las Vegas while Captain Slack trained in F-80 jet fighters at Nellis Air Force Base; and

Whereas, In November 1950, Captain Slack was assigned to the 36<sup>th</sup> FBS, a P-51 Mustang Squadron based at Taegu AFB in Korea, later transitioning to the F-80C Shooting Star fighter interceptor; and

Whereas, On March 14, 1951, while flying in an element of four F-80 type aircraft, Captain Slack, while attacking an enemy gun position, was hit by antiaircraft fire 10 miles north of Pyongyang, North Korea, and his plane crashed and burst into flames. He was listed as Missing in Action and was presumed dead on December 31, 1953. His remains were never recovered. His flight leader, Major Ernest T. "Smiley" Burnett, recalled that his last words were, "Smiley, I have the gun positions in sight; they won't shoot at anybody else"; and

Whereas, Captain Slack was awarded the Silver Star posthumously on July 16, 1954. The citation reads: "Lieutenant Slack distinguished himself by gallantry in action on 14 March 1951 while flying a combat mission in support of United Nations forces in Korea. Lieutenant Slack was leading an element of a four-ship flight of F-80 type aircraft on an armed reconnaissance of the railroad between Pyongyang and Simiju, Korea. His element was flying top cover for the lead element which was reconnoitering the railroad at low altitude. In the vicinity of the Sunan railroad yards, intense antiaircraft fire was encountered and was concentrated upon the Flight Leader and his wingman. Lieutenant Slack quickly sighted the gun emplacements and with complete disregard for his own safety began a dueling attack with the enemy gun positions. By drawing the concentrated fire upon himself, he enabled the lead element to evade the devastating ground fire. In the course of his attack, Lieutenant Slack's aircraft was hit and seen to crash in the immediate area. Lieutenant Slack's alertness, heroic action, and determination to destroy the enemy fire in keeping with the highest

traditions of the service, and reflected great credit upon himself, the Far East Air Force, and the United States Air Force”; and

Whereas, R. X. Sheffield, his roommate for 10 months in the 18<sup>th</sup> Division Barracks, recalled: “As a cadet, Captain Slack was a very determined and studious person who found academics a real challenge, but who spared no idle time in achieving a ranking at one instance of number two in Spanish - a language he had never heard in Wheeling. He was quiet and reserved and his obsession was the airplane and the U.S. Army Air Corps. He had an overpowering ambition to be a fighter pilot and he achieved this goal like a summa cum laude graduate. His most famous quote when our morale was low in good old ‘D’ Company, First Regiment of Cadets was, ‘Anything worth having is worth fighting for!’ His other love was his family and Wheeling. His classmates learned true esprit de corps and love for home and country from this West Virginian. While a cadet on plebe maneuvers with General Oliver’s 5<sup>th</sup> Armored Division at Pine Camp, New York, he would be remembered for lecturing us on the local astronomy. Every time I look into the heavens at the Big Dipper, Polaris or Cassiopeia, I remember ‘Cork’ and his wonderful outlook on life. His mind was always alert. His physical prowess was very evident in team sports like basketball and swimming. He strove to be the first in everything he did. When he wasn’t in class he’d be studying or at the gym. His ideology was always before him: ‘All good things come from the sweat of the brow.’ I feel Cork would have made four stars had fate not intervened. He was an outstanding cadet and a great pilot as well as a compassionate human being. Every time I hear that West Virginia anthem, ‘Country Roads, West Virginia’ I think (sic) of Cork. West Virginia can be proud of Captain Slack, a Man’s Man, a Jet Ace and a U.S. Air Force hero”; and

Whereas, It is appropriate to name this bridge to honor Captain Slack for having made the ultimate sacrifice in service to his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 35-40-0.04 (35A032), locally known as Elbys Bridge, carrying US 40 Spur over Wheeling Creek in Ohio County, the “U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge”; and be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “U. S. Air Force Capt. Clarence Virgil Slack, Jr. 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 Lynch, A. Evans, Sponaugle, Williams, Iaquinta, Pyles, Ferro, Hamilton, R. Romine, Rowan, Jennings, Campbell, Brewer, Byrd, Canestraro, Criss, Deem, Diserio, Gearheart, Pethtel, Phillips, Robinson, Rodighiero, Rowe and Thompson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 89** - “Requesting that the Division of Highways name bridge number 49-9-21.84 (49A028), locally known as Palace Valley W-beam Bridge, carrying County Route 9 over the Left Fork of Buckhannon River in Upshur County, the ‘Colonel Morgan Morgan Memorial Bridge’.”

