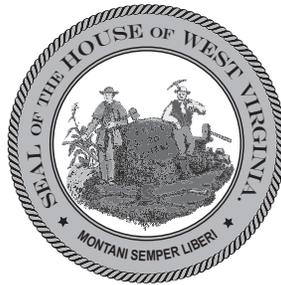


West Virginia Legislature

JOURNAL  
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HOUSE of DELEGATES

Eighty-Second Legislature  
Second Regular Session

Held at Charleston  
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January 29, 2016  
SEVENTEENTH DAY



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Friday, January 29, 2016

**SEVENTEENTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Thursday, January 28, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4245**, Requiring the cashier or executive officer of a banking institution to provide shareholders with the institution's most recent year-end audited financial statement,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4245) was referred to the Committee on the Judiciary.

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

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4244**, Eliminating the need for a public hearing when no objection is filed on an application from an out of state state-chartered credit union to establish a branch in West Virginia,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4244) was referred to the Committee on the Judiciary.

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

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4315**, Relating to air-ambulance fees for emergency treatment or air transportation,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4315) was referred to the Committee on Finance.

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

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

**H. B. 2897**, Young Entrepreneur Reinvestment 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 Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2897) was referred to the Committee on Finance.

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

Your Committee on Senior Citizen Issues has had under consideration:

**H. B. 4306**, Prohibiting persons who have committed crimes against the elderly from performing any court ordered public service involving the elderly,

And,

**H. B. 4309**, Increasing criminal penalties for conviction of certain offenses of financial exploitation of an elderly person,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4306 and H. B. 4309) were referred to the Committee on the Judiciary.

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

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

**H. B. 4243**, Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds,

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

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

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

**H. B. 4112**, Department of Health and Human Resources, rule relating to emergency medical services,

**H. B. 4115**, Department of Health and Human Resources, rule relating to chronic pain management licensure,

And,

**H. B. 4116**, Department of Health and Human Resources, rule relating to neonatal abstinence centers,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4112, H. B. 4115 and H. B. 4116) were each referred to the Committee on the Judiciary.

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

Your Committee on Pensions and Retirement has had under consideration:

**H. B. 4093**, Consolidated Public Retirement Board, rule relating to the Teachers' Contribution System,

And,

**H. B. 4094**, Consolidated Public Retirement Board, rule relating to refund, reinstatement, retroactive service, loan and correction of error interest factors,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4093 and H. B. 4094) were each referred to the Committee on the Judiciary.

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

Your Committee on Pensions and Retirement has had under consideration:

**H. B. 4092**, Consolidated Public Retirement Board, rule relating to the Teachers' Defined Contribution System,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4092) was referred to the Committee on the Judiciary.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 262** - "A Bill to amend and reenact §25-1-17 and §25-1-18 of the Code of West Virginia, 1931, all relating to law enforcement not needing to obtain court orders prior to

receiving recordings of inmate phone calls and inmate mail for investigative purposes; eliminating requirement for promulgation of legislative rules relating to monitoring of inmate telephone conversations and mail; requiring commissioner to promulgate policy directive establishing record-keeping procedure to memorialize telephone conversations and mail provided to law enforcement for investigation; requiring records of such transfers be maintained for three years; allowing an inmate's attorney access to telephone conversations and inmate mail supplied to law enforcement and exceptions thereto; clarifying that inmate mail and telephone provisions apply only to inmates in physical custody of commissioner; and clarifying that information supplied to law enforcement is not subject to disclosure under the Freedom of Information Act"; 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. 290** - "A Bill to amend and reenact §21-5-3 of the Code of West Virginia, 1931, as amended, relating to assignment of wages by employers and payment of wages by payroll card; authorizing assignment without notarization or required statement that assignment cannot be for more than twenty-five percent of employee's wages; allowing wage assignments to be valid for longer than one year; and removing requirement for written agreement to pay employee by payroll card"; which was referred to the Committee on the Judiciary.

### Resolutions Introduced

Delegates Miley, Waxman, Trecost, Lane, Hamrick and Caputo offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 28** – "Requesting the Division of Highways to name bridge number 17-20-25.38 (17A106), locally known as Haywood Bridge, carrying West Virginia Route 20 over West Fork River and CSX railroad in Harrison County, the 'U.S. Army CPL John Belcastro Bridge'."

Whereas, John Belcastro, was born on June 12, 1922, in Shinnston, West Virginia. He was the first born of one of the first set of twins born in Shinnston and one of six sons born to Frank and Anita Bartolo Belcastro. After graduation from Shinnston High School in 1942, John Belcastro spent four years in the United States Army during World War II. He entered the United States Army in October of 1942, attained the rank of Corporal T/5 and was honorably discharged on January 18, 1946. Mr. Belcastro was a member of the Tenth Armored Division, 90th Reconnaissance Cavalry, Third Army under General George Patton. He spent Christmas of 1944 fighting in the Battle of the Bulge in which the Tenth Armored Division led the Third Army all the way to Austria. He also fought in the Ardennes Forest, the Rhineland and Central Europe. In May of 1945, Mr. Belcastro was chosen to be a part of a secret mission. As soon as the war ended, he was part of the team hand-picked to rescue 118 German scientists who were defecting to America. Those German scientists included Wernher Von Braun who was instrumental in starting the American space program in Huntsville, Alabama; and

Whereas, CPL Belcastro received a Purple Heart, a Bronze Star for bravery, the Croix De Guerre Presidential Citation and Good Conduct Medal. He also was awarded the American Theater Ribbon, the Middle Eastern Theater Ribbon, the World War II Victory Ribbon, the Diplome from the Republique Francais' Ministere De La Defense Liberation of France and the Knight of the French Legion of Honor; and

Whereas, When the war ended, CPL Belcastro returned to Shinnston where he worked in the coal industry for forty-three years. While working in the mines, he volunteered to be a member of the mine rescue squad, serving in that capacity from 1950 to 1964 during which time he helped in rescue efforts in twelve explosions and fires. Mr. Belcastro received the Consol Safety Award for twenty-five

years with no lost time accidents. He was a member of United Mine Workers Local #1501 where he held many offices including serving on the COMPAC committee for twelve years, holding the office of treasurer for eight years and social chairman for eighteen years; and

Whereas, John Belcastro displayed his talent as an imitator and impersonator by being named the winner of the Wilken's Amateur Hour held in Pittsburgh; the winner of the All Stars Amateur Hour held at the Ritz Theater in Clarksburg; performed with the Paul Whitman Orchestra at the Warner Theater in Morgantown; with Vaughn Monroe at the Ritz in Clarksburg; and Frank Yankovic's Polish Band at the Clarksburg Armory; and