Whereas, Colonel Morgan was born in 1688 in Glamorganshire, Wales, and educated in London, England; and

Whereas, He emigrated to the American colonies at the age of 24 where he settled in Christina, Delaware, in 1702; and



Whereas, In 1713, he married Catherine Garretson, the love of his life, in a ceremony in New Castle County, Delaware; and

Whereas, He and his wife moved from Christina, Delaware, to Winchester, Virginia, where he became an ordained minister; and

Whereas, In 1731, he arrived in what is now the State of West Virginia; and

Whereas, In 1734, he was appointed to the “Commission of the Peace,” which was at that time the office of the magistrate; and

Whereas, Between 1735-1736 and 1753, he acquired a military commission in the First Militia (now the 201<sup>st</sup> Field Artillery Regiment of the West Virginia Army National Guard), also known as the Berkeley Rifles, and rose from captain of the militia to lieutenant colonel; and

Whereas, Colonel Morgan was in one of 13 militia companies tasked with fighting the British in the early stages of the Revolutionary War; and

Whereas, Colonel Morgan is credited with many “firsts” including: Being the first permanent European settler in present-day West Virginia; establishing the first Episcopal Church, known as the Mill Creek Church, in the Commonwealth of Virginia; being the first civil officer; being the first judicial officer; establishing the first licensed tavern and inn for pioneer travelers in the Blue Ridge Mountain area; engineering the first road built in present-day West Virginia, which was approximately 12 miles long; organizing the first militia in the area; and being the first gentleman justice involved in the formation of two counties in Virginia; and

Whereas, Colonel Morgan and his descendants were also instrumental in the development of Virginia and present-day West Virginia. Without Colonel Morgan and his descendants, there would likely be no West Virginia, no Marion County, no Fairmont, and no Morgantown. His descendants include former West Virginia Governor Ephraim F. Morgan and Francis Harrison Pierpont (also known as the “Father of West Virginia”); and

Whereas, The naming of this bridge is an appropriate recognition of Colonel Morgan’s contributions to this country and to the place that is present-day West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 49-9-21.84 (49A028), locally known as Palace Valley W-beam Bridge, carrying County Route 9 over the Left Fork of Buckhannon River in Upshur County, the “Colonel Morgan Morgan Memorial 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 “Colonel Morgan Morgan 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 Eldridge, Maynard, Hornbuckle, C. Miller, Phillips, R. Romine, C. Romine, R. Miller, Rodighiero, Thompson and Marcum offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 90** - "Requesting the Division of Highways to name bridge number 22-14/1-0.01 (22A139), locally known as Ely Fork Bridge, carrying County Route 14/1 over Ely Fork in Lincoln County, the 'Mack D. Huffman Memorial Bridge'."

Whereas, Mr. Huffman was a private in Company "B" of the 261 Infantry of the Army of the United States in the 1940s; and

Whereas, Mr. Huffman served his country honorably in the Second World War and was honorably discharged in September of 1945; and

Whereas, Mr. Huffman later served his country and his community in the Lincoln County Sherriff's Department; and

Whereas, Naming this bridge is an appropriate recognition of Mr. Huffman's contributions to his country and to 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 bridge number 22-14/1-0.01 (22A139), locally known as Ely Fork Bridge, carrying County Route 14/1 over Ely Fork in Lincoln County, the "Mack D. Huffman Memorial 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 "Mack D. Huffman 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 R. Romine, A. Evans, Hamilton, McGeehan, Jennings, Rowan, Pethel and Ferro offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 91** - "Requesting the Division of Highways to name bridge number 48-18-10.11 (48A104), locally known as Centerville Bridge, carrying WV 18 over Middle Island Creek in Tyler County, the 'U.S. Navy CAPT Homer Leroy Smith Memorial Bridge'."

Whereas, Captain Homer Leroy Smith was born in Alma on February 6, 1926, to Lotus Smith and Mary Pierpoint Smith; and

Whereas, Captain Smith spent his boyhood there and graduated from Tyler County High School in 1943. He entered the Navy's V-5 program in early 1944 and was sent to Bethany College as a student. Captain Smith then attended Notre Dame University and while there received an appointment to U.S. Naval Academy from the late Hubert Ellis, Congressman from West Virginia's Fourth Congressional District. Lloyd Gregg of Sistersville was instrumental in securing his appointment to United States Naval Academy at Annapolis; and

Whereas, Captain Smith entered the Naval Academy in 1945 and upon graduation on June 3, 1949, was commissioned an Ensign in the Navy; and

Whereas, In 1950, Captain Smith married Jean Pankowski of Philadelphia. They had four children, Deborah, Steven, Pamela, and Michael; and

Whereas, In August 1950, Captain Smith reported for flight training and was designated a Naval Aviator in September 1951. From 1956 to 1959 and in 1963, he was enrolled in the Navy's post-

graduate education program. In 1963, Captain Smith completed the company and staff course at the Naval War College in Newport, Rhode Island. In addition to a Bachelor of Science Degree from the U.S. Naval Post-Graduate School, he also earned a Master's Degree in International Relations from George Washington University and a Professional Engineering degree in Aeronautical Engineering from the California Institute of Technology; and

Whereas, During his Naval career, Captain Smith had a variety of duty assignments. Early in his career he served on the destroyers, USS Frank E. Evans and USS Hank, in both the Atlantic and Pacific fleets. After flight training, Captain Smith spent three years in Fighter Squadron 33 aboard the USS Leyte and USS Midway. He was associated with the Naval Air Reserve Program as a flight instructor at NSS Akron, Ohio, and was in charge of instruction of second class midshipmen in engineering during a tour of duty at U.S. Naval Academy; and

Whereas, During a three-year tour of duty in Air Wing 15 aboard USS Coral Sea in the Pacific, Captain Smith served as Operations Officer of Attack Squadron 155 and later as Air Wing Operations Officer; and

Whereas, Captain Smith also served as the Executive Officer of Attack Squadron 212, a component of Air Wing 21. The squadron, home based at the Naval Air Station, Lemoore, California, was on its eighth cruise to the Far East. The squadron was one of the Navy's most important offensive weapons systems. It was capable of carrying the following armament: twenty mm cannon, air to ground rockets, air to ground missiles and a variety of conventional and nuclear bombs; and

Whereas, On June 30, 1966, Captain Smith led a strike group of 12 A4, 4F8 and other support aircraft from the USS Hancock in an extremely hazardous and important attack against the Bac Giang Petroleum Storage Area, 20 miles northeast of Hanoi, Vietnam. On October 11, 1966 on the Naval Air Station, Lemoore, California he was awarded the Silver Star for conspicuous gallantry and intrepidity for that mission. Captain Smith was also presented his second award of the Distinguished Flying Cross, his tenth, eleventh and twelfth awards of the Air Medal, and his second and third awards of the Navy Commendation Medal with combat distinguishing device during that ceremony; and

Whereas, While serving as Executive Officer of Attack Squadron, 212 missions were flown during the first year. Captain Smith was on his 183<sup>rd</sup> mission and was ready to return to his home base in California when was shot down at Bac Giang, Vietnam on May 20, 1967. His remains were brought to Annapolis, Maryland for burial May 29, 1974. Services were held in the Chapel at Navy Academy for interment at the Navy Cemetery at Annapolis; and