Whereas, John Belcastro and Sylvia, his wife of sixty-eight years, are members of St. Ann's Catholic Church where he has served as an usher, lector, and president of the men's Holy Name Society for three terms. He served as both Vice-President and Treasurer of the Clarksburg Deanery of the Holy Name Society and on the Board of Directors for the Wheeling-Charleston Diocese. He is also a member of the Knights of Columbus #942 and a weekly adorer in the Perpetual Adoration Chapel. For years, he was the "Voice of the Spartans" as he served as the announcer for the Shinnston High football games and also for the Shinnston Little League baseball games. Mr. Belcastro held the position of Cub Master for Pack 59 for the Shinnston Area Boy Scouts. He belongs to the Clarksburg Senior Citizens and delivered Meals on Wheels. He is a Life Member of the Veterans of Foreign Wars #573 in Clarksburg, AARP, and a Life Member of the Shinnston American Legion Post 31 where he served on the Color Guard and as chairman of various committees as well as serving as Service Officer for the VA Hospital and the Old Soldier's Home in Weston. John Belcastro was captain of the seven time winning Italian Trivia Team in conjunction with the Italian Heritage Festival and received a diploma from the University of Hard Knocks at Alderson-Broadus College in 1999. He is one of the longest serving members of the Board of Directors of the Monongahela Valley Association of Health Centers Fairmont Clinic, having served for over forty years; and

Whereas, On June 12, 2016, Mr. Belcastro will celebrate his 94<sup>th</sup> birthday. He has lived all his life in Shinnston. He is a long time pillar of his community and it is fitting that an enduring memorial be established to commemorate his service to his community and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-20-25.38 (17A106), locally known as Haywood Bridge, carrying West Virginia Route 20 over West Fork River and CSX railroad in Harrison County, the "U.S. Army CPL John Belcastro Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "U.S. Army CPL John Belcastro Bridge"; and, be it

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

Delegates Manchin, Caputo and Longstreth offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 29** – "Requesting the Division of Highways to name bridge number 25-218-4.69 (25A219), carrying West Virginia Route 218 over Buffalo Creek, and connecting the town of Farmington to United States Route 250, the 'Harry C. "Buck" Markley Jr. Memorial Bridge'."

Whereas, Harry C. "Buck" Markley, was born on May 27, 1935, in Farmington, West Virginia. He was the son of Harry and Virginia Pyles Markley. He graduated from Farmington High School and

worked in Marion County at Wall Plaster and Angelucci Trucking before transitioning to the coal fields of the Four States, Blacksville and Grant Town mines. He served as a federal mine inspector from 1972 through 1996 and was a member of the Four States, Blacksville, and the federal mine rescue teams; and

Whereas, Harry Markley was a devoted public servant, serving on the Farmington Town Council and as Mayor of Farmington for eighteen years, as well as serving with the Farmington Volunteer Fire Department for forty-five years, and forty years as chief of Company Seven. During Harry Markley's career in public service, he also served on the Marion County Fire Board. As mayor, Harry Markley took the steps necessary to make Farmington easily accessible by leading the effort to reconstruct the bridge connecting Farmington to United States Route 250 in 1985; and

Whereas, Harry Markley passed away on June 23, 2015, in his home in Marion County. He has been an outstanding citizen and leader of Farmington, and it is fitting that Harry C. "Buck" Markley Jr.'s legacy is memorialized on the very bridge that he helped to create; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 25-218-4.69 (25A219), carrying West Virginia Route 218 over Buffalo Creek in Marion County, the "Harry C. 'Buck' Markley Jr. Memorial Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Harry C. 'Buck' Markley Jr. Bridge"; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to Mrs. Carolyn Sue Bazan Markley.

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

**By Delegates Ferro, Lynch, Pethel, Fluharty, Hamilton, Skinner, Storch, Caputo, Hartman and Perry:**

**H. J. R. 36** — "Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof, by adding thereto a new section, designated section thirteen, relating to allowing counties, cities and municipal corporations to approve, by a vote of the people, levies and excess levies by a simple majority of the votes cast for and against the same, notwithstanding any other provision of the Constitution to the contrary; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

### **Bills Introduced**

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

**By Delegates Hamrick and Waxman:**

**H. B. 4326** — "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to making special registration plates for volunteer fire fighters good for five years"; to the Committee on Roads and Transportation then Finance.

**By Delegates Phillips, Marcum, Perdue, J. Nelson, Eldridge, Rodighiero, Rohrbach, Sobonya, Moffatt, Weld and O’Neal:**

**H. B. 4327** — “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing a special registration plate for elk”; to the Committee on Roads and Transportation then Finance.

**By Delegates Storch, Fleischauer, Moore, Longstreth, P. White, Guthrie, Flanigan, Folk, Frich, Upton and Blair:**

**H. B. 4328** — “A Bill to amend and reenact §5-11-9 of the Code of West Virginia, 1931, as amended, relating to the ‘Equal Pay Act of 2016’; making it unlawful for an employer to require, as a condition of employment, that an employee refrain from disclosing information about his or her wages, benefits, or other compensation or sharing information about another employee’s wages, benefits, or other compensation; making it unlawful for employer to prohibit employees from disclosing information about his or her wages, benefits, or other compensation or sharing information about another employee’s wages, benefits, or other compensation”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates McGeehan, Faircloth, Azinger, Folk, Ihle, J. Nelson, Moffatt and Butler:**

**H. B. 4329** — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4 and §5-30-5, all relating to providing that all future federal, state and local statutes, ordinances, laws, orders, rules, and any other actions which attempt to restrict, tax, or regulate the possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of firearms, firearm accessories, ammunition and their accouterments are invalid and unenforceable; making it a felony to attempt to enforce a federal, state or local statute, ordinance, law, order, rule, or any other action which attempts to restrict, tax, or regulate possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of firearms, firearm accessories, ammunition or their accouterments; prohibiting such laws, orders, rules, policies and other actions by executive departments and state agencies, and providing a felony for violation; providing definitions; making findings; providing penalties; requiring the Attorney General to defend citizens of West Virginia who are prosecuted by the United States government for violation of a federal law relating to the possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of a firearm, a firearm accessory or ammunition; providing exemptions; providing for retroactivity; and providing that ex post facto laws are not created”; to the Committee on the Judiciary.