Whereas, It is appropriate to name this bridge to honor Captain Smith's service to his community and to his country and for having made the ultimate sacrifice; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 48-18-10.11 (48A104), locally known as Centerville Bridge, carrying WV 18 over Middle Island Creek in Tyler County, the "U.S. Navy CAPT Homer Leroy Smith Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U.S. Navy CAPT Homer Leroy Smith 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 Robinson, Ambler, Anderson, Atkinson, Campbell, Barrett, Bates, Boggs, Brewer, Canestraro, Capito, Caputo, Cooper, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Graves, Hamilton, Hamrick, Harshbarger, Hartman, Higginbotham, Hill, Hornbuckle, Isner, Kelly, Kessinger, Jennings, Love, Lovejoy, Lynch, Marcum, Maynard, Miley, C. Miller, R. Miller, Moye, Nelson, Pack, Overington, Paynter, Pethtel, Queen, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Shott, Sobonya, Sponaugle, Summers, Walters, Ward, Williams and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 92** - "Requesting the Division of Highways to erect a sign at the Malden/Rand exit on Route 60 to designate Rand, West Virginia 'Home of Pro Football Hall of Fame Member Randy G. Moss'."

Whereas, Randy G. Moss was born on February 13, 1977, in Rand, West Virginia to Maxine Moss and Randy Pratt; and

Whereas, Randy G. Moss attended DuPont High School in DuPont City, West Virginia where he led the DuPont Panthers to state championships in 1992 and 1993; and

Whereas, Randy G. Moss received the Kennedy Award for the West Virginia Football Player of the Year in 1994; and

Whereas, Randy G. Moss was featured on the Parade Magazine Annual All-American High School Football Team in 1995 and designated one of the fifty greatest high school football players of all time by Parade Magazine; and

Whereas, Randy G. Moss received the Evans Award for Basketball Player of the Year in 1994 and 1995; and

Whereas, Randy G. Moss attended Marshall University in Huntington, West Virginia where he set eight NCAA Division I-AA records during his college career; and

Whereas, Randy G. Moss was drafted by the Minnesota Vikings in 1998; and

Whereas, Randy G. Moss set over twenty NFL records during his career; and

Whereas, During his career, Randy G. Moss scored 156 touchdowns and had 15,292 receiving yards; and

Whereas, Randy G. Moss competed in six Pro Bowls and was designated 1<sup>st</sup> Team All Pro four times; and

Whereas, Randy G. Moss was selected as a 1<sup>st</sup> Ballot Hall of Famer in 2018; and

Whereas, In addition to his supreme athletic accomplishments, Randy G. Moss is a charitable West Virginian who has worked with the Smile Network to host the Randy Moss Celebrity Charity Invitational Bass Tournament; and

Whereas, Randy G. Moss founded the Links for Learning foundation to help West Virginian students; and

Whereas, Randy G. Moss donated a Starlight Children's Foundation Fun Center to the Women and Children's Hospital of Charleston, West Virginia; and

Whereas, Randy G. Moss has demonstrated exemplary athletic skills and numerous charitable works; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to erect a sign at the Malden/Rand exit on Route 60 to designate Rand, West Virginia “Home of Pro Football Hall of Fame Member Randy G. Moss”; 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.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2982**, Relating to allowing draw games winners to remain anonymous; 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. 226**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Adkins, Barrett, Byrd, Espinosa, Isner, Marcum, Pushkin, Rowe and Westfall.

Absent and Not Voting: Deem and Iaquinta.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2982) 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. 4014**, Relating to reorganization of the West Virginia Department of Health and Human Resources; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 227**), and there were—yeas 62, nays 36, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Brewer, Byrd, Campbell, Canestraro, Caputo, Cowles, Diserio, E. Evans, Ferro, Fleischauer, Hamilton, Hicks, Hornbuckle, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, R. Miller, Moye, Paynter, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Sypolt, Thompson, Ward and Williams.

Absent and Not Voting: Deem and Iaquinta.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4014) 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. 4016**, Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency; 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. 228**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Iaquinta.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4016) 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. 4154**, Establishing the 2018 Regulatory Reform 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. 229**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Lovejoy and Pushkin.

Absent and Not Voting: Deem and Iaquinta.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4154) passed.