**By Delegates Cadle, Ihle, Butler, Weld, Ireland, Zatezalo, Azinger, Kelly, Anderson, Sobonya and Deem:**

**H. B. 4330** — “A Bill to amend and reenact §20-2-64 of the Code of West Virginia, 1931, as amended, relating to make unlawful to take a fish, water animal or other aquatic organism from state waters to stock a commercial pond or lake”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates R. Smith, J. Nelson, Wagner, Stansbury, Hamilton, Cadle, Statler, Eldridge, Flanigan, Atkinson and Butler:**

**H. B. 4331** — “A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended, relating to providing the Director of the Division of Natural Resources the authority to offer up to \$1,000 for information leading to the arrest and conviction of persons who have injured or killed game; creating additional penalty of reward amount for any person convicted following receipt of information by the Division of Natural Resources leading to his or her arrest and conviction”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Fleischauer, Statler, Shaffer, Kurcaba, McCuskey, Shott, Fast, Rowe, Skinner, Summers and Byrd:**

**H. B. 4332** — “A Bill to amend and reenact §11-16-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-4 of said code, all relating to requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage to cover the premises of the licensee; establishing statutory minimum level of insurance coverage; and directing the Alcoholic Beverage Control Commissioner, upon a finding that either statutory minimum insurance coverage is inadequate, to increase statutory minimum coverage amounts by legislative rule”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Shott, Howell, Miller, Ellington, Gearheart, Hamrick, Cadle and Butler:**

**H. B. 4333** — “A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-1C-5c, all relating to assessment value of certain motor vehicles for purposes of ad valorem property taxes; providing that the minimum assessed value of a motor vehicle is \$700 for purposes of ad valorem property taxes; and providing that the assessed value of an antique motor vehicle is \$5,000 for purposes of ad valorem property taxes”; to the Committee on Roads and Transportation then Finance.

**By Delegates Summers, Campbell, Miller, Sobonya, Faircloth, Bates, Westfall, Householder, Cooper, Eldridge and Fleischauer:**

**H. B. 4334** — “A Bill to repeal §30-15-1, §30-15-2, §30-15-3, §30-15-4, §30-15-5, §30-15-6, §30-15-7, §30-15-7a, §30-15-7b, §30-15-7c and §30-15-8, of the Code of West Virginia, 1931, as amended; to amend and reenact §30-7-1, §30-7-2, §30-7-6, §30-7-7, §30-7-15a, §30-7-15b and §30-7-15c of said code; and to amend said code by adding thereto a new section, designated §30-7-15d, all relating to the licensure and authority of advanced practice registered nurses; repealing separate and redundant provisions relating to nurse-midwives; updating and adding definitions of terms; requiring a license to practice as an advanced practice registered nurse; establishing license requirements for an advanced practice registered nurse; updating the prerequisites and application requirements to apply for authority to prescribe drugs; modifying the types and amounts of controlled substances that may be prescribed by authorized advanced practice registered nurses; permitting the signature of an advanced practice registered nurse to have the same force and effect as that of a physician insofar as patient care documentation is concerned; removing the requirement for collaborative relationships with physicians as an ongoing requirement for practice for certified nurse-midwives; removing the requirement for collaborative relationships with physicians as an on-going requirement for prescriptive authority for advanced practice registered nurses; removing certain notifications; and permitting certain fees to be set by rule”; to the Committee on Health and Human Resources then Government Organization.

**By Mr. Speaker (Mr. Armstead), and Delegate Miley  
[By Request of the Executive]:**

**H. B. 4335** — “A Bill to amend and reenact §16-46-3, §16-46-5 and §16-46-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-46-3a, all relating to authorizing a pharmacist or pharmacy intern to dispense, pursuant to a protocol, an opioid antagonist without a prescription; requiring the Board of Pharmacy in consultation with the Bureau for Public Health to develop a protocol; requiring patient counseling; requiring educational materials; requiring documentation of distribution of opioid antagonists in the West Virginia Controlled Substances Monitoring Program database; revising existing reporting requirements; providing limited liability to pharmacist and pharmacy interns; revising reporting requirements; and reorganizing existing code language”; to the Select Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Mr. Speaker (Mr. Armstead), and Delegate Miley  
[By Request of the Executive]:**

**H. B. 4336** — “A Bill supplementing and amending by decreasing the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2016, organization 0511, and to the Bureau of Senior Services, fund 0420, fiscal year 2016, organization 0508 by supplementing, amending, and decreasing the appropriations for the fiscal year ending June 30, 2016”; to the Committee on Finance.

**By Delegates Phillips, Marcum, Perdue, J. Nelson, Morgan, Cowles, O’Neal, Ellington,  
Westfall, Campbell and Perry:**

**H. B. 4337** — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-4-7, relating to requiring the General Services Division to provide former Legislators with access cards to the State Capitol building”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

### House Calendar

#### Third Reading

**Com. Sub. for H. B. 4227**, Adding citizen members to the Real Estate Appraiser Licensing and Certification Board; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 18**), and there were—yeas 75, nays 23, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Byrd, Campbell, Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Morgan, Perdue, Perry, Pethel, Pushkin, Skinner, Sponaugle and P. White.

Absent and Not Voting: Boggs and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4227) passed.

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

**Com. Sub. for H. B. 4227** — “A Bill to amend and reenact §30-38-6 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Real Estate Appraiser Licensing and Certification Board; changing the qualifications for membership on the board; providing for continued service of qualifying board members; and providing for the disqualification of certain members who become licensees.”

*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. 4230**, Adding citizen members to the Board of Registration for Professional Engineers; 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. 19**), and there were—yeas 75, nays 23, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Byrd, Campbell, Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Morgan, Perdue, Perry, Pethtel, Pushkin, Skinner, Sponaugle and P. White.

Absent and Not Voting: Boggs and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4230) 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**, Adding citizen members to the board of Professional Surveyors; 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. 20**), and there were—yeas 72, nays 26, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Byrd, Campbell, Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Perdue, Perry, Pethtel, Pushkin, Rodighiero, Skinner, Sponaugle and P. White.

Absent and Not Voting: Boggs and Walters.

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.

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

**Com. Sub. for H. B. 4238** — “A Bill to amend and reenact §30-13A-4 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Board of Professional Surveyors; changing qualifications for membership on the board; providing for continued service of qualifying board members; providing for the disqualification of certain members who become licensees; and providing that citizen member appointments represent different congressional districts.”

*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. 4241**, Adding citizen members to the Real Estate Commission; 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. 21**), and there were—yeas 73, nays 25, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Byrd, Campbell, Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Perdue, Perry, Pushkin, Rodighiero, Skinner, Sponaugle and P. White.

Absent and Not Voting: Boggs and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4241) passed.

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

### **Second Reading**

**S. B. 364**, Supplemental appropriation expiring funds from General Revenue; on second reading, coming up in regular order, was reported by the Clerk.

Delegate Cowles asked unanimous consent that the bill lie over, which consent was not given, Delegate Sponaugle objecting.

Delegate Cowles then moved that the bill lie over.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 22**), and there were—yeas 64, nays 34, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Blackwell, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost and P. White.

Absent and Not Voting: Boggs and Walters.

So, a majority of the members present and voting having voted in the affirmative, the motion to lay the bill over one day prevailed.

**H. B. 4189**, Expiring funds to the unappropriated balance in State Fund, General Revenue, from the Department of Revenue; on second reading, coming up in regular order, was, on motion of Delegate Cowles, laid over.

**H. B. 4235**, Relating to the publication requirements of the administration of estates; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **First Reading**

**Com. Sub. for H. B. 4175**, Relating generally to home schooling; on first reading, coming up in regular order, was read a first time and ordered to second reading.

### **Leaves of Absence**

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

### **Remarks by Members**

Delegate Ilhe asked and obtained unanimous consent that the remarks of Delegate Morgan regarding a one percent tax increase to fund PEIA and other state bills be printed in the Appendix to the Journal.

### **Miscellaneous Business**

Delegate Hamrick filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4228.

Delegate Waxman filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2852.

At 12:49 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 1, 2016.

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

# HOUSE ABSTRACT

2016 Regular Session

## CONTAINING

Active House Bills as of January 29, 2016

\*Denotes Committee Substitutes

### ACTIVE HOUSE BILLS

- \*2101. By Del. Morgan, Caputo, Faircloth, Folk, Howell and Smith, R. - **Eliminating obsolete government entities** - Introduced 1/13/2016 - To Government Organization - Passed House 1/21/2016 - To Senate 1/25/2016 - To Government Organization - On 1st reading 2/1/2016
- 2897. By Del. Weld, Foster, Kessinger, Hill, Blair and Ihle - **Young Entrepreneur Reinvestment Act** - Introduced 1/13/2016 - To Small Business, Entrepreneurship and Economic Development then Finance - To House Finance 1/29/2016
- 4092. By Del. Sobonya, Frich and Moffatt - **Consolidated Public Retirement Board, rule relating to the Teachers' Defined Contribution System**(original similar to SB164) - Introduced 1/18/2016 - To Pensions and Retirement then Judiciary - To House Judiciary 1/29/2016
- 4093. By Del. Sobonya, Frich and Moffatt - **Consolidated Public Retirement Board, rule relating to the Teachers' Retirement System**(original similar to SB165) - Introduced 1/18/2016 - To Pensions and Retirement then Judiciary - To House Judiciary 1/29/2016
- 4094. By Del. Sobonya, Frich and Moffatt - **Consolidated Public Retirement Board, rule relating to refund, reinstatement, retroactive service, loan and correction of error interest factors**(original similar to SB166) - Introduced 1/18/2016 - To Pensions and Retirement then Judiciary - To House Judiciary 1/29/2016
- 4112. By Del. Sobonya, Frich and Moffatt - **Department of Health and Human Resources, rule relating to emergency medical services**(original similar to SB186) - Introduced 1/18/2016 - To Health and Human Resources then Judiciary - To House Judiciary 1/29/2016
- 4115. By Del. Sobonya, Frich and Moffatt - **Department of Health and Human Resources, rule relating to chronic pain management licensure**(original similar to SB193) - Introduced 1/18/2016 - To Health and Human Resources then Judiciary - To House Judiciary 1/29/2016

4116. By Del. Sobonya, Frich and Moffatt - **Department of Health and Human Resources, rule relating to neonatal abstinence centers**(original similar to SB194) - Introduced 1/18/2016 - To Health and Human Resources then Judiciary - To House Judiciary 1/29/2016
- \*4175. By Del. Kurcaba, Faircloth, Statler, Espinosa, McGeehan, Azinger, Upson, Kelly, Trecost and Ihle - **Relating generally to home schooling**(original similar to SB318) - Introduced 1/20/2016 - To Education - To House Education 1/20/2016 - On 2nd reading, House Calendar 2/1/2016
4189. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated balance in State Fund, General Revenue, from the Department of Revenue** - Introduced 1/20/2016 - To Finance - To House Finance 1/20/2016 - Laid over until 1/29/16 - Laid over until 2/1/16 - On 2nd reading, House Calendar 2/1/2016
- \*4227. By Del. Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan - **Adding citizen members to the Real Estate Appraiser Licensing and Certification Board** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - Title amended
- \*4230. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Smith, R., Hamrick and Morgan - **Adding citizen members to the board of Registration For Professional Engineers** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016
4235. By Del. Shott - **Relating to the publication requirements of the administration of estates** - Introduced 1/22/2016 - To Judiciary - On 3rd reading, House Calendar 2/1/2016
- \*4238. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Smith, R., Hamrick and Morgan - **Adding citizen members to the board of Professional Surveyors** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - Title amended
- \*4241. By Del. Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan - **Adding citizen members to the Real Estate Commission** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016
4243. By Del. Border, Ellington, Arvon, Kelly, Sobonya, Anderson, Deem and Ireland - **Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds** - Introduced 1/22/2016 - To Health and Human Resources - On 1st reading, House Calendar 2/1/2016
4244. By Del. Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Shott, Flanigan, Waxman, Perry and White, B. - **Eliminating the need for a public hearing when no objection is filed on an application from an out of state state-chartered credit union to establish a branch in West Virginia** - Introduced 1/25/2016 - To Banking and Insurance then Judiciary - To House Judiciary 1/29/2016
4245. By Del. Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Rowe, Flanigan, Waxman, Perry and White, B. - **Requiring the cashier or executive officer of a banking**

**institution to provide shareholders with the institution's most recent year-end audited financial statement** - Introduced 1/25/2016 - To Banking and Insurance then Judiciary - To House Judiciary 1/29/2016

4306. By Del. Rowan, Border, Fast, Stansbury, Moye, Campbell, Overington, Romine, Hamilton, Perry and Phillips - **Prohibiting persons who have committed crimes against the elderly from performing any court ordered public service involving the elderly**(original similar to SB361) - Introduced 1/27/2016 - To Senior Citizen Issues then Judiciary - To House Judiciary 1/29/2016
4309. By Del. Rowan, Border, Fast, Stansbury, Moye, Campbell, Overington, Romine, Duke, Pethel and Ferro - **Increasing criminal penalties for conviction of certain offenses of financial exploitation of an elderly person**(original similar to HB4306, SB362) - Introduced 1/27/2016 - To Senior Citizen Issues then Judiciary - To House Judiciary 1/29/2016
4315. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to air-ambulance fees for emergency treatment or air transportation** - Introduced 1/27/2016 - To Banking and Insurance then Finance - To House Finance 1/29/2016

#### **BILLS INTRODUCED AND REFERRED**

Friday, January 29, 2016

4326. By Del. Hamrick and Waxman - **Making special registration plates for volunteer fire fighters** - Introduced 1/29/2016 - To Roads and Transportation then Finance
4327. By Del. Phillips, Marcum, Perdue, Nelson, J., Eldridge, Rodighiero, Rohrbach, Sobonya, Moffatt, Weld and O'Neal - **Authorizing a special registration plate for elk** - Introduced 1/29/2016 - To Roads and Transportation then Finance
4328. By Del. Storch, Fleischauer, Moore, Longstreth, White, P., Guthrie, Flanigan, Folk, Frich, Upson and Blair - **Relating to the "Equal Pay Act of 2016"** - Introduced 1/29/2016 - To Industry and Labor then Judiciary
4329. By Del. McGeehan, Faircloth, Azinger, Folk, Ihle, Nelson, J., Moffatt and Butler - **Right to keep and bear arms** - Introduced 1/29/2016 - To Judiciary
4330. By Del. Cadle, Ihle, Butler, Weld, Ireland, Zatezalo, Azinger, Kelly, Anderson, Sobonya and Deem - **Relating to make unlawful to take a fish, water animal or other aquatic organism from state waters to stock a commercial pond or lake** - Introduced 1/29/2016 - To Agriculture and Natural Resources then Judiciary
4331. By Del. Smith, R., Nelson, J., Wagner, Stansbury, Hamilton, Cadle, Statler, Eldridge, Flanigan, Atkinson and Butler - **Providing the Director of the Division of Natural Resources the authority to offer up to \$1,000 for information leading to the arrest and conviction of persons who have injured or killed game** - Introduced 1/29/2016 - To Agriculture and Natural Resources then Judiciary
4332. By Del. Fleischauer, Statler, Shaffer, Kurcaba, McCuskey, Shott, Fast, Rowe, Skinner, Summers and Byrd - **Requiring licensees authorized to serve alcoholic liquors or**