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

**Com. Sub. for H. B. 4154** - "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, §5B-8-5, §5B-8-6, §5B-8-7, §5B-8-8, §5B-8-9, and §5B-8-10, all relating to establishing the 2018 Regulatory Reform Act; providing legislative findings; defining terms; providing for an application process with the Development Office to request a project be classified as a project of critical economic concern; establishing a procedure for the filing of a certificate of critical economic concern with state agencies and the Development Office; providing for written status reports during expedited permit review process; providing that the Development Office shall establish a telephone hotline which permit applicants may utilize to contact the Development Office when a state agency has not timely acted upon a permit application; requiring the executive director to report to the Governor and the Joint Committee on Government and Finance annually regarding the success of this article; and granting the Development Office with procedural rulemaking authority to implement the provisions of this article."

*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. 4166**, Establishing a special revenue fund to be known as the "Capital Improvements Fund - Department of Agriculture Facilities"; 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. 230**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Deem and Iaquina.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4166) passed.

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

On this question, the yeas and nays were taken (**Roll No. 231**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Deem and Iaquina.

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. 4166) takes effect from its passage.

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

**Com. Sub. for H. B. 4187**, Business Liability Protection 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. 232**), and there were—yeas 85, nays 14, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd, Fleischauer, Hicks, Hornbuckle, Jennings, Lane, McGeehan, Pushkin, Pyles, Rowan, Rowe, Shott, Wagner and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4187) 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. 4218**, Relating to medical professional liability; 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. 233**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4218) 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. 4238**, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan; 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. 234**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4238) 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. 4309**, Restricting the sale and trade of dextromethorphan; 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. 235**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fluharty, Folk, Isner and McGeehan.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4309) 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. 4394**, Relating to forest fires; 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. 236**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4394) 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. 4453**, Relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review; 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. 237**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4453) 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. 4486**, Relating to persons required to obtain a license to engage in the business of currency exchange; 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. 238**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4486) 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. 4509**, Relating to the establishment of substance abuse treatment facilities; 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. 239**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4509) 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. 4623**, Relating to obtaining substance abuse treatment services; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 240**), and there were—yeas 85, nays 14, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Brewer, Fleischauer, Hornbuckle, Isner, Lynch, Pethtel, Pushkin, Pyles, Robinson, Rowe, Upson, Wagner and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4623) passed.

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

At 2:27 p.m., on motion of Delegate Foster, the House of Delegates recessed until 4:00 p.m.

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### **Afternoon Session**

\* \* \* \* \*

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

### **Special Calendar**

#### **Second Reading**

-continued-

**Com. Sub. for H. B. 2008**, Relating to the Dealer Recovery Program; 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. 4036**, Increasing the maximum salaries of family case coordinators and secretary-clerks; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4153**, Imposing a health care related provider tax on certain health care organizations; 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. 4217**, Permitting an attending physician to obtain a patient's autopsy report; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Ellington, the bill was amended on page two, section ten, lines thirty-five and thirty-six, by striking out the words "health care facility as defined §16-30C-3" and inserting in lieu thereof the words "hospital as defined in §16-2D-2 of this code" and a comma.

And,

On page two, section ten, line thirty-nine, after the words "attending physician", by inserting the words "as defined in §16-30C-3 of this code" and a comma.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4235**, Permitting full-time nonresident students attending an in-state college or university to purchase lifetime resident hunting, trapping, and fishing licenses; 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. 4336**, Updating the schedule of controlled substances; 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. 4338**, Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4345**, Relating to limitations on permits for growers, processors and dispensaries of medical cannabis; 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. 4357**, West Virginia Small Wireless Facilities Deployment Act; 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. 4392**, Relating to Medicaid subrogation liens of the Department of Health and Human Resources; 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. 4431**, Establishing the Mountaineer Trail Network Recreation Authority; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hanshaw, the bill was amended on page fifteen, by striking out section thirteen in its entirety.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4447**, Providing for a uniform and efficient system of broadband conduit installation; 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. 4455**, Relating to animal abuse; on second reading, coming up in regular order, was read a second time.