**nonintoxicating beer to have certain liability insurance coverage** - Introduced 1/29/2016 - To Banking and Insurance then Judiciary

4333. By Del. Shott, Howell, Miller, Ellington, Gearheart, Hamrick, Cadle and Butler - **Relating to assessment value of certain motor vehicles for purposes of ad valorem property taxes**(original similar to HB4195) - Introduced 1/29/2016 - To Roads and Transportation then Finance
4334. By Del. Summers, Campbell, Miller, Sobonya, Faircloth, Bates, Westfall, Householder, Cooper, Eldridge and Fleischauer - **Clarifying the requirements for a license to practice as an advanced practice registered nurse and to expand the prescriptive authority that may be granted to advanced practice registered nurses**(original similar to SB17) - Introduced 1/29/2016 - To Health and Human Resources then Government Organization
4335. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Authorizing a pharmacist or pharmacy intern to dispense, pursuant to a protocol, an opioid antagonist without a prescription** - Introduced 1/29/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources
4336. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Decreasing appropriations to the Department of Health and Human Resources**(original similar to SB342) - Introduced 1/29/2016 - To Finance
4337. By Del. Phillips, Marcum, Perdue, Nelson, J., Morgan, Cowles, O'Neal, Ellington, Westfall, Campbell and Perry - **Requiring the General Services Division to provide former Legislators with access cards to the State Capitol building** - Introduced 1/29/2016 - To Veterans' Affairs and Homeland Security then Judiciary

#### ALL HOUSE JOINT RESOLUTIONS OFFERED

2. By Del. Romine, Walters and Rowan - **Super-Majority Required for Passage of Tax Bill Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
3. By Del. Lane - **Homestead Exemption Increase Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
4. By Del. Caputo, Manchin and Longstreth - **The "Homestead Exemption Increase Amendment"** - Introduced 1/13/2016 - To Judiciary then Finance
5. By Del. Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moye - **The "Homestead Exemption Increase Amendment"** - Introduced 1/13/2016 - To Judiciary then Finance
8. By Del. Overington, Walters, Deem, Gearheart, Householder, Sobonya, Moffatt, Cadle, Foster, Frich and Blair - **The "Initiative, Referendum, and Recall Amendment"** - Introduced 1/13/2016 - To Judiciary

9. By Del. Overington, Walters, Householder, Moffatt, Butler, Frich, Gearheart, Blair, Deem, Phillips and Foster - **The Super-Majority Required for Passage of Tax Bill Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
10. By Del. Overington, Walters, Householder, Kelly, Foster, Gearheart, Upson, Deem, Phillips and Shott - **Prohibiting the Governmental Taking of Private Property for Private Use Amendment** - Introduced 1/13/2016 - To Judiciary
12. By Del. Sponaugle, Longstreth, Hartman, Marcum, Hicks, Byrd, Hamilton, Perdue, Guthrie and Phillips - **The Right to Hunt and Fish in West Virginia Amendment** - Introduced 1/13/2016 - To Judiciary
13. By Del. Overington, Householder, Moffatt, Espinosa, Upson, Frich, Phillips, Perdue, Hanshaw, Border and Miller - **The Homestead Exemption Increase Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
14. By Del. Hamrick, Sobonya, Miller, Butler, Rohrbach and Nelson, J. - **The School Board Election Amendment** - Introduced 1/13/2016 - To Judiciary
16. By Del. Kurcaba, Hill, Faircloth, Wagner and Ihle - **The Term Limitations Amendment.** - Introduced 1/13/2016 - To Judiciary
18. By Del. Reynolds, Pushkin, Perry, Hornbuckle, Campbell, Byrd, Rohrbach and Bates - **The Removal of Governor's veto power for education spending in budget and appropriations bills.** - Introduced 1/13/2016 - To Finance then Judiciary
20. By Del. Reynolds, Moffatt, Rodighiero, Hicks, Lynch, Trecost and Bates - **Term Limitation Amendment** - Introduced 1/13/2016 - To Judiciary
21. By Del. Rodighiero - **The Citizens' Redistricting Commission Amendment** - Introduced 1/13/2016 - To Judiciary
22. By Del. Hamilton, O'Neal, Hanshaw, Kessinger, Blair, Weld, Foster, Hill, Ireland, Campbell and Marcum - **The Right to Hunt, Fish and Harvest Wildlife Amendment** - Introduced 1/13/2016 - To Judiciary
23. By Del. Sponaugle, Perdue, Hornbuckle, Marcum, Pushkin, Lynch, Hartman, Phillips and Campbell - **The Volunteer Emergency Service Personnel Property Tax Exemption Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
24. By Del. Sponaugle, Perdue, Fluharty, Hornbuckle, Trecost, Marcum, Pushkin, Byrd and Lynch - **The Veteran's Property Tax Exemption Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
25. By Del. Cowles - **The Disabled Veteran Exemption From Ad Valorem Property Taxation Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
26. By Del. Lane and Shott - **The Constitutional Officers Term Limit Amendment** - Introduced 1/13/2016 - To Judiciary

27. By Del. Stansbury, Householder, Summers, Ellington, Perdue, Phillips, Nelson, J., Ambler, White, B., Rohrbach and Westfall - **Right to hunt, fish and harvest wildlife** - Introduced 1/18/2016 - To Agriculture and Natural Resources then Judiciary
28. By Del. Deem - **Relating to the creation of a Citizens Redistricting Commission to redistrict Senate, House of Delegates and Congressional Districts** - Introduced 1/20/2016 - To Judiciary - To House Judiciary 1/20/2016
29. By Del. Campbell, Cooper, Ferro, Kurcaba, Perry, Morgan, Pethtel, Kessinger, Statler, Wagner and Romine - **Reducing the length of terms for members of the West Virginia Board of Education** - Introduced 1/20/2016 - To Education then Judiciary - To House Education 1/20/2016
30. By Del. Foster - **Exemption from ad valorem taxation of manufacturing inventory and equipment** - Introduced 1/21/2016 - To Finance then Judiciary
31. By Del. Howell, Mr. Speaker (Mr. Armstead), Espinosa, Stansbury, Frich, Butler, Cadle, Blair, Cooper, Hamrick and Waxman - **Property tax limitation and homestead exemption amendment of 1982** - Introduced 1/21/2016 - To Finance then Judiciary
32. By Del. Deem and Overington - **Redistricting of Senate, House of Delegates and Congressional Districts** - Introduced 1/26/2016 - To Judiciary
33. By Del. Sobonya, Moffatt, Miller, Frich, Rohrbach, Butler, Cowles, Householder, Kurcaba and Summers - **Supervision of Free Schools** - Introduced 1/26/2016 - To Education then Judiciary
34. By Del. Sobonya, Moffatt, Miller, Rohrbach, Cadle, Summers, Cowles, Nelson, J., Kurcaba, Ihle and Frich - **Supervision of Free Schools** - Introduced 1/27/2016 - To Education then Judiciary
35. By Del. Shaffer, Smith, R., Lynch, Smith, P., Blackwell, Faircloth, Byrd and Ireland - **Senior Citizen Homestead Valuation Amendment** - Introduced 1/27/2016 - To Finance then Judiciary
36. By Del. Ferro, Lynch, Pethtel, Fluharty, Hamilton, Skinner, Storch, Caputo, Hartman and Perry - **The Simple Majority Levy Approval Amendment** - Introduced 1/29/2016 - To Judiciary

#### ALL HOUSE CONCURRENT RESOLUTIONS OFFERED

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016 - To Senate 1/13/2016 - Committee reference dispensed - Adopted by Senate 1/14/2016
2. By Del. Rowan and Cowles - **U.S. Army PV2 William Frederick Kump Memorial Bridge** - Introduced 1/14/2016 - To Roads and Transportation then Rules

3. By Del. Rowan and Cowles - **North River Mills Historic Trace** - Introduced 1/14/2016 - To Roads and Transportation then Rules
4. By Del. Rowan - **CSA LTG Thomas J. "Stonewall" Jackson Bridge** - Introduced 1/14/2016 - To Roads and Transportation then Rules
5. By Del. Ambler, Canterbury and Cowles - **U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge** - Introduced 1/15/2016 - To Roads and Transportation then Rules
6. By Del. Phillips, Marcum, Eldridge, Moffatt and White, P. - **U.S. Army CPL F. Lee Noel Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
7. By Del. Miller, Morgan, Moffatt, Hornbuckle, Reynolds, Sobonya and Rohrbach - **U.S. Army PFC Cecil Ray Ball Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
8. By Del. Westfall, McCuskey, White, B., Atkinson, Stansbury, Blair, Foster, Ihle, Butler and Storch - **Harry Ripley Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
9. By Del. Kelly, Kessinger, Azinger, Statler, Evans, D., Zatezalo, Weld, McGeehan, Ireland, Border and Nelson, J. - **Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
10. By Del. White, P., Phillips, Marcum and Eldridge - **U.S. Marine Corps GySgt Lionel Collins Memorial Road** - Introduced 1/21/2016 - To Roads and Transportation then Rules
11. By Del. Campbell, Moye, Rowan, Espinosa, Wagner, Hornbuckle, White, P., Marcum, Phillips, Stansbury and Hamilton - **World Autism Awareness Day** - Introduced 1/21/2016 - To Rules
12. By Del. Campbell, Hartman, Sponaugle, Espinosa, Wagner, White, P., Stansbury, Perry and Hamilton - **Cheat Mountain Salamander as the State symbol of conservation** - Introduced 1/21/2016 - To Agriculture and Natural Resources then Rules
13. By Del. Cooper and Ambler - **U.S. Army SPC 4 Everette R. Johnson Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
14. By Del. Howell, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Border, Butler, Cadle, Cooper, Cowles, Duke, Ellington, Espinosa, Evans, D., Frich, Hamrick, Hanshaw, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, McGeehan, Miller, Moffatt, O'Neal, Overington, Rowan, Shott, Smith, R., Sobonya, Stansbury, Statler, Storch, Walters, Waxman and Zatezalo - **Second Friday in July as West Virginia Collector Car Appreciation Day** - Introduced 1/21/2016 - To Roads and Transportation then Rules
15. By Mr. Speaker (Mr. Armstead) - **U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules

16. By Del. Morgan, Perdue, Hornbuckle, Sobonya, Rohrbach, Miller, Reynolds and Hicks - **U.S. Army PFC John Ira Pinkerman Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
17. By Del. Phillips, Marcum, Rodighiero and White, P. - **SGT Larry Joseph Whitt Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
18. By Del. Phillips, Marcum, Rodighiero and White, P. - **U.S. Air Force Staff Sergeant William Henry 'Bill' Whitman Memorial Highway** - Introduced 1/21/2016 - To Roads and Transportation then Rules
19. By Del. Waxman, Trecost, Miley and Hamrick - **H. Laban White Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
20. By Del. Cooper, Evans, D., Nelson, J., Fleischauer, Longstreth, Rowan and Weld - **Funding for the West Virginia National Guard** - Introduced 1/21/2016 - To Veterans' Affairs and Homeland Security then Rules
21. By Del. Howell, Blair, Cowles, Duke, Espinosa, Evans, A., Faircloth, Fleischauer, Folk, Frich, Householder, Kurcaba, Flanigan, Overington, Rowan, Shaffer, Skinner, Smith, R., Statler and Upson - **Study impact of reimbursing the State of Maryland for the use of its helicopter Maryland Trooper Five for runs into West Virginia** - Introduced 1/22/2016 - To Finance then Rules
22. By Del. White, B., Miller, Lane, Cowles, Evans, A., Kessinger, Shott, McCuskey, Sobonya, Stansbury, Byrd, Mr. Speaker (Mr. Armstead), Atkinson, Azinger, Blackwell, Blair, Deem, Ellington, Faircloth, Fleischauer, Folk, Hamrick, Householder, Ireland, Kelly, Kurcaba, McGeehan, Nelson, E., Overington, Pushkin, Rohrbach, Rowan, Rowe, Shaffer, Smith, P., Smith, R., Statler, Storch, Upson, Waxman, Weld, Westfall and Zatezalo - **U. S. Army SGT Gary Lee DeBoard Memorial Intersection** - Introduced 1/25/2016 - To Roads and Transportation then Rules
23. By Del. Marcum, Rodighiero, Phillips, White, P., Moffatt, Eldridge, Westfall and McGeehan - **Ingram's Way** - Introduced 1/25/2016 - To Roads and Transportation then Rules
24. By Del. Marcum, Phillips, Hamrick, White, P., Nelson, J., Smith, R., Arvon and Howell - **Cpl. Ronald Duke Varney Memorial Bridge** - Introduced 1/26/2016 - To Roads and Transportation then Rules
25. By Del. Howell, Evans, A., Rowan and Smith, R. - **Frosty the Snowman Day** - Introduced 1/26/2016 - To Rules
26. By Del. Romine, Rowan, Pethtel and Hamilton - **Corporal Gary Wayne Weekley Memorial Bridge** - Introduced 1/26/2016 - To Roads and Transportation then Rules
27. By Del. Hamrick, Trecost, Waxman and Miley - **Michael Angiulli Memorial Bridge** - Introduced 1/26/2016 - To Roads and Transportation then Rules
28. By Del. Miley, Waxman, Trecost, Lane, Hamrick and Caputo - **U.S. Army CPL John Belcastro Bridge** - Introduced 1/29/2016 - To Roads and Transportation then Rules