Delegate Pyles moved to amend the bill on page one, after the article heading, by inserting the following:

**“§61-8-19. Cruelty to animals; penalties; exclusions.**

(a)(1) It is unlawful for any person to intentionally, knowingly or recklessly,

(A) Mistreat an animal in cruel manner;

(B) Abandon an animal;

(C) Withhold;

- (i) Proper sustenance, including food or water;
- (ii) Shelter that protects from the elements of weather; or
- (iii) Medical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal;
- (D) Abandon an animal to die;
- (E) Leave an animal unattended and confined in a motor vehicle when physical injury to or death of the animal is likely to result;
- (F) Ride an animal when it is physically unfit;
- (G) Bait or harass an animal for the purpose of making it perform for a person's amusement;
- (H) Cruelly chain or tether an animal; or
- (I) Use, train or possess a domesticated animal for the purpose of seizing, detaining or mistreating any other domesticated animal; or
- (J) Perform, or cause to be performed, an onychectomy (declawing) or flexor tendonectomy procedure on a domestic cat.

(2) Any person in violation of subdivision (1) of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 nor more than \$2,000 or confined in jail not more than six months, or both.

(b) A person who intentionally tortures, or mutilates or maliciously kills an animal, or causes, procures or authorizes any other person to torture, mutilate or maliciously kill an animal, is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility not less than one nor more than five years and be fined not less than \$1,000 nor more than \$5,000. For the purposes of this subsection, 'torture' means an action taken for the primary purpose of inflicting pain.

(c) A person, other than a licensed veterinarian or a person acting under the direction or with the approval of a licensed veterinarian, who knowingly and willfully administers or causes to be administered to any animal participating in any contest any controlled substance or any other drug for the purpose of altering or otherwise affecting said animal's performance is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$2,000.

(d) Any person convicted of a violation of this section forfeits his or her interest in any animal and all interest in the animal vests in the humane society or county pound of the county in which the conviction was rendered and the person is, in addition to any fine imposed, liable for any costs incurred or to be incurred by the humane society or county pound as a result.

(e) For the purpose of this section, the term 'controlled substance' has the same meaning ascribed to it by subsection (d), section one hundred one, article one, chapter sixty-a of this code.

(f) The provisions of this section do not apply to lawful acts of hunting, fishing, trapping or animal training or farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game farms if kept and maintained according to usual and accepted standards of livestock, poultry, gaming fowl or wildlife or game farm production and management, nor to humane use of animals or activities regulated under and in conformity with the provisions of 7 U.S.C. §2131, *et seq.*, and the regulations

promulgated thereunder, as both statutes and regulations are in effect on the effective date of this section.

(g) Notwithstanding the provisions of subsection (a) of this section, any person convicted of a second or subsequent violation of subsection (a) is guilty of a misdemeanor and, shall be confined in jail for a period of not less than ninety days nor more than one year, fined not less than \$500 nor more than \$3,000, or both. The incarceration set forth in this subsection is mandatory unless the provisions of subsection (h) of this section are complied with.

(h)(1) Notwithstanding any provision of this code to the contrary, no person who has been convicted of a violation of the provisions of subsection (a) or (b) of this section may be granted probation until the defendant has undergone a complete psychiatric or psychological evaluation and the court has reviewed the evaluation. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the evaluation.

(2) For any person convicted of a violation of subsection (a) or (b) of this section, the court may, in addition to the penalties provided in this section, impose a requirement that he or she complete a program of anger management intervention for perpetrators of animal cruelty. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the program.

(i) In addition to any other penalty which can be imposed for a violation of this section, a court shall prohibit any person so convicted from possessing, owning or residing with any animal or type of animal for a period of five years following entry of a misdemeanor conviction and fifteen years following entry of a felony conviction. A violation under this subsection is a misdemeanor punishable by a fine not exceeding \$2,000 and forfeiture of the animal.”

Delegate Foster arose to a point of order as to the germaneness of the amendment offered by Delegate Pyles.