29. By Del. Manchin, Caputo and Longstreth - **Harry C. "Buck" Markley Jr. Memorial Bridge** - Introduced 1/29/2016 - To Roads and Transportation then Rules

#### ALL HOUSE RESOLUTIONS OFFERED

1. By Mr. Speaker (Mr. Armstead) - **Authorizing the appointment of employees for this, the Second Regular Session of the 82nd Legislature, 2016** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016
2. By Mr. Speaker (Mr. Armstead) - **Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016
3. By Mr. Speaker (Mr. Armstead) - **Creating a Select Committee on Prevention and Treatment of Substance Abuse** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016
4. By Del. O'Neal, Cooper, Moye, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blackwell, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Nelson, E., Nelson, J., Overington, Perdue, Perry, Pethtel, Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shaffer, Shott, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, White, B., White, P. and Zatezalo - **Memorializing the life of the Honorable Arnold W. Ryan** - Introduced 1/18/2016 - Reference dispensed - Adopted by House 1/18/2016
5. By Del. Howell, Arvon, Atkinson, Cadle, Canterbury, Fast, Folk, Foster, Gearheart, Hamrick, Ihle, Ireland, Kessinger, Flanigan, Overington, Phillips, Wagner, Waxman and Zatezalo - **Expressing concern of the House of Delegates to the growth of the federal government's power over the individual states of the United States** - Introduced 1/25/2016 - To Rules
6. By Del. Howell, Evans, A., Rowan and Smith, R. - **Honoring the town of Piedmont's 160th anniversary** - Introduced 1/26/2016 - To Rules
7. By Del. Sobonya, Arvon, Azinger, Rohrbach, Deem, Duke, Espinosa, Evans, A., Faircloth, Fast, Fleischauer, Folk, Frich, Hamilton, Hamrick, Hicks, Hill, Howell, Ihle, Kelly, Kessinger, Marcum, McCuskey, Moffatt, Morgan, Moye, Pushkin, Rodighiero, Romine, Rowan, Rowe, Shaffer, Smith, P., Stansbury, Statler, Storch, Waxman, Weld, Westfall, Zatezalo, Mr. Speaker (Mr. Armstead) and Del. Blackwell - **Designating that the month of April be proclaimed as Sarcoidosis Awareness Month beginning in 2016.** - Introduced 1/26/2016 - To Rules

## HOUSE BILLS PASSED HOUSE AND COMMUNICATED TO SENATE

- \*2101. By Del. Morgan, Caputo, Faircloth, Folk, Howell and Smith, R. - **Eliminating obsolete government entities** - Introduced 1/13/2016 - To Government Organization - Passed House 1/21/2016 - To Senate 1/25/2016 - To Government Organization - On 1st reading 2/1/2016
- \*2130. By Del. Westfall, Espinosa, Hamrick, McCuskey, Stansbury, White, B. and Ihle - **Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/27/2016 - To Senate 1/28/2016 - To Judiciary
2147. By Del. Folk, Hamilton, Frich, Shott, Householder, Ireland, Weld, Gearheart, Hanshaw and Azinger - **Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested attorneys in the circuit** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Amended - Passed House 1/26/2016 - Title amended - To Senate 1/27/2016 - To Judiciary
2584. By Del. Rohrbach, Sobonya, Shott, Miller, Hicks, Reynolds and Rowe - **Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Amended - Passed House 1/26/2016 - To Senate 1/27/2016 - To Judiciary
- \*2588. By Del. Nelson, E., Lane, Kurcaba, O'Neal, Westfall, McCuskey, Byrd, Gearheart, Storch and Espinosa - **Relating to the filing of financial statements with the Secretary of State** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Judiciary
2796. By Mr. Speaker (Mr. Armstead) - **Providing paid leave for certain state officers and employees during a declared state of emergency** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Government Organization
- \*2800. By Del. Miller, Ferro, Sobonya, Border, Rohrbach, Folk and Eldridge - **Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests**(original similar to SB 310) - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Judiciary
- \*4002. By Del. Howell, Anderson, Mr. Speaker (Mr. Armstead), Faircloth, Frich, Hanshaw, McCuskey, Rohrbach, Summers, Shott and Walters - **Relating to rule making under the state Administrative Procedures Act**(original similar to SB3) - Introduced 1/13/2016 - To Judiciary - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - Title amended - To Senate 1/26/2016 - To Government Organization
4005. By Del. Cowles, Duke, Foster, Gearheart, Miller, Overington, Shott, Walters, Waxman, Westfall and Householder - **Repealing prevailing hourly rate of wages requirements**(original similar to SB2) - Introduced 1/13/2016 - To Government Organization - Laid over until 1/25/16 - Written motion to suspend Rule 95c rejected - Passed House 1/27/2016 - To Senate 1/28/2016 - To Government Organization

- \*4007. By Del. Rohrbach, Weld, Espinosa, Cooper, Butler, Waxman, Moffatt, Arvon, Cowles, Hill and Anderson - **Relating generally to appointment of attorneys to assist the Attorney General**(original similar to SB8) - Introduced 1/13/2016 - To Judiciary - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - To Senate 1/26/2016 - To Judiciary
- \*4031. By Del. Frich, Sobonya, Howell, Moffatt, Hanshaw, McCuskey, Shott, Overington, Mr. Speaker (Mr. Armstead), Rowe and Fleischauer - **Requiring agencies to respond to public comments received during the rule-making process** - Introduced 1/15/2016 - To Government Organization - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - Title amended - To Senate 1/26/2016 - To Government Organization
- 4033. By Del. Ellington, Summers, Householder, Rohrbach, Stansbury, Waxman, Perdue and Rodighiero (Originating in House Health and Human Resources) - **Adding criminal penalties for the unauthorized practice of pharmacists care** - Introduced 1/15/2016 - Passed House 1/20/2016 - To Senate 1/21/2016 - To Health and Human Resources then Judiciary - To Health and Human Resources 1/21/2016
- \*4038. By Del. Ellington, Summers, Bates, Faircloth, Householder, Rohrbach and Stansbury - **Relating to insurance requirements for the refilling of topical eye medication** - Introduced 1/18/2016 - To Health and Human Resources - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Health and Human Resources
- \*4227. By Del. Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan - **Adding citizen members to the Real Estate Appraiser Licensing and Certification Board** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - Title amended
- \*4230. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Smith, R., Hamrick and Morgan - **Adding citizen members to the board of Registration For Professional Engineers** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016
- \*4238. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Smith, R., Hamrick and Morgan - **Adding citizen members to the board of Professional Surveyors** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - Title amended
- \*4241. By Del. Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan - **Adding citizen members to the Real Estate Commission** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016

#### **ALL SENATE BILLS PASSED BY SENATE AND COMMUNICATED TO HOUSE**

- 1. By Sen. Cole (Mr. President), Blair, Boso, Ferns, Gaunch, Trump, Carmichael, Sypolt and Takubo - **Establishing WV Workplace Freedom Act**(original similar to HB4006) - Introduced 1/13/2016 - To Judiciary - Amended - Passed Senate 1/21/2016 - To House 1/25/2016 - To Judiciary
- \*13. By Sen. Carmichael, Boso, Gaunch, Leonhardt, Trump, Walters, Blair, Takubo, Miller and Unger - **Increasing penalties for overtaking and passing stopped school buses** -

- Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/20/2016 - Passed Senate with amended title 1/26/2016 - To House 1/27/2016 - To Judiciary
- \*14. By Sen. Trump, Boso, Ferns, Leonhardt, Takubo and Blair - **Limiting successor corporation asbestos-related liabilities** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/26/2016 - Passed Senate 1/29/2016
  - 32. By Sen. Palumbo, Beach and Miller - **Relating to withdrawal of candidates for office and filling vacancies** - Introduced 1/13/2016 - To Judiciary - Amended - Passed Senate 1/26/2016 - To House 1/27/2016 - To Judiciary
  - \*102. By Sen. Trump, Boso and Gaunch - **Conforming to federal Law-Enforcement Officers Safety Act** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/20/2016 - Passed Senate 1/26/2016 - To House 1/27/2016 - To Judiciary
  - 107. By Sen. Trump - **Uniform Interstate Depositions and Discovery Act** - Introduced 1/13/2016 - To Judiciary - Passed Senate with amended title 1/27/2016 - To House 1/28/2016 - To Judiciary
  - \*146. By Sen. Plymale and Unger - **Establishing instruction standards for early childhood education** - Introduced 1/13/2016 - To Education - Com. sub. reported 1/25/2016 - Passed Senate 1/29/2016 - Effective July 1, 2016
  - \*157. By Sen. Maynard - **Authorizing Department of Revenue to promulgate legislative rules**(original similar to HB4088) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/20/2016 - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Judiciary
  - \*195. By Sen. Maynard - **Authorizing DHHR to promulgate legislative rules**(original similar to HB4114) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/21/2016 - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Judiciary
  - \*202. By Sen. Maynard - **Authorizing Department of Commerce promulgate legislative rules**(original similar to HB4126) - Introduced 1/13/2016 - To Natural Resources then Judiciary - To Judiciary 1/21/2016 - Com. sub. reported 1/26/2016 - Passed Senate 1/29/2016 - Effective from passage
  - \*216. By Sen. Maynard - **Authorizing Human Rights Commission promulgate legislative rule relating to Pregnant Workers' Fairness Act**(original similar to HB4141) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/26/2016 - Passed Senate 1/29/2016 - Effective from passage
  - \*262. By Sen. Blair - **Eliminating need for law enforcement to obtain court order prior to having access to inmate mail and phone recordings** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/25/2016 - Passed Senate 1/28/2016 - To House 1/29/2016 - To Judiciary
  - \*263. By Sen. Blair and Snyder - **Allowing travel and other expense reimbursement for members of Municipal Home Rule Board** - Introduced 1/13/2016 - To Government Organization - Com. sub. reported 1/15/2016 - Passed Senate 1/20/2016 - To House 1/21/2016 - To Political Subdivisions then Finance

- \*290. By Sen. Trump - **Assignment of wages by employers and payment by payroll card** - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 1/25/2016 - Amended - Passed Senate with amended title 1/28/2016 - To House 1/29/2016 - To Judiciary
- 311. By Sen. Snyder, Romano, Gaunch, Kessler and Blair - **Allowing permanent exception for mortgage modification or refinancing loan under federal Making Home Affordable program** - Introduced 1/18/2016 - To Government Organization - Passed Senate 1/26/2016 - To House 1/27/2016 - To Banking and Insurance then Finance
- 323. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano and Williams - **Correcting statute subsection designations regarding trespassing on property** - Introduced 1/19/2016 - To Judiciary - Passed Senate with amended title 1/26/2016 - To House 1/27/2016 - To Judiciary
- \*342. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Decreasing appropriations from State Fund, General Revenue, to DHHR, Division of Human Services and Bureau of Senior Services** - Introduced 1/21/2016 - To Finance - Com. sub. reported 1/27/2016 - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Finance
- 357. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund**(original similar to HB4229) - Introduced 1/21/2016 - To Finance - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Finance
- 360. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation to Division of Human Services**(original similar to HB4149) - Introduced 1/21/2016 - To Finance - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Finance
- 364. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation expiring funds from General Revenue**(original similar to HB4189) - Introduced 1/21/2016 - To Finance - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - Reference dispensed - On 2nd reading, House Calendar 1/29/2016 - Motion to lay over adopted - Laid over until 2/1/16 - On 2nd reading, House Calendar 2/1/2016

**SENATE CONCURRENT RESOLUTIONS ADOPTED BY SENATE  
AND COMMUNICATED TO HOUSE**

- 2. By Sen. Leonhardt, Boley, Ashley, Facemire, Sypolt, Yost, Beach, Boso, Ferns, Miller, Palumbo, Plymale, Romano, Takubo, Unger, Williams, Prezioso and Blair - **Urging Congress provide funding for WV National Guard** - Introduced 1/19/2016 - To Military - Adopted by Senate 1/29/2016

## HOUSE CONCURRENT RESOLUTIONS ADOPTED BY BOTH HOUSES

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Adopted 1/13/2016

**HOUSE CALENDAR**

**Monday, February 1, 2016**

**20<sup>th</sup> Day**

**11:00 A. M.**

**THIRD READING**

H. B. 4235 - Relating to the publication requirements of the administration of estates (SHOTT) (REGULAR)

**SECOND READING**

S. B. 364 - Supplemental appropriation expiring funds from General Revenue (E. NELSON) (EFFECTIVE FROM PASSAGE)

H. B. 4189 - Expiring funds to the unappropriated balance in State Fund, General Revenue, from the Department of Revenue (E. NELSON) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 4175 - Relating generally to home schooling (ESPINOSA) (REGULAR)

**FIRST READING**

H. B. 4243 - Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds (ELLINGTON) (REGULAR)

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**MONDAY, FEBRUARY 1, 2016**

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**HOUSE CONVENES AT 11:00 A. M.**

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

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

**COMMITTEE ON FINANCE  
1:00 AND 2:00 P.M. – 464M**

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

**COMMITTEE ON GOVERNMENT ORGANIZATION  
2:00 P.M. – 215E**



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