To the point of order the Speaker replied, stating that the purpose of the amendment was not germane to the fundamental purpose of the bill.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4490**, Relating to oil and gas permits not to be on flat well royalty leases; 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. 4524**, Establishing guidelines for the substitution of certain biological pharmaceuticals; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4529**, Relating to oath by municipal official certifying list of delinquent business and occupation taxes; 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. 4558**, Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office; 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. 4571**, Relating to the final day of filing announcements of candidates for a political office; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Campbell, the bill was amended on page two, section seven, lines twenty-three and twenty-four, by striking out "12:00 p.m. until 6:00 p.m." and inserting in lieu thereof "9:00 a.m. until 12:00 p.m."

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4603**, Providing immunity from civil liability to facilities and employees providing crisis stabilization; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4626**, Relating to West Virginia innovative mine safety technology tax credit act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4627**, Relating to providing a limitation on the eminent domain authority of a municipal park board; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4628**, Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Nelson, and by unanimous consent, the bill was advanced to third reading with an amendment pending and with the restricted right to amend jointly by Delegates Nelson and Bates, and the rule was suspended to permit the consideration of amendments on that reading.

The bill was then ordered to third reading.

**H. B. 4629**, Relating to broadband enhancement and expansion policies generally; 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. 181**, Authorizing MAPS promulgate legislative rules,

And,

**Com. Sub. for S. B. 348**, Allowing for disposal of service weapons of special DNR police officers.

At the request of Delegate Foster 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 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:

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

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 451) to the Committee on the Judiciary was abrogated.

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. 498**, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest,

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. 498) was referred to the Committee on Government Organization.

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

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

**S. B. 112**, Clarifying that natural resources police officers' subsistence allowance is pensionable,

And,

**S. B. 346**, Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses.

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

In accordance with the former direction of the Speaker, the bills (S. B. 112 and S. B. 346) were each 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:

**Com. Sub. for S. B. 475**, Industrial Hemp Development 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 (Com. Sub. for S. B. 475) 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:

**Com. Sub. for S. B. 141**, Expanding county assessment and collection of head tax on breeding cows,

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. 141) 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:

**Com. Sub. for S. B. 446**, Creating Agritourism Responsibility Act,

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 (Com. Sub. for S. B. 446) 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:

**S. B. 322**, Relating to employees of Department of Agriculture,

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 (S. B. 322) was referred to the Committee on Government Organization.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Iaquinta announced that he was absent on today when the votes were taken on the following bills, and had he been present, he would have voted as follows: Com. Sub. for H. B. 2982 - "Yea", Com. Sub. for H. B. 4014 - "Nay", Com. Sub. for H. B. 4016 - "Yea", Com. Sub. for H. B. 4154 - "Yea" and Com. Sub. for H. B. 4166 - "Yea".



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

- Delegate Westfall for H. B. 2020
- Delegate Shott for H. C. R. 86

At 5:16 p.m., the House of Delegates adjourned until 9:00 a.m., Wednesday, February 28, 2018.

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



## **SPECIAL CALENDAR**

**Wednesday, February 28, 2018**

**50<sup>th</sup> Day**

**9:00 A. M.**

### **UNFINISHED BUSINESS**

- H. R. 7 - Urging federal policymakers to supports legislation advancing the development of an Appalachian Storage Hub
- H. C. R. 8 - Funding for feasibility study of Coal-to-Chemicals Project
- H. C. R. 24 - Recognizing March 2, 2018 as National Speech and Debate Education Day
- H. C. R. 77 - Deputy Sheriff Jesse R. Browning Memorial Road

### **THIRD READING**

- Com. Sub. for H. B. 2008 - Relating to the Dealer Recovery Program (NELSON) (REGULAR)
- Com. Sub. for H. B. 4036 - Increasing the maximum salaries of family case coordinators and secretary-clerks (SHOTT) (REGULAR)
- H. B. 4153 - Imposing a health care related provider tax on certain health care organizations (NELSON) (REGULAR)
- Com. Sub. for H. B. 4217 - Permitting an attending physician to obtain a patient's autopsy report (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4235 - Permitting full-time nonresident students attending an in-state college or university to purchase lifetime resident hunting, trapping, and fishing licenses (NELSON) (REGULAR)
- Com. Sub. for H. B. 4336 - Updating the schedule of controlled substances (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4338 - Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety (NELSON) (JULY 1, 2018)
- Com. Sub. for H. B. 4345 - Relating to limitations on permits for growers, processors and dispensaries of medical cannabis (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4357 - West Virginia Small Wireless Facilities Deployment Act (NELSON) (REGULAR)
- Com. Sub. for H. B. 4392 - Relating to Medicaid subrogation liens of the Department of Health and Human Resources (SHOTT) (REGULAR)

- Com. Sub. for H. B. 4431 - Establishing the Mountaineer Trail Network Recreation Authority (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4447 - Providing for a uniform and efficient system of broadband conduit installation (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4455 - Relating to animal abuse (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4490 - Relating to oil and gas permits not to be on flat well royalty leases (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4524 - Establishing guidelines for the substitution of certain biological pharmaceuticals (SHOTT) (REGULAR)
- H. B. 4529 - Relating to oath by municipal official certifying list of delinquent business and occupation taxes (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4558 - Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office (NELSON) (REGULAR)
- Com. Sub. for H. B. 4571 - Relating to the final day of filing announcements of candidates for a political office (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4603 - Providing immunity from civil liability to facilities and employees providing crisis stabilization (SHOTT) (REGULAR)
- H. B. 4626 - Relating to West Virginia innovative mine safety technology tax credit act (NELSON) (REGULAR)
- H. B. 4627 - Relating to providing a limitation on the eminent domain authority of a municipal park board (SHOTT) (REGULAR)
- H. B. 4628 - Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019 (NELSON) (REGULAR) [AMENDMENT PENDING] [RIGHT TO AMEND BY DELEGATES NELSON AND BATES]
- H. B. 4629 - Relating to broadband enhancement and expansion policies generally (SHOTT) (REGULAR)

### **SECOND READING**

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

## FIRST READING

- Com. Sub. for S. B. 37 - Equalizing penalty for entering without breaking regardless of time of day (SHOTT) (REGULAR)
- Com. Sub. for S. B. 46 - Permitting pharmacists to inform customers of lower-cost alternative drugs (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 134 - Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery (HOWELL) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 146 - Correcting technical error within Solid Waste Management Act (SHOTT) (REGULAR)
- S. B. 338 - Changing date for employers to file annual reconciliation and withholding statements (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 364 - Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle (SHOTT) (REGULAR)
- Com. Sub. for S. B. 415 - Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery Sports Wagering activities (NELSON) (EFFECTIVE FROM PASSAGE) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 444 - Repealing antiquated code sections regarding safety glass and lighting in motor vehicles (GEARHEART) (REGULAR)
- Com. Sub. for S. B. 451 - Relating generally to hunting and fishing (HAMILTON) (REGULAR)
- S. B. 464 - Changing statutory payment date for incremental salary increases due state employees (NELSON) (REGULAR)

## HOUSE CALENDAR

Wednesday, February 28, 2018

50<sup>th</sup> Day

9:00 A. M.

### THIRD READING

Com. Sub. for H. B. 4296 - Establishing the Southern West Virginia Lake Development Study Commission (NELSON) (REGULAR)

### SECOND READING

S. B. 385 - Decreasing and adding appropriations out of Treasury to DHHR and MAPS (NELSON) (EFFECTIVE FROM PASSAGE)

H. B. 2114 - Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America (SHOTT) (REGULAR)

Com. Sub. for H. B. 2383 - Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years (SHOTT) (REGULAR)

Com. Sub. for H. B. 4158 - Relating to municipal home rule (HOWELL) (REGULAR)

Com. Sub. for H. B. 4241 - Transitioning foster children into managed care (NELSON) (REGULAR)

Com. Sub. for H. B. 4563 - Relating to the severance tax on oil and gas produced from low producing wells (NELSON) (REGULAR)

### FIRST READING

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

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**WEDNESDAY, FEBRUARY 28, 2018**

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**COMMITTEE ON RULES  
8:45 A.M. – BEHIND CHAMBER**

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

**COMMITTEE ON EDUCATION  
3:00 P.M. – ROOM 434M**

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